2019-2020

HOUSE
STATE & LOCAL
GOVERNMENT

MINUTES

North Carolina General Assembly

STATE & LOCAL GOVERNMENT COMMITTEE

2019-2020 Session

Chairs

Representative Kevin Corbin
Representative Harry Warren

Co-Chairs

Representative George Cleveland
Representative Michael Speciale

Committee Clerks

Cindy Hobbs
Cristy Yates

HOUSE COMMITTEE ON STATE AND LOCAL GOVERNMENT
2019-2020 SESSION



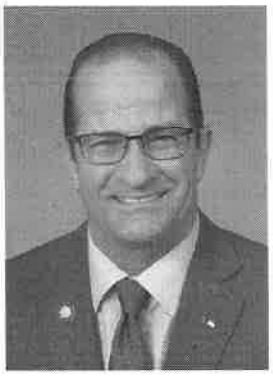
Rep. Kevin Corbin
Chair



Rep. Harry Warren
Chair



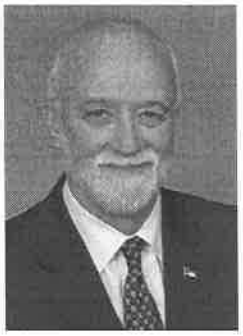
Rep. George Cleveland
Vice-Chair



Rep. Michael Speciale
Vice-Chair



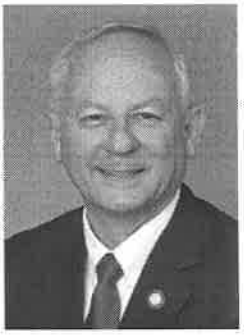
Rep. John Ager



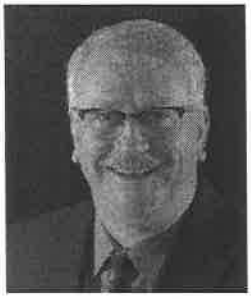
Rep. John Autry



Rep. Sydney Batch



Rep. James Boles



Rep. Jerry Carter



Rep. Josh Dobson



Rep. John Faircloth



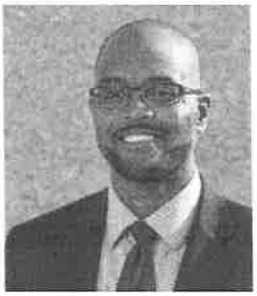
Rep. Susan Fisher



Rep. Charles Graham



Rep. Steve Jarvis



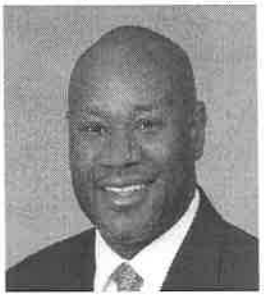
Rep. Brandon Lofton



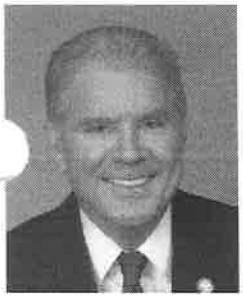
Rep. Carolyn Logan



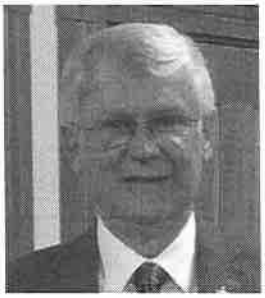
Rep. Pat McElraft



Rep. Amos Quick



Rep. Stephen Ross



Rep. Wayne Sasser



Rep. Mitchell Setzer



Rep. Julie von Haefen



Rep. Shelly Willingham

HOUSE COMMITTEE ON STATE & LOCAL GOVERNMENT
2019 - 2020 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
CORBIN, Kevin Chair	Cindy Hobbs Committee Clerk	733-5859	2215	90
WARREN, Harry Chair	Cristy Yates Committee Clerk	733-5784	611	16
CLEVELAND, George Vice-Chair	Pamela Ahlin	715-6707	417A	8
SPECIALE, Michael Vice-Chair	Hazel Speciale	733-5853	1106	42
AGER, John	Meredith Graf	733-5746	509	79
AUTRY, John	Tina Riley-Humphrey	715-0706	1019	115
BATCH, Sydney	Montravias King	733-2962	1209	117
BOLES, James	Dina Long	733-5903	528	4
CARTER, Jerry	Theresa Lopez	733-5779	418B	110
JOSH, Dobson	Julie Ryan	733-5862	307B	114
FAIRCLOTH, John	Becky Bauerband	733-5877	613	28
FISHER, Susan	Cindy Garrison	715-2013	504	55
GRAHAM, Charles	Linda Laton	715-0875	1309	35
JARVIS, Steve	Lynn Taylor	715-2526	606	99
LOFTON, Brandon	Taylor Allen	715-3009	1317	94
LOGAN, Carolyn	Robert Lockard	715-2530	603	83
McELRAFT, Pat	Nancy Fox	733-6275	634	9
QUICK, Amos	Jasmine Quick	733-5902	510	67
ROSS, Stephen	Tammy Ross	733-5820	1229	50
SASSER, Wayne	Anita Spence	733-5908	418A	89
SETZER, Mitchell	Margaret Herring	733-4948	2204	2
VON HAEFEN, Julie	Hudson McCormick	715-0795	1311	93
WILLINGHAM, Shelly	Johnna Smith	715-3024	513	46

ATTENDANCE

House Committee on State & Local Government

DATES	02-06-19	02-13-19	02-20-19	02-27-19	03-06-19	03-13-19	03-20-19	03-27-19	04-03-19	04-10-19	04-25-19	04-29-19	05-02-19	05-07-19	05-22-19	06-12-19	06-19-19	06-26-19	07-10-19	07-15-19	08-07-19
Co-Chairs																					
Rep. Kevin Corbin	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓
Rep. Harry Warren	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Vice-Chairs																					
Rep. George Cleveland	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Michael Speciale	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Members																					
Rep. John Ager	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. John Autry	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Sydney Batch	✓	✓			✓		✓	✓			✓		✓						✓	✓	✓
Rep. James Boles	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Rep. Jerry Carter	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Josh Dobson		✓	✓		✓	✓			✓	✓			✓	✓	✓				✓	✓	✓
Rep. John Faircloth	✓	✓	✓				✓	✓					✓	✓	✓				✓	✓	✓
Rep. Susan Fisher	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Charles Graham	✓			✓	✓	✓	✓		✓	✓	✓				✓	✓	✓		✓		

Rep. Steve Jarvis	✓	✓	✓		✓		✓	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Brandon Lofton	✓	✓						✓		✓	✓		✓	✓	✓				✓	✓	✓
Rep. Carolyn Logan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Pat McElraft	✓	✓			✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
Rep. Amos Quick	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓

ATTENDANCE

House Committee on State & Local Government

DATES	02-06-19	02-13-19	02-20-19	02-27-19	03-06-19	03-13-19	03-20-19	03-27-19	04-03-19	04-10-19	04-25-19	04-29-19	05-02-19	05-07-19	05-22-19	06-12-19	06-19-19	06-26-19	07-10-19	07-15-19	
Members																					
Rep. Stephen Ross	✓		✓	✓	✓	✓	✓			✓		✓	✓	✓	✓	✓		✓	✓	✓	✓
Rep. Wayne Sasser	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓
Rep. Mitchell Setzer	✓	✓	✓	✓	✓	✓		✓		✓	✓			✓	✓					✓	✓
Rep, Julie von Haefen	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
Rep. Shelly Willingham	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Staff																					
Nicholas Giddings, Staff Attorney Legislative Analysis	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Billy Godwin, Staff Attorney Legislative Analysis	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Howard Marsilio, Staff Attorney Legislative Analysis	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
Committee Clerks																					
Cindy Hobbs	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cristy Yates	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Ex-Officio																					
Rep. John Bell										✓	✓								✓		
Rep. Brenden Jones										✓			✓						✓		✓
Rep. David Lewis											✓								✓	✓	
Rep. Sarah Stevens													✓							✓	

House Committee on State and Local Government
Wednesday, February 6, 2019 at 10:00 AM
Room 544 of the Legislative Office Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on February 6, 2019 in Room 544 of the Legislative Office Building. Representatives Corbin and Warren, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Batch, Boles, Carter, Faircloth, Fisher, Graham, Jarvis, Lofton, Logan, McElraft, Quick, Ross, Sasser, Setzer, von Haefen and Willingham attended.

Representative Harry Warren, Chair, called the meeting to order and introduced the Pages and Sergeant-at-Arms who assisted with the committee. Copies of the attendance and visitor registration forms are included with these minutes.

The following bills were considered:

HB 4 - Claremont Deannexation. (Representative Setzer)
Chairman Warren recognized Rep. Setzer to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that HB 4 receive a Favorable Report with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 6 - Burlington Airport/Lease/Contract Authority. (Representatives Ross, Riddell)
Chairman Warren recognized Reps. Ross and Riddell to explain the bill. Chairman Warren opened the floor for discussion. Reps. Autry and Fisher asked questions and Rep. Ross responded. Rep. Graham was recognized and moved that the PCS for HB 6 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. Chairman Warren opened the floor for a vote and the motion passed. Rep. Lofton recused himself from voting.

HB 7 - Graham County Occupancy Tax. (Representative Corbin)
Chairman Warren recognized Rep. Corbin to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Graham was recognized and moved that HB 7 receive a Favorable Report with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 9 - Bessemer City Charter Amendment. (Representative Hastings)
Chairman Warren recognized Rep. Hastings to explain the bill. The Chairman opened the floor for discussion. Reps. Boles, Batch, and Willingham asked questions and Rep. Hastings responded. Rep. Cleveland was recognized and moved that HB 9 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

The meeting adjourned at 10:22 a.m.

Representative Harry Warren, Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB4 and Summary
4. HB6, PCS, Summary, and Committee Report
5. HB7 and Summary
6. HB9 and Summary
7. Sergeant-at-Arms
8. Pages
9. Visitor Registration Forms

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, February 6, 2019
TIME: **10:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 4	Claremont Deannexation.	Representative Setzer
HB 6	Burlington Airport/Lease/Contract Authority.	Representative Ross Representative Riddell
HB 7	Graham County Occupancy Tax.	Representative Corbin
HB 9	Bessemer City Charter Amendment.	Representative Hastings

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:08 PM on Friday, February 08, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, February 6, 2019, 10:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 4	Claremont Deannexation.	Representative Setzer
HB 6	Burlington Airport/Lease/Contract Authority.	Representative Ross Representative Riddell
HB 7	Graham County Occupancy Tax.	Representative Corbin
HB 9	Bessemer City Charter Amendment.	Representative Hastings

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 6 Burlington Airport/Lease/Contract Authority.

Draft Number:	H6-PCS10024-BG-1
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Ross

TOTAL REPORTED: 1

CMR4-V-1

HOUSE BILL 4:
Claremont Deannexation.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 5, 2019
Introduced by:	Rep. Setzer	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 4 would remove one parcel from the corporate limits of the City of Claremont.

CURRENT LAW: Under Section 1 of Article VII of the NC Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable." Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes which governs municipal annexations. In addition, the General Assembly may annex property by local act. However, the General Assembly has not enacted any method for municipalities to deannex property. Only the General Assembly may deannex property.

BILL ANALYSIS: House Bill 4 would deannex one parcel from the corporate limits of the City of Claremont.[1]

EFFECTIVE DATE: The bill would become effective June 30, 2019, and apply to tax years beginning July 1, 2019.

[1] According to the Catawba County GIS, this parcel (# 376109061749) consists of 10.98 acres.

aren Cochrane-Brown
Director

H4-SMBD-2-E1-V-2

Legislative Analysis
Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 4

Short Title:	Claremont Deannexation.	(Local)
Sponsors:	Representative Setzer. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

January 31, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF CLAREMONT.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property, identified by Catawba County Tax Property Identification Number, is removed from the corporate limits of the City of Claremont: 376109061749.

SECTION 2. This act has no effect upon the validity of any liens of the City of Claremont for ad valorem taxes or special assessments outstanding before the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property were still within the corporate limits of the City of Claremont.

SECTION 3. This act becomes effective June 30, 2019. Property in the territory described in Section 1 of this act as of January 1, 2019, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2019.

HOUSE BILL 6:
Burlington Airport/Lease/Contract Authority.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 6, 2019
Introduced by:	Reps. Ross, Riddell	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	PCS to First Edition H6-CSBG-1		

OVERVIEW: ***House Bill 6 would increase the contract term authorization for the Burlington-Alamance Airport Authority from 25 years to 40 years.***

The Proposed Committee Substitute (PCS) makes a technical change to Section 2, which would clarify that this bill would not affect existing contracts, and only apply to new, renewed, or modified contracts.

CURRENT LAW: Session Law 1969-814 enabled the County of Alamance and the City of Burlington to establish an airport authority for the maintenance of airport facilities, which included the authority to enter into various types of contracts, such as: 1) lease agreements; 2) contracts for the operation of flights and any other airport activities; and 3) contracts for the construction and lease of buildings and other improvements.

Currently, for each of those types of contracts, the maximum term is 25 years.

BILL ANALYSIS: The PCS would increase the maximum contract term authorization for the Burlington-Alamance Airport Authority from 25 years to 40 years.

EFFECTIVE DATE: This act would become effective June 1, 2019, and would apply to contracts entered into, renewed, or modified on or after that date.

aren Cochrane-Brown
Director

H6-SMBG-2 CSBG-1 -V-4

Legislative Analysis
Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 6
PROPOSED COMMITTEE SUBSTITUTE H6-CSBG-1 [v.1]
02/05/2019 09:21:14 AM

Short Title: Burlington Airport/Lease/Contract Authority. (Local)

Sponsors:

Referred to:

January 31, 2019

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE BURLINGTON-ALAMANCE AIRPORT AUTHORITY TO ENTER INTO LEASES AND CONTRACTS WITH TERMS NOT TO EXCEED FORTY YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 1969-814 reads as rewritten:

"**Sec. 4.** The said Airport Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

...

(11) To lease (without the joinder in the lease agreements of the owning municipalities, to-wit, the County of Alamance and the City of Burlington) for a term not to exceed ~~twenty-five (25) years,~~forty (40) years, and for purposes not inconsistent with the grants and agreements under which the said airport is held by said owning municipalities, real or personal property under the supervision of or administered by the said Authority.

(12) To contract with persons, firms or corporations for terms not to exceed ~~twenty-five (25) years,~~forty (40) years, for the operation of airline-scheduled passenger and freight flights, non-scheduled flights, and any other airplane activities not inconsistent with said grant agreements under which the airport property is held by the owning municipal corporations, and to charge and collect reasonable and adequate fees, charges and rents for the use of such property or for services rendered in the operation thereof.

(13) To erect and construct buildings, hangars, shops and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the airport is held; to lease the same for a term or terms not to exceed ~~twenty-five (25) years;~~forty (40) years; to borrow money for use in making or paying for such improvements and facilities, secured by and on the credit only of the lease agreements in respect thereto, to pledge and assign such leases and lease agreements as security for loans herein authorized."

SECTION 2. This act becomes effective June 1, 2019, and applies to contracts entered into, renewed, or modified on or after that date.

HOUSE BILL 6

Short Title:	Burlington Airport/Lease/Contract Authority.	(Local)
Sponsors:	Representatives Ross and Riddell (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

January 31, 2019

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE BURLINGTON-ALAMANCE AIRPORT AUTHORITY TO ENTER INTO LEASES AND CONTRACTS WITH TERMS NOT TO EXCEED FORTY YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 1969-814 reads as rewritten:

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(12) To contract with persons, firms or corporations for terms not to exceed ~~twenty-five (25) years,~~forty (40) years, for the operation of airline-scheduled passenger and freight flights, non-scheduled flights, and any other airplane activities not inconsistent with said grant agreements under which the airport property is held by the owning municipal corporations, and to charge and collect reasonable and adequate fees, charges and rents for the use of such property or for services rendered in the operation thereof.

(13) To erect and construct buildings, hangars, shops and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the airport is held; to lease the same for a term or terms not to exceed ~~twenty-five (25) years;~~forty (40) years; to borrow money for use in making or paying for such improvements and facilities, secured by and on the credit only of the lease agreements in respect thereto, to pledge and assign such leases and lease agreements as security for loans herein authorized."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 7:
Graham County Occupancy Tax.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 6, 2019
Introduced by:	Rep. Corbin	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 7 creates a special taxing district consisting of that part of Graham County that is located outside the incorporated areas of the county and authorizes that special taxing district to levy a 3% room occupancy tax. The Authority must deposit the proceeds into a special fund and must use at least two-thirds for tourism promotion and the remainder for tourism-related expenditures.

This bill conforms to the Guidelines for Occupancy Tax adhered to by the House Finance Committee.

CURRENT LAW: Graham County has the authority to levy a 3% room occupancy tax.[1] The Towns of Fontana Dam, Lake Santeetlah, and Robbinsville, which are located in Graham County, also have the authority to levy a 3% room occupancy tax.

BILL ANALYSIS: House Bill 7 would create a special taxing district consisting of that part of Graham County located outside of the incorporated areas of the county. The Graham County Board of Commissioners would serve ex officio as the governing body for the district and would be authorized to levy a 3% room occupancy tax in the district. The proceeds of the tax must be remitted to the Graham County Tourism Development Authority.

The Authority must deposit the proceeds into a special fund that bears interest or is invested in accordance with G.S. 159-30. At least two-thirds of the funds must be used for tourism promotion and the remainder must be used for tourism-related expenditures.

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

BACKGROUND: In 1997, the General Assembly enacted uniform municipal and county administrative provisions for occupancy tax,[2] which provide uniformity among counties and cities with respect to the levy, administration, collection, repeal, and imposition of penalties. In 1993, the House Finance Committee established the Occupancy Tax Guidelines, which address the rate of tax, the use of the tax proceeds, the administration of the tax, and the body with authority to determine how the proceeds will be spent. A summary of these provisions is detailed in the chart below.

UNIFORM OCCUPANCY TAX PROVISIONS
Rate – The county tax rate cannot exceed 6% and the city tax rate, when combined with the county rate, cannot exceed 6%.

[1] S.L. 2015-128.
[2] G.S. 153A-155 and G.S. 160A-215.

Karen Cochrane-Brown
Director

H7-SMBA-1-E1-V-5

Legislative Analysis
Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Use – Two-thirds of the proceeds must be used to promote travel and tourism and the remainder must be used for tourism related expenditures.
Definitions The term "net proceeds", "promote travel and tourism", and "tourism related expenditures" are defined terms.
Administration – The net revenues must be administered by a local tourism development authority that has the authority to determine how the tax proceeds will be used, is created by a local ordinance, and at least 1/2 of the members must be currently active in the promotion of travel and tourism in the county and 1/3 of the members must be affiliated with organizations that collect the tax.
Costs of Collection – The taxing authority may retain from the revenues its actual costs of collection, not to exceed 3% of the first $500,000 collected each year plus 1% of the remainder collected each year.

HOUSE BILL 7

Short Title:	Graham County Occupancy Tax.	(Local)
Sponsors:	Representative Corbin. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

January 31, 2019

A BILL TO BE ENTITLED

AN ACT TO CREATE GRAHAM COUNTY DISTRICT G AND AUTHORIZE THE LEVY OF AN OCCUPANCY TAX IN THE DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Graham County District G Created. – Graham County District G is created as a taxing district. Its jurisdiction consists of that part of Graham County that is located outside of incorporated areas within the county. Graham County District G is a body politic and corporate and has the power to carry out the provisions of this section. The Graham County Board of Commissioners shall serve ex officio as the governing body of the district, and the officers of the county shall serve as the officers of the governing body of the district. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

SECTION 1.(b) Authorization and Scope. – The governing body of Graham County District G may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the district that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales or room occupancy tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious institutions or nonprofit organizations when furnished in furtherance of their nonprofit purpose.

SECTION 1.(c) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155 as if Graham County District G were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

SECTION 1.(d) Definitions. – The following definitions apply in this act:

(1) Net proceeds. – Gross proceeds less the cost to the district of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars ($500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.

(2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business

travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.

(3) Tourism-related expenditures. – Expenditures that, in the judgment of the Graham County Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the district or to attract tourists or business travelers to the district. The term includes tourism-related capital expenditures.

SECTION 1.(e) Distribution and Use of Tax Revenue. – Graham County District G shall, on a quarterly basis, remit the net proceeds of the occupancy tax levied under this act to the Graham County Tourism Development Authority. The Authority shall deposit one hundred percent (100%) of the net proceeds of the room occupancy and tourism development tax levied under this section into a special fund, the cash balance of which shall be deposited at interest or invested in accordance with G.S. 159-30. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Graham County District G and shall use the remainder for tourism-related expenditures in the district. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the jurisdiction of Graham County District G. None of the proceeds may be used for promotion or expenditures in areas within Graham County that are outside of the district.

SECTION 1.(f) G.S. 153A-155(g) reads as rewritten:

"(g) Applicability. – Subsection (c) of this section applies to all counties and county districts that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of a local act, subsection (c) supersedes that provision. The remainder of this section applies only to Alleghany, Anson, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell, Chatham, Cherokee, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Graham, Granville, Halifax, Haywood, Henderson, Jackson, Madison, Martin, McDowell, Montgomery, Moore, Nash, New Hanover, Northampton, Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance, Washington, Wayne, and Wilson Counties, to Graham County District G, Harnett County District H, New Hanover County District U, Surry County District S, Watauga County District U, Wilkes County District K, Yadkin County District Y, and the Township of Averasboro in Harnett County and the Ocracoke Township Taxing District."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 9:
Bessemer City Charter Amendment.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 6, 2019
Introduced by:	Rep. Hastings	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 9 would amend the Charter of the City of Bessemer City to authorize the city manager to appoint the police chief. The bill would become effective when it becomes law.

CURRENT LAW: Under the current Charter of the City of Bessemer City, the City Council appoints the police chief and the city manager has no authority to hire or fire the police chief.

BILL ANALYSIS: House Bill 9 would amend the Charter of the City of Bessemer City to remove the City Council's appointment authority over the police chief and give the city manager the authority to appoint, fix the compensation for, and prescribe the duties of the police chief who would serve at the pleasure of the city manager.

EFFECTIVE DATE: Effective when it becomes law.

aren Cochrane-Brown
Director

H9-SMBD-1 E1 -V-1

Legislative Analysis
Division
(919) 733-2578

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HOUSE BILL 9

Short Title:	Bessemer City Charter Amendment.	(Local)
Sponsors:	Representative Hastings. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

January 31, 2019

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF BESSEMER CITY TO AUTHORIZE THE CITY MANAGER TO APPOINT A POLICE CHIEF.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.22 of the Charter of the City of Bessemer City, being Chapter 1018 of the 1989 Session Laws, as amended by S.L. 2018-6, reads as rewritten:

"Section 3.22. **Powers.** The city manager shall be the chief administrator of the City. He shall be responsible to the Council for administering all municipal affairs placed in his charge and shall have the powers and duties set out in the applicable provisions of the General Statutes. However, the city manager shall not have any authority to hire or fire the city ~~attorney or the police chief.~~attorney."

SECTION 2. Section 3.72 of the Charter of the City of Bessemer City, being Chapter 1018 of the 1989 Session Laws, as amended, reads as rewritten:

"Section 3.72. **Police Chief.** The ~~City Council may~~city manager may appoint a police ~~chief to serve at its pleasure, shall prescribe his duties, and fix his compensation.~~chief. The police chief shall serve at the pleasure of the city manager and shall have the duties prescribed and the compensation fixed by the city manager."

SECTION 3. This act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE State and Local Government 1

DATE: February 06, 2019 Room: 544

House Sgt-At Arms:

1. Name: Jonas Cherry
2. Name: Rey Cooke
3. Name: Ken Gilbert
4. Name: Thomas Terry
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

PAGES

Name of Committee: House Committee on State & Local Government
Date: 2/06/19
Room: 544

NAME	COUNTY	SPONSOR
Ray Caroll	Cherokee	Rep. Kevin Corbin
Melissa Carver	Person	Rep. Larry Yarborough
Emma Malar	Iredell	Rep. John Fraley
Samuel Specht	Wake	Rep. Julie von Haefen

VISITOR REGISTRATION SHEET

HOUSE STATE & LOCAL GOVERNMENT

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rosha Fortson	SEANC
Claire Scott	RTHS
Will Shafer	RTHS
Trey Kaufman	RTHS
Amaliya Boston	RTHS
Ollie Stoneman	RTHS
Helen Snyder	RTHS
Aidan Townshend	RTHS
Teodora Ianos	RTHS
Noah Burnette	RTHS
Alexander Harry	RTHS

VISITOR REGISTRATION SHEET

HOUSE STATE & LOCAL GOVERNMENT

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Minh Cao	RTHS
Cindy Ikema	RTHS
Anne Norris	RTHS
Hannah Benjamin	RTHS
Ryan Chriscoe	RTHS
Bram Lovelace	Rths
Thomas Klemmer	RthS
Katrina Woolley	RTHS
Brad Yost	OST
Starnes	OST
Ford Eadley	UNC

VISITOR REGISTRATION SHEET

State and Local Government 1 — February 06, 2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Katja Weber	RTHS
Joseph Steiner	RTHS
morgan MacGregor	RTHS
Darshan Raj	RTHS
Kevin Zhang	RTHS
Jacob Dennis	RTHS
Matt Tyler	RTHS
Noelle Pearce	RTHS
Jonathan Thai	RTHS
Zachary McCarthy	RTHS
Cameron Kenchen	RTHS

VISITOR REGISTRATION SHEET

State and Local Government 1 — Name of Committee

February 06, 2019 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Overman	RTHS
Ashwin Rao	RTHS
Egan O'Hara	RTHS
Alana Bosden	RTHS
Qaadir McFadden	RTHS
Ben Mason	RTHS
Levi Bruk	RTHS
Harrison Kielb	RTHS
ASHLEY FENOGLIO	RTHS
Jack Johnson	RTHS
Jonny Roberts	RTHS

VISITOR REGISTRATION SHEET

State and Local Government 1 — February 06, 2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Beau Bryant	RTHS
Craig Woon	R+AC
Amber Harris	NCTCC
Mandy Tippett	Senate Page
JERRY SCHILL	NC FISHERIES ASSOCIATION

VISITOR REGISTRATION SHEET

State and Local Government 1 — February 06, 2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ariel Freedman	UNC-CH student government
Ed Hanes JR	THE HANES GROUP WSNC
Demetrius Delaitch	NCLM

House Committee on State and Local Government
Wednesday, February 13, 2019 at 10:00 AM
Room 544 of the Legislative Office Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on February 13, 2019 in Room 544 of the Legislative Office Building. Representatives Corbin and Warren, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Batch, Boles, Carter, Faircloth, Fisher, Jarvis, Lofton, Logan, McElraft, Quick, Sasser, Setzer, von Haefen and Willingham attended.

Representative Kevin Corbin, Chair, called the meeting to order and introduced the Pages and Sergeant-at-Arms who assisted with the committee. Copies of the attendance, visitor registration forms, and guest speaker presentations are included with these minutes.

The following bills were considered:

HB 15 - Lexington/Dissolve Utilities Commission. (Representative Potts)
Chairman Corbin recognized Rep. Potts to explain the bill. The Chairman opened the floor for discussion and Reps. Quick and Autry asked questions. Rep. Speciale was recognized and moved that HB 15 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 17 - Local Option Meals Tax/Brunswick Co. Munis. (Representatives Iler and Butler)
Chairman Corbin recognized Rep. Iler to explain the bill. Chairman Corbin opened the floor for discussion. Rep. von Haefen asked questions and Rep. Iler referred the questions to Nicholas Giddings of the Legislative Analysis Division. Rep. McElraft was recognized to speak twice. Chairman Corbin recognized Isabel Villa-Garcia, Director of Government Affairs, NCRLA to speak to the committee. Rep. Iler responded. Chairman Corbin recognized Rep. Batch for a question. Rep. McElraft was recognized and moved that the PCS for HB 17 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Finance. Chairman Corbin opened the floor for a vote and the motion passed. Rep. Lofton recused himself from voting.

HB 30 - Official State Frozen Treat. (Representative Torbett)
Chairman Corbin recognized Rep. Torbett to explain the bill. The Chairman opened the floor for discussion and Reps. Fisher, Sasser, and Jarvis made comments. Rep. Fisher was recognized and moved that HB 30 receive a Favorable Report with a referral to Health. The Chairman opened the floor for a vote and the motion passed.

Chairman Corbin recognized Paul Meyer, Executive Director, of the NC League of Municipalities as well as Kevin Leonard, Executive Director, and Johanna Reese, Director of Government Relations, of the NC Association of County Commissioners for presentations.

The meeting adjourned at 10:59 a.m.

Representative Kevin Corbin, Chair
Presiding

Cindy Hobbs, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB15, Summary, and Committee Report
3. HB17, PCS, Summary, and Committee Report
4. HB30, Summary, and Committee Report
5. Presentations from NC League of Municipalities and NC Association of County Commissioners (emailed to the committee upon adjournment)
6. Sergeant-at-Arms
7. Pages
8. Visitor Registration Forms

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, February 13, 2019
TIME: **10:00 AM**
LOCATION: **544 LOB**
COMMENTS: **Representative Kevin Corbin will preside.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 15	Lexington/Dissolve Utilities Commission.	Representative Potts
HB 17	Local Option Meals Tax/Brunswick Co. Munis.	Representative Iler Representative Butler
HB 30	Official State Frozen Treat.	Representative Torbett

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:33 AM on Tuesday, February 12, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, February 13, 2019, 10:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 15	Lexington/Dissolve Utilities Commission.	Representative Potts
HB 17	Local Option Meals Tax/Brunswick Co. Munis.	Representative Iler Representative Butler
HB 30	Official State Frozen Treat.	Representative Torbett

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **15** Lexington/Dissolve Utilities Commission.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Potts

HB **30** Official State Frozen Treat.

Draft Number:	None
Serial Referral:	**HEALTH**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Torbett

TOTAL REPORTED: 2



HOUSE BILL 15:
Lexington/Dissolve Utilities Commission.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 13, 2019
Introduced by:	Rep. Potts	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 15 would amend the Charter of the City of Lexington to dissolve the Lexington Utilities Commission. The bill would be effective when it becomes law.

CURRENT LAW: The Lexington Utilities Commission is a five member commission of the City of Lexington.[1] The Commission meets quarterly and its duties include:

- Acting as an advisory body to the City Council in fixing rates and other charges and making budget recommendations concerning public enterprises operated by the City.
- Hearing citizen concerns and grievances and determining some controversies concerning operation of the various systems.
- Performing such other duties as the Lexington City Council directs.

The actual operation and management of various utility systems of the City of Lexington is the responsibility of the City Council.

BILL ANALYSIS: House Bill 15 would repeal Section 7.2 of the Charter of the City of Lexington, Chapter 906 of the Session Laws of 1981, as amended, to dissolve the Lexington Utilities Commission.

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

BACKGROUND: The Lexington City Council, on October 8, 2018, unanimously adopted a resolution requesting that its local legislative delegation to the General Assembly introduce a bill amending its charter to dissolve the Lexington Utilities Commission.[2]

[1] Section 7.2 of the Charter of the City of Lexington, being Chapter 906 of the Session Laws of 1981, as amended by Chapter 806 of the Session Laws of 1985, Chapter 64 of the Session Laws of 1987, Chapter 542 of the Session Laws of 1989, Chapter 442 of the Session Laws of 1995, and S.L. 2002-131.

[2] Resolution No. 09-19.

ıren Cochrane-Brown
Director

H15-SMBD-4-E1-V-2

Legislative Analysis Division
(919) 733-2578

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HOUSE BILL 15

Short Title:	Lexington/Dissolve Utilities Commission.	(Local)
Sponsors:	Representative Potts. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

January 31, 2019

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF LEXINGTON TO DISSOLVE THE CITY'S UTILITIES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7.2 of the Charter of the City of Lexington, being Chapter 906 of the Session Laws of 1981, as amended by Chapter 806 of the Session Laws of 1985, Chapter 64 of the Session Laws of 1987, Chapter 542 of the Session Laws of 1989, Chapter 442 of the Session Laws of 1995, and S.L. 2002-131, is repealed.

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 17:
Local Option Meals Tax/Brunswick Co. Munis.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 13, 2019
Introduced by:	Reps. Iler, Butler	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	PCS to First Edition H17-CSBAxf-1		

OVERVIEW: House Bill 17 would authorize the municipalities in Brunswick County to levy a prepared food and beverages tax of one-half percent (0.5%), either by resolution or by a referendum.

The PCS fixes an incorrect statutory citation.

BILL ANALYSIS: House Bill 17 would authorize the municipalities in Brunswick County to levy a prepared food and beverages tax of one-half percent (0.5%), either by the passage of a resolution or subject to a referendum. This tax would be in addition to the State and local sales tax. The bill also has administrative provisions to address the collection, administration, authority to repeal, and refunds of the tax. Applicable penalties would be addressed by existing general statutes, which state that generally the same civil and criminal penalties that apply to sales and use taxes also apply to local meals taxes.[1] The net proceeds of the tax would only be used by the municipality for beach nourishment or to construct and improve public infrastructure and facilities, or both.

CURRENT LAW: Under current law, Cumberland County, Dare County, Mecklenburg County, the City of Charlotte, Wake County, and the Town of Hillsborough are authorized to levy a prepared food and beverages tax of 1%.

"Prepared food" is defined as food that meets at least one of the following conditions:[2]

a. It is sold in a heated state or it is heated by the retailer.
b. It consists of two or more foods mixed or combined by the retailer for sale as a single item. This does not include foods containing raw eggs, fish, meat, or poultry that require cooking by the consumer as recommended by the Food and Drug Administration to prevent food borne illnesses.
c. It is sold with eating utensils provided by the retailer, such as plates, knives, forks, spoons, glasses, cups, napkins, and straws. A plate does not include a container or packaging used to transport the food.

Prepared food does not include food the retailer sliced, repackaged, or pasteurized but did not heat, mix, or sell with eating utensils.

[1] G.S. 160A-214.1 and 153A-154.1.
[2] G.S. 105-164.3(28).

ıren Cochrane-Brown
Director

Legislative Analysis Division
(919) 733-2578

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The term **"beverage"** refers to an alcoholic beverage that contains at least one half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.[3]

EFFECTIVE DATE: This act would be effective when it becomes law.

BACKGROUND: Below is a summary of all prior local meal tax acts.

Local Meals Tax Acts[4]

Jurisdiction	Session Laws
Cumberland County	S.L. 1993-413, as amended by Section 2.19 of S.L. 2001-347
Dare County	S.L. 1991-177, as amended by Section 2.20 of S.L. 2001-347 and by Section 9 of S.L. 2002-141.
Mecklenburg County and City of Charlotte	S.L. 1989-821, as amended by Section 2.18 of S.L. 2001-347, by S.L. 2001-402, and by S.L. 2011-160.
Wake County	S.L. 1991-594, as amended by S.L. 1995-458 and by Section 2.22 of S.L. 2001-347
Town of Hillsborough	S.L. 1993-449, as amended by S.L. 1999-304 and by Section 2.21 of S.L. 2001-347
City of Monroe	S.L. 2005-261, as amended by Section 9 of S.L. 2006-171, w/referendum in 2006 or 2007[5]
Durham County	S.L. 2008-116, w/ referendum[6]

[3] G.S. 18B-101(4).

[4]Subject to exemptions, each municipality and county that levies the tax charges a 1% tax on the sales price of prepared food and beverage sold at retail within their corporate limits.

[5] A proposed prepared food and beverages tax was defeated in a Union County Board of Elections referendum on October 9, 2007, with 37.18% of the voters voting for the tax and 62.82% voting against the tax.

[6] A proposed prepared food and beverages tax was defeated in the Durham County General Election on November 4, 2008, with 28.22% of the voters voting for the tax and 71.78% voting against the tax.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 17
PROPOSED COMMITTEE SUBSTITUTE H17-CSBAxf-1 [v.1]
02/12/2019 04:37:48 PM

Short Title: Local Option Meals Tax/Brunswick Co. Munis. (Local)

Sponsors:

Referred to:

February 4, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE MUNICIPALITIES LOCATED IN BRUNSWICK COUNTY TO LEVY EITHER BY RESOLUTION OR BY REFERENDUM A PREPARED FOOD AND BEVERAGES TAX.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Authority. – The governing body of a municipality in Brunswick County may levy a prepared food and beverages tax of up to one-half percent (0.5%) of the sales price of prepared food and beverages sold within the municipality at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1) upon the occurrence of an action listed in this subsection. For purposes of catering, the tax applies to food served in the town without regard to the residency of the caterer. This tax is in addition to State and local sales tax. The occurrences on which the municipality may levy the tax are as follows:

(1) The governing body of the municipality, by resolution and after not less than 10 days' public notice and a public hearing, levies the tax.

(2) The majority of those voting in a referendum held pursuant to this act vote for the levy of the tax, and the governing body of the municipality, by resolution, levies the tax. If pursuant to this subdivision, the governing body shall direct the county board of elections to conduct an advisory referendum in the municipality on the question of whether to levy a local prepared food and beverages tax in the taxing unit as provided in this act. The election shall be held in accordance with the procedures of G.S. 163A-1592. The form of the question to be presented on a ballot for a special election concerning the levy of the tax authorized by this act shall be:

"[ ] FOR [ ] AGAINST

One-half percent (0.5%) local prepared food tax, in addition to the current local sales and use taxes."

SECTION 1.(b) Definitions. – The definitions in G.S. 105-164.3 apply to this section to the extent they are not inconsistent with the provisions of this section. In addition, the following definitions apply in this act:

(1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax.

(2) Prepared food and beverages. – The term includes the following:

a. Prepared food, as defined in G.S. 105-164.3.

b. An alcoholic beverage, as defined in G.S. 18B-101.

SECTION 1.(c) Exemptions. – The prepared food and beverages tax does not apply to the following sales of prepared food and beverages:

(1) Prepared food and beverages served to residents in boardinghouses and sold together on a periodic basis with rental of a sleeping room or lodging.
(2) Retail sales exempt from taxation under G.S. 105-164.13.
(3) Retail sales through or by means of vending machines.
(4) Prepared food and beverages served by a retailer subject to the local occupancy tax if the charge for the prepared food and beverages is included in a single, nonitemized sales price together with the charge for rental of a room, lodging, or accommodation furnished by the retailer.
(5) Prepared food and beverages furnished without charge by an employer to an employee.
(6) Retail sales by grocers or by grocery sections of supermarkets or other diversified retail establishments, other than sales of prepared food and beverages in the delicatessen or similar department of the grocer or grocery section.
(7) Prepared food and beverages served on a federal military reservation.

SECTION 1.(d) Collection. – Every retailer subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing prepared food and beverages. The tax shall be stated separately on the sales document and shall be paid by the purchaser to the retailer as trustee for and on account of the municipality. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the retailer. The entity collecting the tax shall design, print, and furnish to all appropriate businesses and persons in the town the necessary forms for filing returns and instructions to ensure the full collection of the tax.

SECTION 1.(e) Administration. – The municipality may enter into an agreement with Brunswick County for the administration and collection of the tax levied under this section. In the absence of an agreement, the municipality shall administer the tax levied under this section. A tax levied under this section is due and payable to the local administering authority as agent for the taxing entity in monthly installments on or before the 20th day of the month following the month in which the tax accrues. Every retailer liable for the tax shall, on or before the 20th day of each month, prepare and render a return on a form prescribed by the municipality or, at the municipality's direction, the entity administering and collecting the tax. The return shall show the total gross receipts derived in the preceding month from sales to which the tax applies.

A return filed under this section is not a public record and may not be disclosed except in accordance with G.S. 160A-208.1.

The provisions of Article 5 and Article 9 of Chapter 105 of the General Statutes apply to this section to the extent they are not inconsistent with the provisions of this section. The uniform meals tax penalty provisions of G.S. 160A-214.1 apply to a tax levied under this section.

SECTION 1.(f) Refunds. – The entity administering the tax shall refund to a nonprofit or governmental entity the prepared food and beverages tax paid by the entity on eligible purchases of prepared food and beverages. A nonprofit or governmental entity's purchase of prepared food and beverages is eligible for a refund under this subsection if the entity is entitled to a refund under G.S. 105-164.14(b) or (c) of local sales and use tax paid on the purchase or if the sale is exempt under G.S. 105-164.13. The time limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(b), (d), and (d1) apply to refunds to nonprofit entities; the time, limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(c), (d), and (d1) apply to refunds to governmental entities. When an entity applies for a refund of the prepared food and beverages tax paid by it on purchases, it shall attach to its application a copy of the application submitted to the Department of Revenue under G.S. 105-164.14 for a refund of the sales and use tax on the same purchases or a written statement that the purchases were exempt from the tax. An applicant for a refund under this

subsection shall provide any information required by the entity administering the tax to substantiate the claim.

SECTION 1.(g) Use of Proceeds. – The proceeds of a tax levied under this section shall be used as provided in this subsection. The entity administering and collecting the tax may deduct from the gross proceeds of the taxes collected under this act an amount not to exceed three percent (3%) of the gross proceeds to pay for the direct cost of administering and collecting the taxes. The remaining proceeds shall be used for beach nourishment or to construct and improve public infrastructure and facilities or both.

SECTION 1.(h) Effective Date of Levy. – A tax levied under this section shall become effective on the date specified in the resolution levying the tax. The date shall be the first day of a calendar month and may not be before the first day of the fourth month after the date the resolution is adopted.

SECTION 1.(i) Repeal. – Repeal or reduction of a tax levied under this section does not affect a liability for a tax that attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction. Any repeal or reduction shall become effective on the first day of a month. Any repeal or reduction may not become effective until the end of the fiscal year in which the repeal resolution is adopted.

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 17

Short Title:	Local Option Meals Tax/Brunswick Co. Munis.	(Local)
Sponsors:	Representatives Iler and Butler (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

February 4, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE MUNICIPALITIES LOCATED IN BRUNSWICK COUNTY TO LEVY EITHER BY RESOLUTION OR BY REFERENDUM A PREPARED FOOD AND BEVERAGES TAX.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Authority. – The governing body of a municipality in Brunswick County may levy a prepared food and beverages tax of up to one-half percent (0.5%) of the sales price of prepared food and beverages sold within the municipality at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1) upon the occurrence of an action listed in this subsection. For purposes of catering, the tax applies to food served in the town without regard to the residency of the caterer. This tax is in addition to State and local sales tax. The occurrences on which the municipality may levy the tax are as follows:

(1) The governing body of the municipality, by resolution and after not less than 10 days' public notice and a public hearing, levies the tax.

(2) The majority of those voting in a referendum held pursuant to this act vote for the levy of the tax, and the governing body of the municipality, by resolution, levies the tax. If pursuant to this subdivision, the governing body shall direct the county board of elections to conduct an advisory referendum in the municipality on the question of whether to levy a local prepared food and beverages tax in the taxing unit as provided in this act. The election shall be held in accordance with the procedures of G.S. 163-287. The form of the question to be presented on a ballot for a special election concerning the levy of the tax authorized by this act shall be:

"[ ] FOR [ ] AGAINST

One-half percent (0.5%) local prepared food tax, in addition to the current local sales and use taxes."

SECTION 1.(b) Definitions. – The definitions in G.S. 105-164.3 apply to this section to the extent they are not inconsistent with the provisions of this section. In addition, the following definitions apply in this act:

(1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax.

(2) Prepared food and beverages. – The term includes the following:

a. Prepared food, as defined in G.S. 105-164.3.

b. An alcoholic beverage, as defined in G.S. 18B-101.

SECTION 1.(c) Exemptions. – The prepared food and beverages tax does not apply to the following sales of prepared food and beverages:

(1) Prepared food and beverages served to residents in boardinghouses and sold together on a periodic basis with rental of a sleeping room or lodging.
(2) Retail sales exempt from taxation under G.S. 105-164.13.
(3) Retail sales through or by means of vending machines.
(4) Prepared food and beverages served by a retailer subject to the local occupancy tax if the charge for the prepared food and beverages is included in a single, nonitemized sales price together with the charge for rental of a room, lodging, or accommodation furnished by the retailer.
(5) Prepared food and beverages furnished without charge by an employer to an employee.
(6) Retail sales by grocers or by grocery sections of supermarkets or other diversified retail establishments, other than sales of prepared food and beverages in the delicatessen or similar department of the grocer or grocery section.
(7) Prepared food and beverages served on a federal military reservation.

SECTION 1.(d) Collection. – Every retailer subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing prepared food and beverages. The tax shall be stated separately on the sales document and shall be paid by the purchaser to the retailer as trustee for and on account of the municipality. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the retailer. The entity collecting the tax shall design, print, and furnish to all appropriate businesses and persons in the town the necessary forms for filing returns and instructions to ensure the full collection of the tax.

SECTION 1.(e) Administration. – The municipality may enter into an agreement with Brunswick County for the administration and collection of the tax levied under this section. In the absence of an agreement, the municipality shall administer the tax levied under this section. A tax levied under this section is due and payable to the local administering authority as agent for the taxing entity in monthly installments on or before the 20th day of the month following the month in which the tax accrues. Every retailer liable for the tax shall, on or before the 20th day of each month, prepare and render a return on a form prescribed by the municipality or, at the municipality's direction, the entity administering and collecting the tax. The return shall show the total gross receipts derived in the preceding month from sales to which the tax applies.

A return filed under this section is not a public record and may not be disclosed except in accordance with G.S. 160A-208.1.

The provisions of Article 5 and Article 9 of Chapter 105 of the General Statutes apply to this section to the extent they are not inconsistent with the provisions of this section. The uniform meals tax penalty provisions of G.S. 160A-214.1 apply to a tax levied under this section.

SECTION 1.(f) Refunds. – The entity administering the tax shall refund to a nonprofit or governmental entity the prepared food and beverages tax paid by the entity on eligible purchases of prepared food and beverages. A nonprofit or governmental entity's purchase of prepared food and beverages is eligible for a refund under this subsection if the entity is entitled to a refund under G.S. 105-164.14(b) or (c) of local sales and use tax paid on the purchase or if the sale is exempt under G.S. 105-164.13. The time limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(b), (d), and (d1) apply to refunds to nonprofit entities; the time, limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(c), (d), and (d1) apply to refunds to governmental entities. When an entity applies for a refund of the prepared food and beverages tax paid by it on purchases, it shall attach to its application a copy of the application submitted to the Department of Revenue under G.S. 105-164.14 for a refund of the sales and use tax on the same purchases or a written

statement that the purchases were exempt from the tax. An applicant for a refund under this subsection shall provide any information required by the entity administering the tax to substantiate the claim.

SECTION 1.(g) Use of Proceeds. – The proceeds of a tax levied under this section shall be used as provided in this subsection. The entity administering and collecting the tax may deduct from the gross proceeds of the taxes collected under this act an amount not to exceed three percent (3%) of the gross proceeds to pay for the direct cost of administering and collecting the taxes. The remaining proceeds shall be used for beach nourishment or to construct and improve public infrastructure and facilities or both.

SECTION 1.(h) Effective Date of Levy. – A tax levied under this section shall become effective on the date specified in the resolution levying the tax. The date shall be the first day of a calendar month and may not be before the first day of the fourth month after the date the resolution is adopted.

SECTION 1.(i) Repeal. – Repeal or reduction of a tax levied under this section does not affect a liability for a tax that attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction. Any repeal or reduction shall become effective on the first day of a month. Any repeal or reduction may not become effective until the end of the fiscal year in which the repeal resolution is adopted.

SECTION 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 17 Local Option Meals Tax/Brunswick Co. Munis.

Draft Number:	H17-PCS10044-BAxf-1
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Iler

TOTAL REPORTED: 1



HOUSE BILL 30:
Official State Frozen Treat.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Health. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 13, 2019
Introduced by:	Rep. Torbett	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 30 would adopt ice cream as the official frozen treat of the State of North Carolina.

CURRENT LAW: State symbols and other official adoptions of the State are found in Chapter 145 of the General Statutes. Currently, North Carolina does not have an official frozen treat.

BILL ANALYSIS: This act would amend Chapter 145 of the General Statutes by adding a new section to establish ice cream as the official frozen treat of the State of North Carolina.

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

ıren Cochrane-Brown
Director

H30-SMBG-3 E1 -V-2

Legislative Analysis
Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 30

Short Title:	Official State Frozen Treat.	(Public)
Sponsors:	Representative Torbett. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Health, if favorable, Rules, Calendar, and Operations of the House	

February 7, 2019

A BILL TO BE ENTITLED

AN ACT TO ADOPT ICE CREAM AS THE OFFICIAL STATE FROZEN TREAT.

Whereas, the month of July is celebrated as National Ice Cream Month and the third Sunday in July is celebrated as National Ice Cream Day; and

Whereas, ice cream is consumed by approximately 90% of the population in the United States; and

Whereas, according to recent data, ice cream contributes about $39 billion to the United States' economy and produces almost 188,000 jobs; and

Whereas, ice cream can be combined with other foods such as fruit and sauces to create a variety of other treats; and

Whereas, ice cream is important to the North Carolina dairy industry and is locally produced all across the State by dairy farmers, creameries, family-owned businesses, and North Carolina State University; and

Whereas, North Carolina does not have an official frozen treat; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

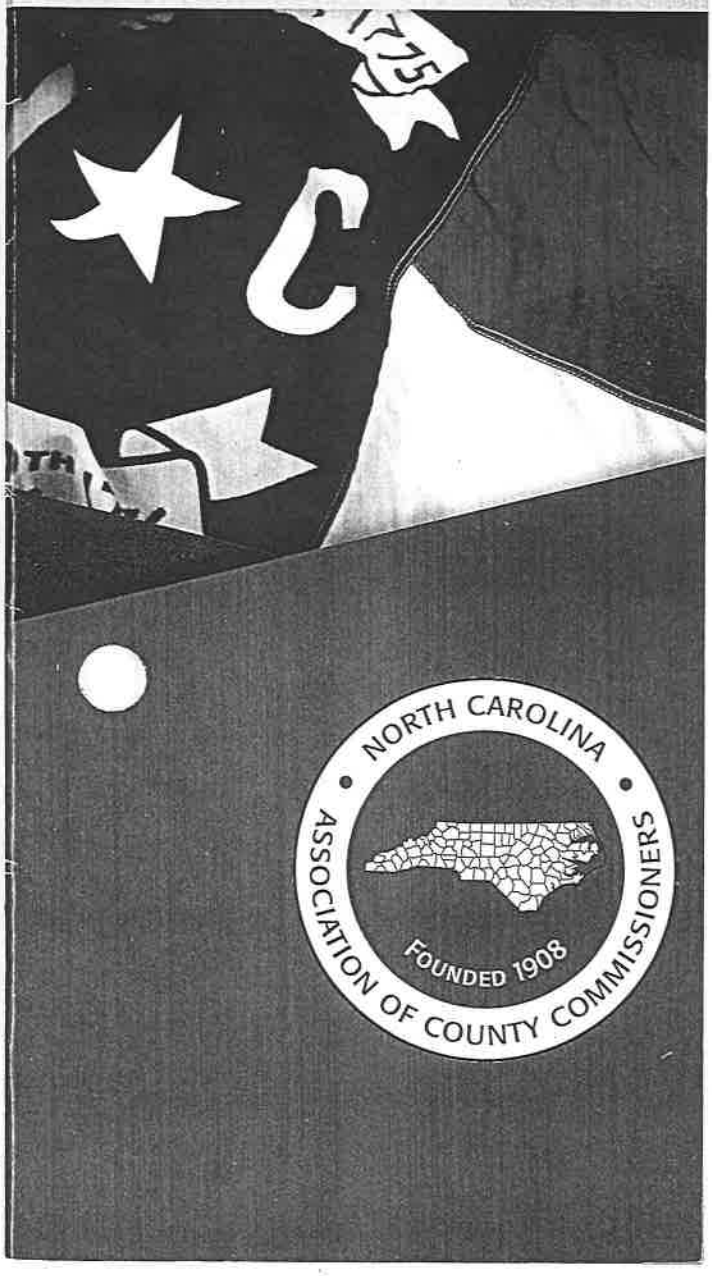
"**§ 145-52. State frozen treat.**

Ice cream is adopted as the official frozen treat of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.

North Carolina Association of County Commissioners

Legislative Goals 2019-2020



NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS
FOUNDED 1908

The North Carolina Association of County Commissioners

is the official voice of all 100 counties on issues being considered by the General Assembly, Congress, and federal and state agencies. The Association provides expertise to counties in the areas of advocacy, research, risk management and education and leadership training.

Mission Statement

Our Association supports and promotes the well-being of all North Carolina counties through advocacy, education, research, and member services.

Vision Statement

Empowering 100 counties to work together for the betterment of one state.

NCACC Priority Goals

1. Seek legislation, funding, and other efforts to expand digital infrastructure/broadband capability to the unserved and under-served areas and residents of the state.

2. Seek additional revenue sources, including a statewide bond and lottery proceeds, to equitably address statewide public school and community college capital challenges.

3. Support efforts to preserve and expand the existing local revenue base of counties and authorize local option revenue sources already given to any other jurisdiction to all counties. Oppose efforts to divert to the state, fees or taxes currently allocated to the counties or to erode existing county revenue streams.

4. Support provision of state resources to ensure county ability to provide essential public health, behavioral health and social services, with specific consideration to the challenges of incarcerated persons, the continued county role in behavioral health governance, and programs addressing substance use disorder, throughout Medicaid transformation.

5. Seek legislation to repeal the statutory authority under N.C. Gen. Stat. 115C-431(c) that allows a local school board to file suit against a county board of commissioners over appropriations to the local board of education's capital outlay fund.

Health & Human Services Goals

1. Seek funding to increase access to high quality childcare and early childhood education.

2. Support legislation and state resources for social service reform efforts as identified by the Social Services Working Group to improve outcomes for individuals, families, and children and to continue the NCACC's opposition to mandated regionalization.

3. Support provision of state resources to ensure county ability to provide essential public health, behavioral health and social services, with specific consideration to the challenges of incarcerated persons, the continued county role in behavioral health governance, and programs addressing substance use disorder, throughout Medicaid transformation.

4. Support continued state funding of [illegible] Medicaid and support legislation and state funding to close the Medicaid coverage gap.

5. Seek to revise the provision in G.S. 108A-74 requiring counties to enter into annual written agreements for all social services programs other than medical assistance.

Public Education Goals

1. Seek additional revenue sources, including a statewide bond and lottery proceeds, to equitably address statewide public school and community college capital challenges.

2. Support legislation to provide exceptions to the K-3 class size mandate including but not limited to lack of school facility space and availability of qualified teachers.

3. Support legislation providing flexibility to align K-12 and community college calendars.

4. Seek legislation to repeal the statutory authority under N.C. Gen. Stat. 115C-431(c) that allows a local school board to file suit against a county board of commissioners over appropriations to the local board of education's capital outlay fund.

General Government Goals

1. Seek legislation, funding, and other efforts to expand digital infrastructure/ broadband capability to the unserved and under-served areas and residents of the state.

2. Support increased state funding for transportation construction and maintenance needs, and support legislation to ensure that the Strategic Transportation Investments (STI) funding formula recognizes that one size does not fit all and that projects in both rural and urban areas are prioritized and funded.

3. Seek legislation to authorize counties to require developers to post maintenance bonds on new construction for subdivision roads.

4. Support maintaining county authority and revenue streams associated with the current ABC system, including the flexibility to determine locations of sales and number of outlets.

Tax & Finance Goals

1. Support efforts to preserve and expand the existing local revenue base of counties and authorize local option revenue sources already given to any other jurisdiction to all counties. Oppose efforts to divert to the state, fees or taxes currently allocated to the counties or to erode existing county revenue streams.

2. Support legislation to remove inequities and inconsistencies in the current state economic tier system.

3. Support reinstatement of affordable housing tax credits.

4. Seek legislation to maximize remote sales tax collection for counties, including sales tax collection from third-party online sellers.

5. Seek legislation to increase funding for the state's current film grant program and review existing legislation to allow tax incentives and other measures that would encourage expansion of the statewide film industry.

Justice & Public Safety Goals

1. Seek legislation to reinstate funding for Drug Treatment and Mental Health Courts.

2. Support legislation and state funding to provide early intervention services for juveniles and fully fund the Juvenile Justice Reinvestment Act.

3. Support efforts to provide greater flexibility to local governments in expenditure of 911 surcharge funds and ensure adequate funding for next-gen technology.

Environment Goals

1. Seek legislation to restore county authority over solid waste management and oppose any further shift of authority away from local governments.

2. Support legislation to help improve water quality in the state, including increased funding and resources for state agencies to develop health advisory levels for emerging contaminants, and increased funding for water and wastewater expansion as well as capital projects.

3. Support additional funding to assist local governments in managing electronics recycling.

Agriculture Goals

1. Support state funding and staffing for agricultural research, Cooperative Extension services and other agriculture-related efforts, including Community Conservation Assistance Program, to support the largest economic driver in North Carolina.

2. Support legislation to protect farming operations from nuisance lawsuits including those as defined by the state and small farms in rural counties.

NCACC Government Relations

Johanna Reese
Director of Government Relations
johanna.reese@ncacc.org
(919) 715-8044



Amber Harris
Government Relations Coordinator
amber.harris@ncacc.org
(919) 715-7654



Hugh Johnson
Government Relations Coordinator
hugh.johnson@ncacc.org
(919) 715-7659



Adam Pridemore
Legislative Counsel
adam.pridemore@ncacc.org
(919) 715-7665



NCACC Executive Committee



Kevin Austin
President Elect
Yadkin County



Ronnie Smith
First Vice President
Martin County



Frank Williams
Second Vice President
Brunswick County



Brenda Howerton
Past President
Durham County



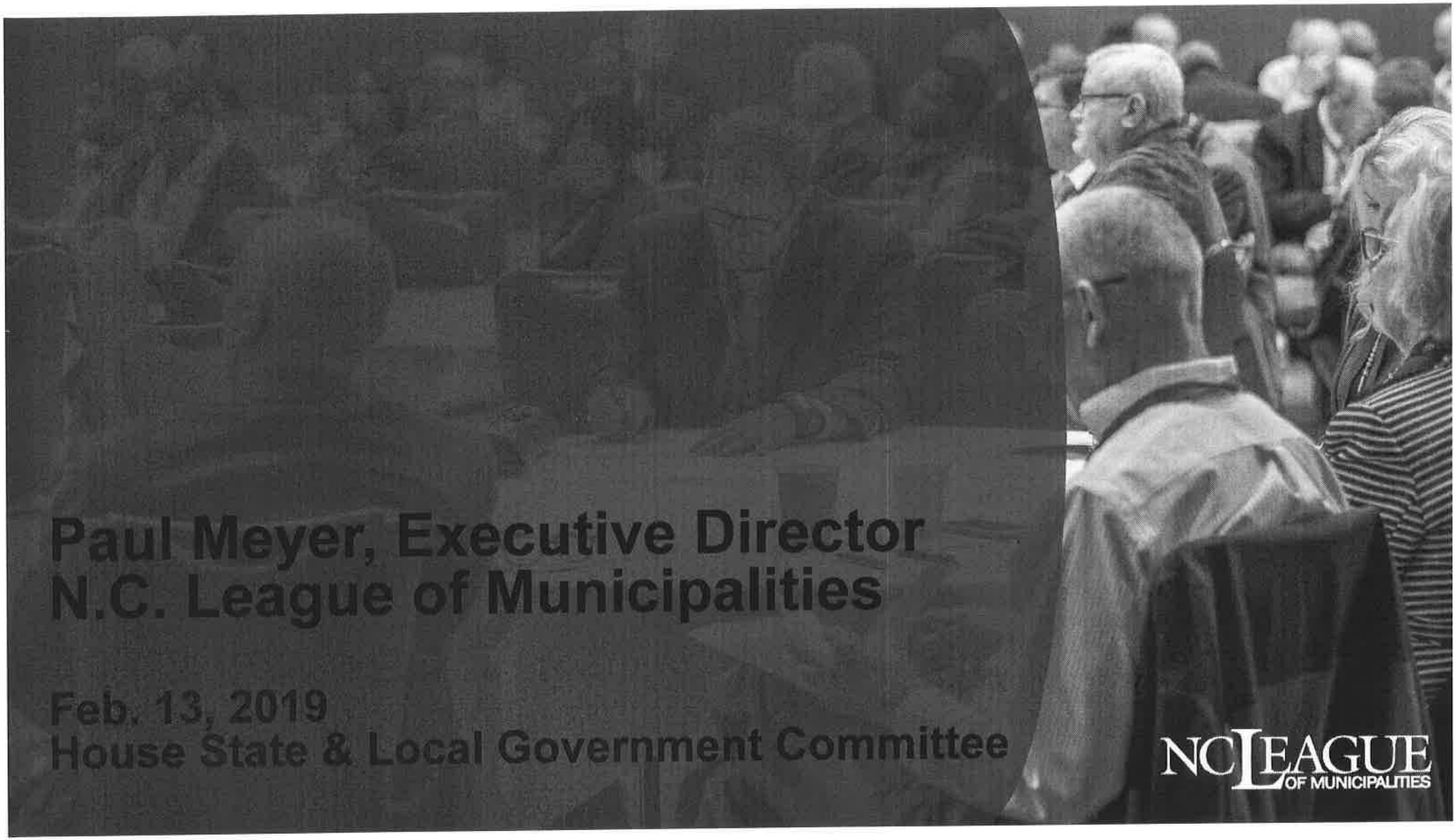
Kevin Leonard
Executive Director
NCACC





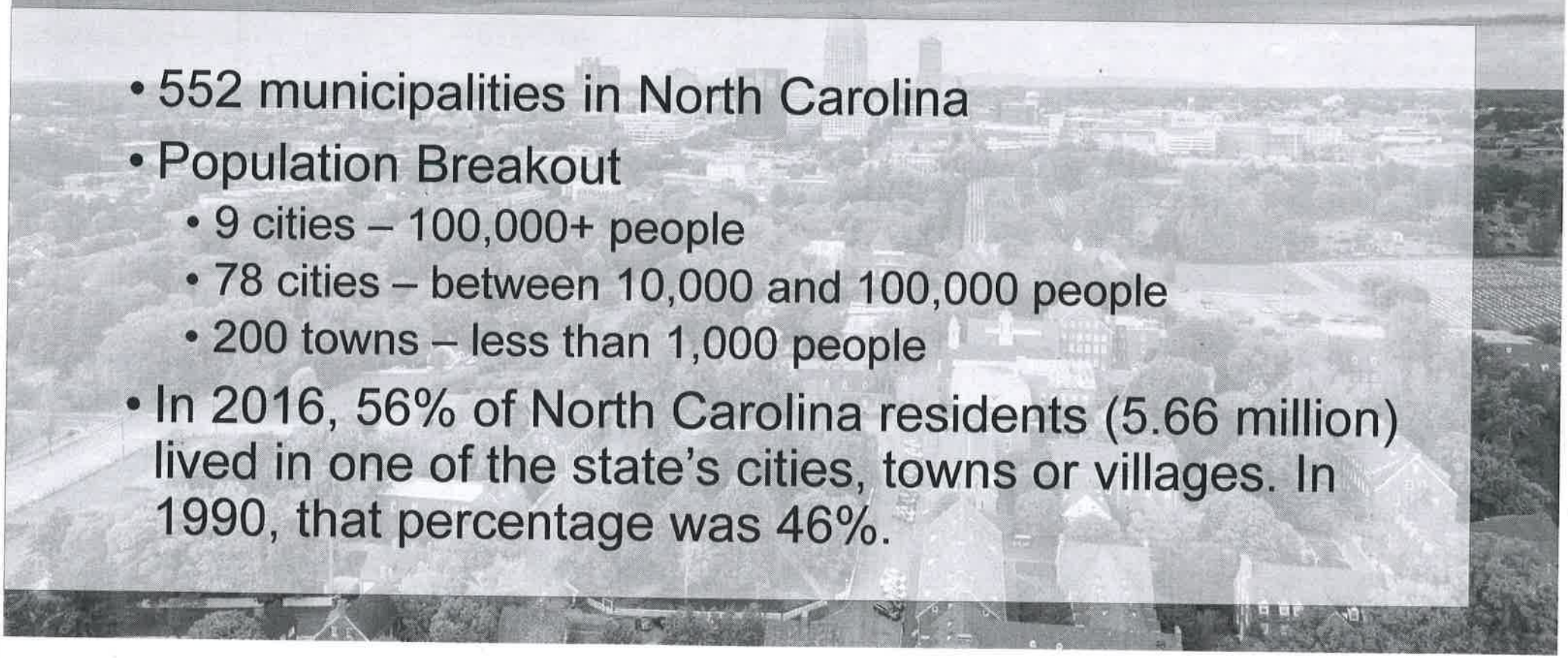
North Carolina Association of County Commissioners

www.ncacc.org/legislativegoals


Paul Meyer, Executive Director
N.C. League of Municipalities
Feb. 13, 2019
House State & Local Government Committee
NC LEAGUE OF MUNICIPALITIES

Cities and Towns in North Carolina

NC LEAGUE OF MUNICIPALITIES



- 552 municipalities in North Carolina
- Population Breakout
  - 9 cities – 100,000+ people
  - 78 cities – between 10,000 and 100,000 people
  - 200 towns – less than 1,000 people
- In 2016, 56% of North Carolina residents (5.66 million) lived in one of the state's cities, towns or villages. In 1990, that percentage was 46%.

Forms of Government

NC LEAGUE OF MUNICIPALITIES

Type of Government	No. Municipalities	Percent
Council-Manager	260	47%
Mayor-Council	292	53%

Municipal Functions and Services

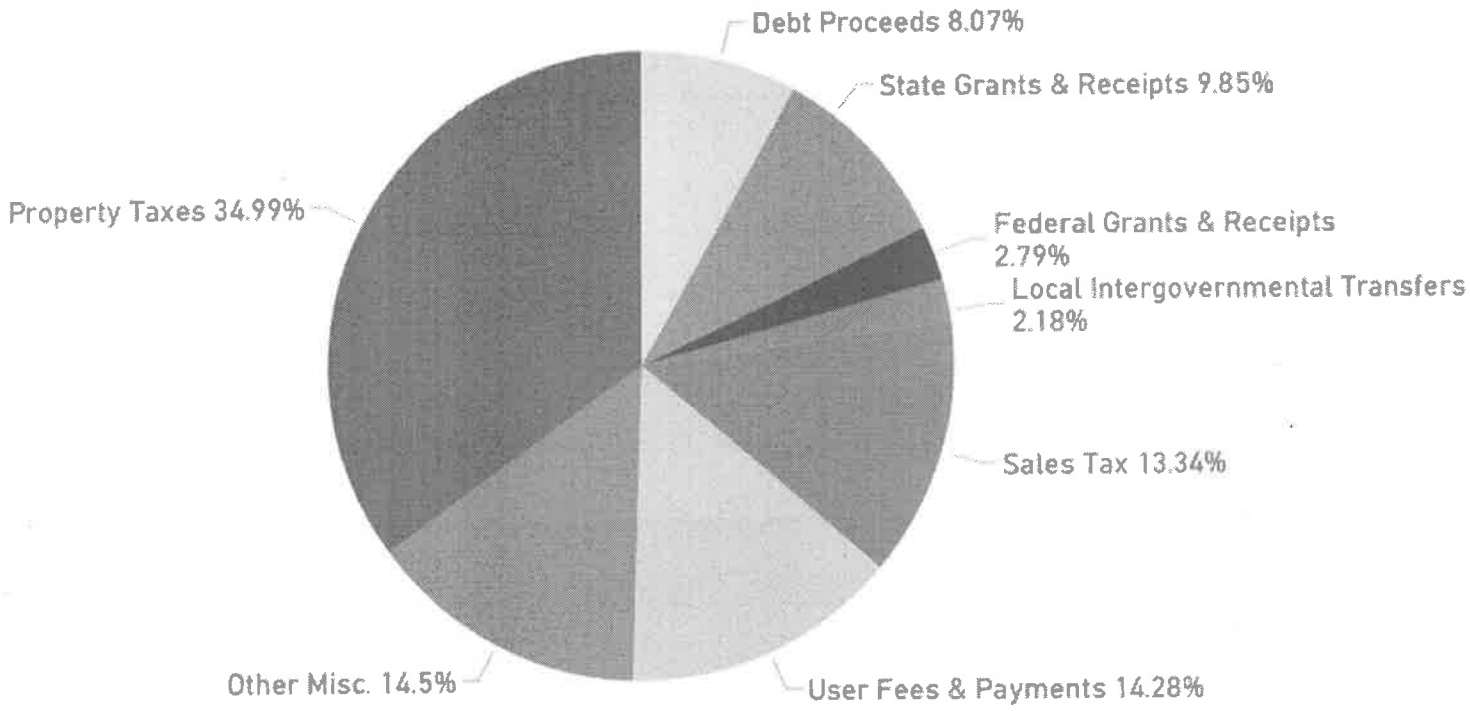
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Typical services provided by cities and towns

- Garbage Collection
- Zoning
- Water
- Police
- Street Maintenance
- Sewer
- Solid Waste Collection
- Fire
- Code Enforcement
- Parks & Recreation
- Street Lighting
- Land Use Planning
- Municipal Recycling
- Stormwater
- Building Inspection

2018 Total Municipal Revenue by Source

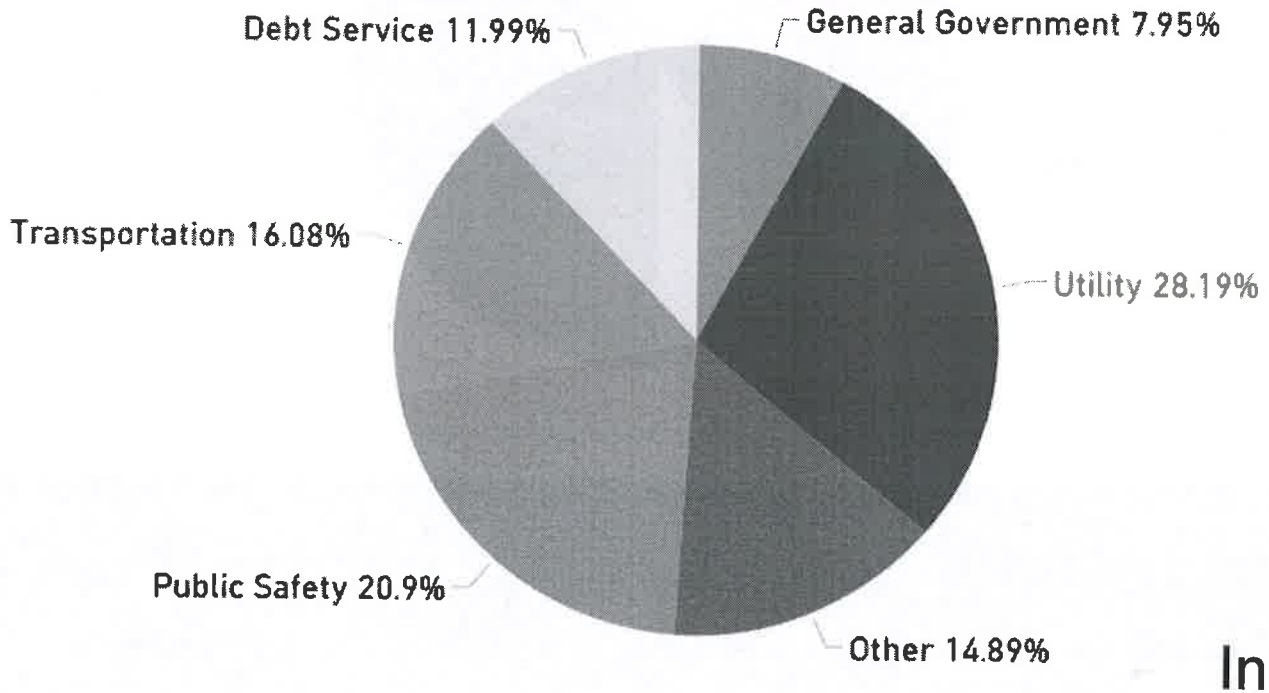
NC LEAGUE OF MUNICIPALITIES



Excludes Utilities

2018 Municipal Expenditures by Function

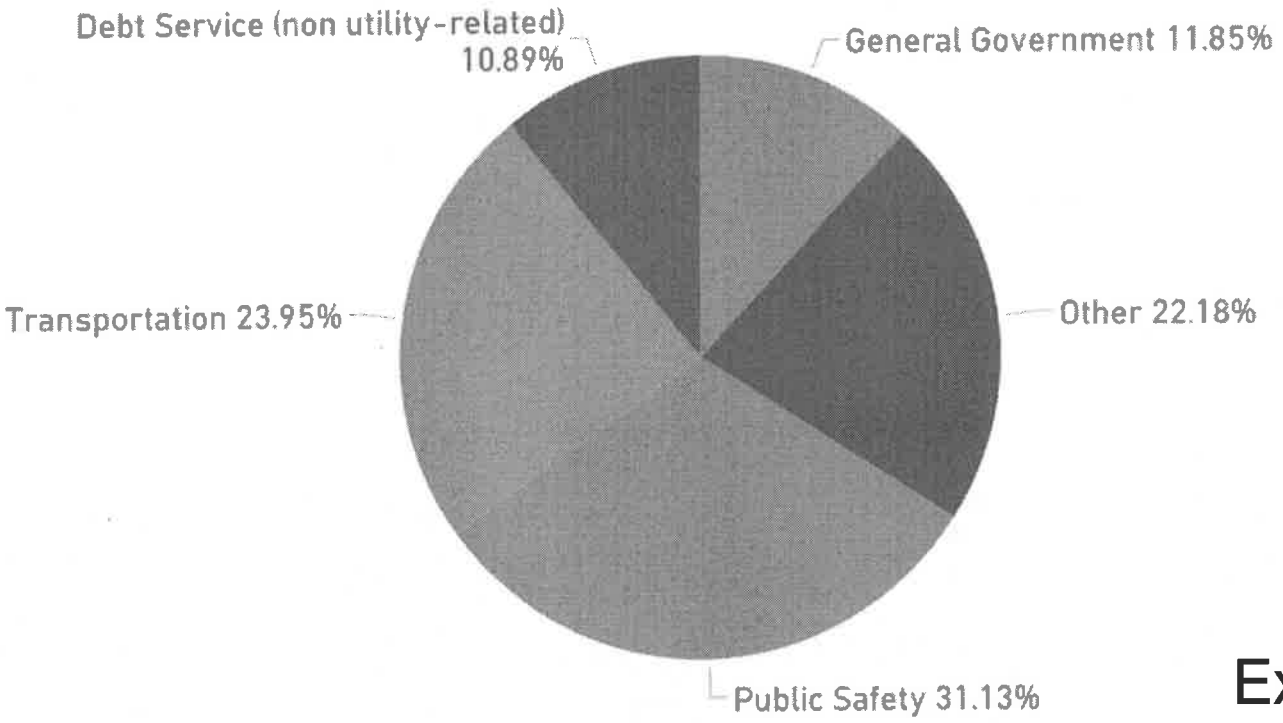
NC LEAGUE OF MUNICIPALITIES



Includes Utilities

2018 Municipal Expenditures by Function

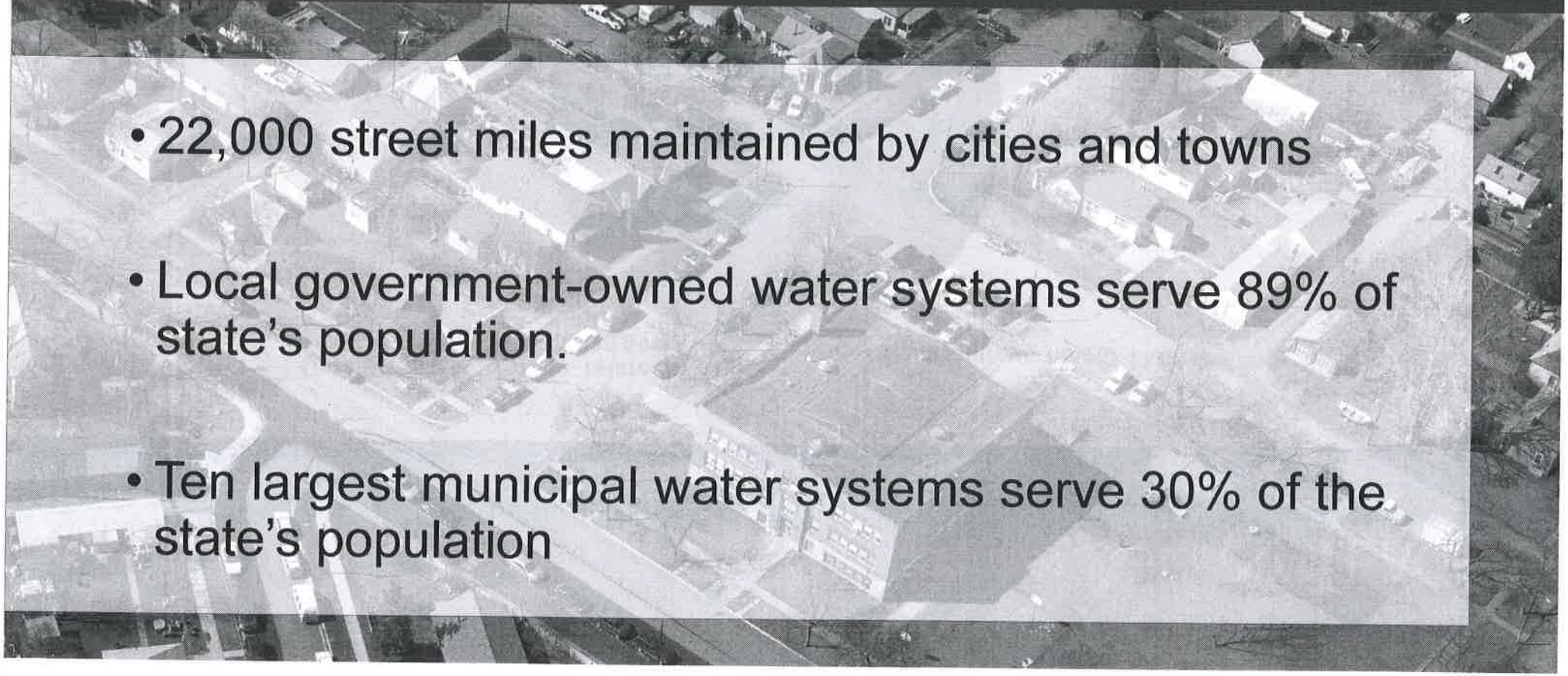
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Excludes Utilities

Municipalities Are The Builders of Infrastructure

NC LEAGUE OF MUNICIPALITIES



- 22,000 street miles maintained by cities and towns
- Local government-owned water systems serve 89% of state's population.
- Ten largest municipal water systems serve 30% of the state's population

NC Cities Doing Great Things

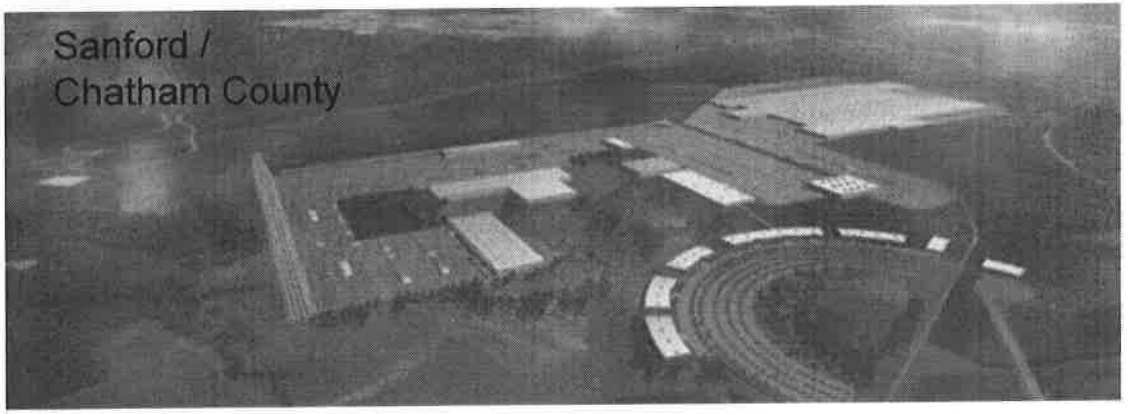
NC LEAGUE OF MUNICIPALITIES

Reinventing Economies

- City Investment Powers Growth of Gastonia Technology Park
- Sanford, Chatham County Extend Sewer Service to Moncure Megasite
- Greenville Grows With New Connector, Collaboration





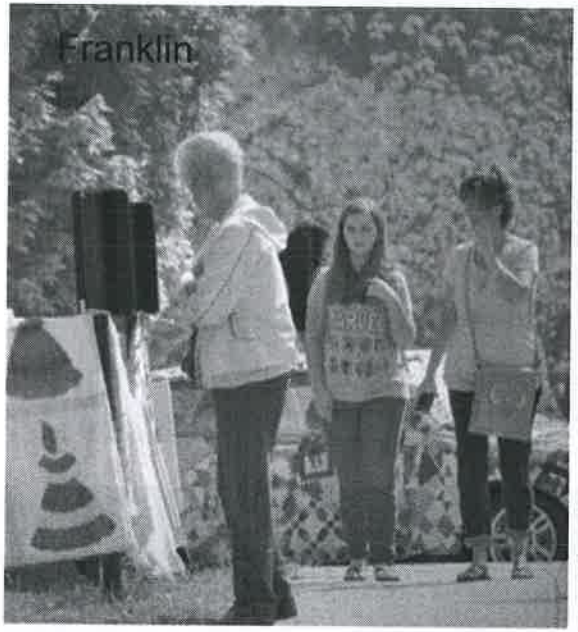


NC Cities Doing Great Things

NC LEAGUE OF MUNICIPALITIES

Leveraging Natural and Historic Resources

- Franklin's Bikewalk Plan Builds on Trail Connections
- Salisbury's Historic Empire Hotel Preps For Revival
- In Wilmington, Public-Private Partnership Transforms Old Property







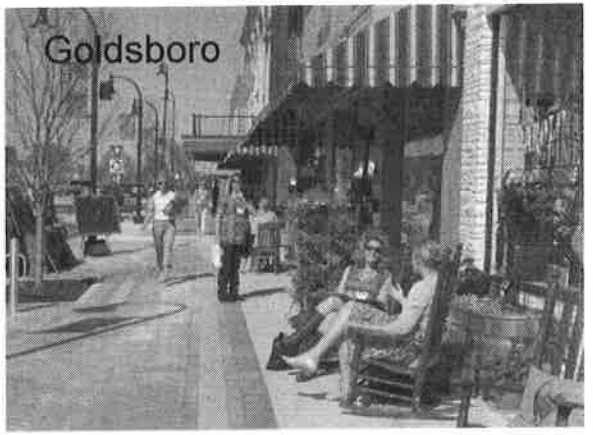
NC Cities Doing Great Things

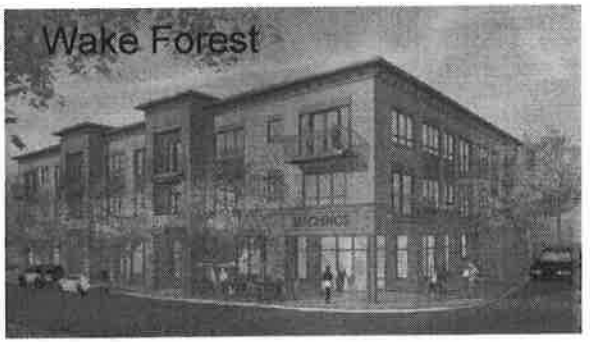
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Investing in Downtowns

- Goldsboro, a Downtown Revival
- Jacksonville Downtown Open for New Residents and Business
- Investments Bring 'Renaissance' for Downtown Wake Forest



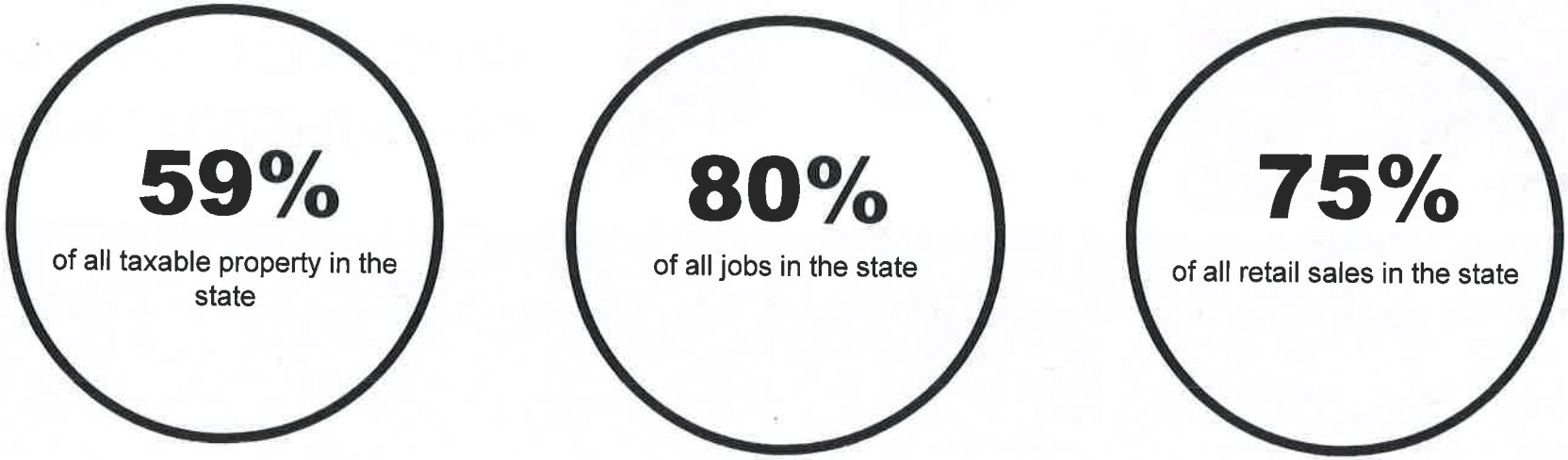




NC Cities Fuel State Growth

NC LEAGUE OF MUNICIPALITIES

Cities and towns make investments that attract businesses to NC, grow jobs, and create an unmatched quality of life.



Challenges of Growth

NC LEAGUE OF MUNICIPALITIES

- From 2010 to 2017, population growth in Charlotte and Raleigh alone represented 25%of the entire state's population growth.
- In the City of Raleigh, officials have identified $1.75 billion in public utility infrastructure needs for the coming decade.
- In Charlotte, the amount of water capacity requests from developers rose to 5.7 million gallons per day in 2017, up from 1.9 million in 2012.



Challenges of Population, Job Losses

NC LEAGUE OF MUNICIPALITIES

- More than one-third of counties and the municipalities in them have seen population losses in recent decades.
- In the '70s, '80s and '90s, many of these same communities lost manufacturing jobs.
- Those losses have meant that both individual and business property tax and utility-rate payers are no longer there, creating tremendous financial strains.



Elkin

NC LEAGUE OF MUNICIPALITIES

Once home to the largest woolen blanket manufacturer in the Southeast. At its peak, it employed 2,500 people and had a tax value of over $40 million. A couple of years ago, it employed less than 100 workers and had a tax value of $1.5 million.



Spindale

NC LEAGUE OF MUNICIPALITIES

A mill there represented 15% of the town's total tax base and employed 1,000 workers. Then it closed.



Robbins

NC LEAGUE OF MUNICIPALITIES

Once home to Milliken Mills, largest employer in northern Moore County. At its height, that mill employed hundreds and had a tax value of millions. The vacant plant, a few years ago, sold for $126,000.



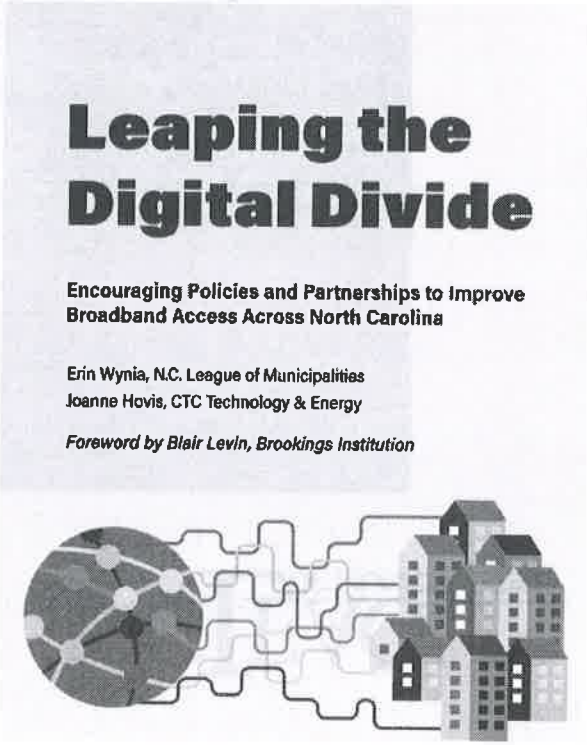
What Are League Members Doing?

NC LEAGUE OF MUNICIPALITIES

- Broadband Initiative
- Municipal Operations Consultants
- Continued Service and Thought Leadership







NCLM Advocacy Goals

NC LEAGUE OF MUNICIPALITIES

INFRASTRUCTURE

- Better enable policies that promote public-private partnerships to build broadband infrastructure.
- Sustain and increase funding for transportation and other types of local infrastructure – particularly Powell Bill funds – to meet growing demands to connect and serve residents.

ECONOMIC GROWTH

- Provide additional tools and financial resources so that housing remains affordable.
- Support historic preservation efforts, competitive film grants and Main Street Solution programs so that cities and towns continue to grow the economy and jobs.

FISCAL GROWTH

- Ensure that cities and towns are not burdened with new funding responsibilities traditionally assumed by the state or additional, mandated post-employment benefits.
- Preserve local revenue streams and a level of local control related to the current system of spirituous liquor sales.

NCLM Lobbyist Team

NC LEAGUE OF MUNICIPALITIES







Thank You!
Questions?
NC LEAGUE OF MUNICIPALITIES



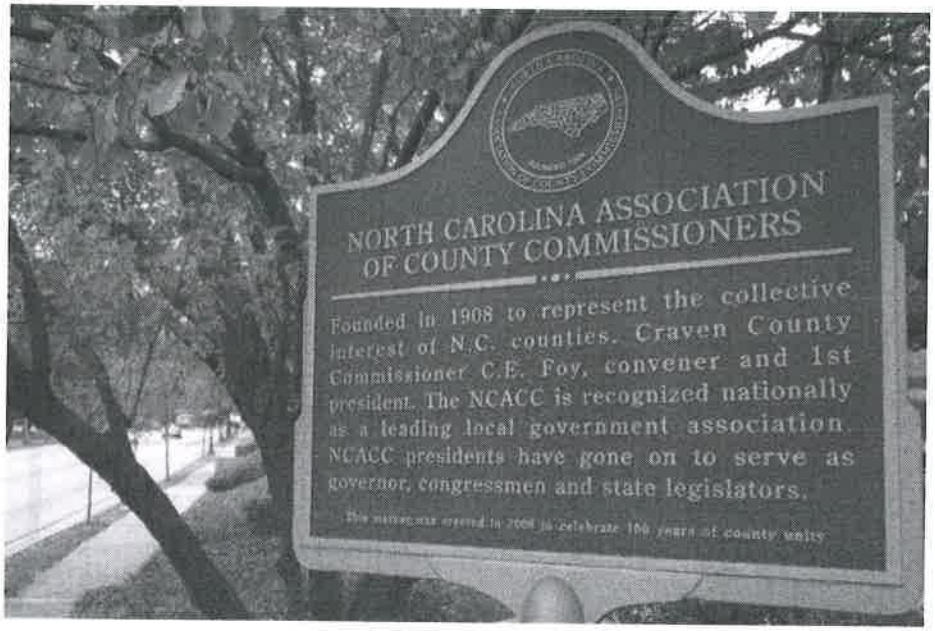
House State & Local Government

February 13, 2019

History & Purpose

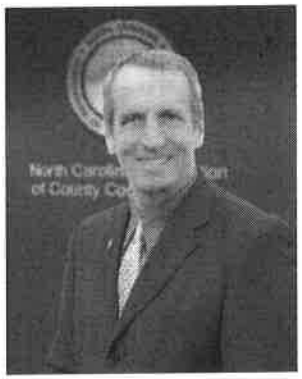


C. E. FOY
"Father" of the Association

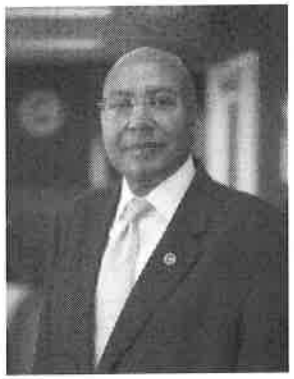


www.ncacc.org

NCACC Executive Officers



Kevin Austin
President Elect



Ronnie Smith
1st Vice President



Frank Williams
2nd Vice President



Brenda Howerton
Past President



Kevin Leonard
Executive Director

www.ncacc.org

Vision Statement

Empowering 100 counties to work together for the betterment of one state.

Mission Statement

Our Association supports and promotes the well-being of all North Carolina counties through advocacy, education, research, and member services.

www.ncacc.org

NCACC Strategic Goals

Goal 1: Promote the positive impact of county government on the lives of people.

Goal 2: Enhance county leadership capabilities to address challenges, provide efficient and effective governance, and develop future leaders.

Goal 3: Empower counties to be strong, proactive, and effective voices on local, state, and national issues.

Goal 4: Facilitate and enhance relationships, collaboration, and strategic partnerships.

NCACC Resources

- Advocacy
- Education and Conferences
- Center for County Research
- Member Services



www.ncacc.org

NCACC Resources

- Outreach Services
- Legal
- Publications
- Risk Management



www.ncacc.org

Legislative Goals Process & Priorities

When	What
July - September	Submission of county goal proposals
October	Steering committees review goals
November	Legislative Goals Committee reviews steering committee recommendations, approves package of goals for Board of Directors
December	Board of Directors finalizes package to be presented to full membership
January	Membership adopts goals at Legislative Goals Conference

2019-2020 Priority Goals

#1

Seek legislation, funding, and other efforts to expand digital infrastructure/broadband capability to the unserved and under-served areas and residents of the state.

www.ncacc.org

2019-2020 Priority Goals

#2

Seek additional revenue sources, including a statewide bond and lottery proceeds, to equitably address statewide public school and community college capital challenges.

2019-2020 Priority Goals

#3

Support efforts to preserve and expand the existing local revenue base of counties and authorize local option revenue sources already given to any other jurisdiction to all counties. Oppose efforts to divert to the state, fees or taxes currently allocated to the counties or to erode existing county revenue streams.

www.ncacc.org

2019-2020 Priority Goals

#4

Support provision of state resources to ensure county ability to provide essential public health, behavioral health and social services, with specific consideration to the challenges of incarcerated persons, the continued county role in behavioral health governance, and programs addressing substance use disorder, throughout **Medicaid transformation**.

www.ncacc.org

2019-2020 Priority Goals

#5

Seek legislation to repeal the statutory authority under N.C. Gen. Stat. 115C-431(c) that allows a local school board to file suit against a county board of commissioners over appropriations to the local board of education's capital outlay fund.


NORTH CAROLINA
ASSOCIATION OF COUNTY COMMISSIONERS
FOUNDED 1908

Thank you!

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Government

DATE: February 13 2019 Room: 544 LOB

House Sgt-At Arms:

1. Name: Marvin Lee
2. Name: David Leighton
3. Name: John Gilbert
4. Name: Ken Gilbert
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

PAGES

Name of Committee: House Committee on State & Local Government
Date: 2/13/19
Room: 544

NAME	COUNTY	SPONSOR
Rhushaun Holley	Wake	Rep. Darren Jackson
Graycen Murray	Johnston	Rep. Donna White

VISITOR REGISTRATION SHEET

HOUSE STATE & LOCAL GOVERNMENT — 2/13/19

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kara Weishaar	SA
Frank Gray	NCRLS
Fadel Villa-Garcia	
Jonathan Babaker	Babaker + Assoc
Taylor Williams	NCGA
Tyler Ross	Intern
Carson Smith	Rep
Jud Bonner	Bonner Assoc.
Amber Harris	NCACC
Johanna Reese	NCACC
Kevin Leonard	NCACC

VISITOR REGISTRATION SHEET

HOUSE STATE & LOCAL GOVERNMENT

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Demetrius Deloatch	NCLM
Alice Mahoney	NCCM
Jason Joyner	NEWFRAME
[illegible]	Ward & Smith, P.A.
Erin Wynia	NCLM
Sarah Collins	NCLM
Adam Meyer	NCLM
Rose Williams	NCLM
B Young	OSBM
April Neumann	MWC

VISITOR REGISTRATION SHEET

House Committee on State and Local Government — 2/13/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Abby Hammond	NCAJ
Susan Vick	Duke Energy

House Committee on State and Local Government
Wednesday, February 20, 2019 at 10:00 AM
Room 544 of the Legislative Office Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on February 20, 2019 in Room 544 of the Legislative Office Building. Representatives Corbin and Warren, Chairs; Representative Speciale, Vice Chair; Representatives Ager, Autry, Boles, Carter, Dobson, Faircloth, Fisher, Jarvis, Logan, Quick, Ross, Sasser, Setzer, von Haefen and Willingham attended.

Representative Kevin Corbin, Chair, called the meeting to order and introduced the Pages and Sergeant-at-Arms who assisted with the committee. Copies of the attendance and visitor registration forms are included with these minutes.

The following bills were considered:

HB 21 - Revise McDowell County Bd of Educ. Districts. (Representative Dobson)
Chairman Corbin recognized Rep. Dobson to explain the bill. The Chairman opened the floor for discussion. Rep. Setzer was recognized and moved that HB 21 receive a Favorable Report with a referral to Elections Law and Ethics Law. The Chairman opened the floor for a vote and the motion passed.

HB 40 - NC Folk Festival Funds. (Representatives Hardister, Faircloth, Quick, and Harrison)
Chairman Corbin recognized Rep. Hardister to explain the bill. The Chairman opened the floor for discussion. Reps. Warren, Speciale, Autry, Boles, Sasser, von Haefen, Jarvis, Ager, and Ross asked questions. Mr. Thomas Philion, Board Member of the NC Folk Festival, was recognized by Rep. Hardister to answer questions. Rep. Dobson was recognized and moved that HB 40 receive a Favorable Report with a referral to Appropriations, Agriculture and Natural and Economic Resources. Chairman Corbin opened the floor for a vote and the motion passed.

HB 72 - Support Multiple Recesses For Lincoln Co Schl. (Representative Saine)
Chairman Corbin recognized Rep. Saine to explain the bill. The Chairman opened the floor for discussion and Reps. Autry, Speciale, and Quick asked questions. Rep. Setzer was recognized and moved that HB 72 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 84 - City of Kannapolis/Annexation. (Representatives Howard and Warren)
Chairman Corbin recognized Rep. Warren to explain the bill. The Chairman opened the floor for discussion and Reps. Autry, Speciale, Boles, and Quick asked questions. The Mayor of Kannapolis, Mr. Darrell Hinnant, was recognized by Rep. Warren to answer questions. Rep. Setzer was recognized and moved that HB 84 receive a Favorable Report with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 39 - Adopt the Osprey as State Raptor. (Representatives McElraft, Iler) was scheduled to be heard but was postponed. Rep. McElraft is ill with the flu and Rep. Iler has another meeting to attend.

The meeting adjourned at 10:32 a.m.

Representative Kevin Corbin, Chair
Presiding

Cindy Hobbs, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB21, Summary, and Committee Report
4. HB40, Summary, and Committee Report
5. HB72, Summary, and Committee Report
6. HB84, Summary, and Committee Report
7. Sergeant-at-Arms
8. Pages
9. Visitor Registration Forms

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, February 20, 2019
TIME: **10:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 21	Revise McDowell County Bd of Educ. Districts.	Representative Dobson
~~HB 39~~	~~Adopt the Osprey as State Raptor.~~	~~Representative McElraft~~ ~~Representative Iler~~
HB 40	NC Folk Festival Funds.	Representative Hardister Representative Faircloth Representative Quick Representative Harrison
HB 72	Support Multiple Recesses For Lincoln Co Schl.	Representative Saine
HB 84	City of Kannapolis/Annexation.	Representative Howard Representative Warren

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:49 AM on Tuesday, February 19, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)



House Committee on State and Local Government
Wednesday, February 20, 2019, 10:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 21	Revise McDowell County Bd of Educ. Districts.	Representative Dobson
~~HB 39~~	~~Adopt the Osprey as State Raptor.~~	~~Representative McElraft~~ ~~Representative Iler~~
HB 40	NC Folk Festival Funds.	Representative Hardister Representative Faircloth Representative Quick Representative Harrison
HB 72	Support Multiple Recesses For Lincoln Co Schl.	Representative Saine
HB 84	City of Kannapolis/Annexation.	Representative Howard Representative Warren

Adjournment





NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **21** Revise McDowell County Bd of Educ. Districts.

Draft Number:	None
Serial Referral:	**ELECTIONS AND ETHICS LAW**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Dobson

HB **40** NC Folk Festival Funds.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, AGRICULTURE AND NATURAL AND ECONOMIC RESOURCES**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Hardister

HB **72** Support Multiple Recesses For Lincoln Co Schl.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Saine

HB **84** City of Kannapolis/Annexation.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Warren

TOTAL REPORTED: 4



HOUSE BILL 21:
Revise McDowell County Bd of Educ. Districts.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Elections and Ethics Law. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 20, 2019
Introduced by:	Rep. Dobson	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 21 would revise the residency districts of the McDowell County Board of Education to provide that one member of the Board must reside in the West Marion Elementary School attendance zone. The bill would become effective when it becomes law.

CURRENT LAW: The McDowell County Board of Education consists of nine members elected in November of even-numbered years for staggered four-year terms. Elections are conducted on a nonpartisan basis, and results are determined by a plurality. Members are elected county-wide from six residency districts. The current residency districts are based on elementary school attendance zones as follows:

- One member must reside in each of the following five elementary school attendance zones:
  - Glenwood Elementary School
  - Nebo Elementary School
  - North Cove Elementary School
  - Old Fort Elementary School
  - Pleasant Gardens Elementary School
- Four members must reside within the Marion District. *(The Marion District represents three elementary school attendance zones: Marion Elementary School, West Marion Elementary School, and Eastfield Global Magnet School.)*

BILL ANALYSIS: House Bill 21 would revise the residency districts of the McDowell County Board of Education as follows:

- One member must reside in each of the following six elementary school attendance zones:
  - Glenwood Elementary School
  - Nebo Elementary School
  - North Cove Elementary School
  - Old Fort Elementary School
  - Pleasant Gardens Elementary School
  - West Marion Elementary School
- Three members must reside within the Marion Elementary School or Eastfield Global Magnet School attendance zones.

A change in attendance zone boundaries would not affect the ability of a person to complete their term of office. Any person appointed to fill a Board vacancy would be required to reside in the attendance zone served by the departing member. In the event an elementary school name is changed, the McDowell

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

County Board of Election would be required to adopt a policy to state the residency district is based on the corresponding attendance zone of the renamed school.

EFFECTIVE DATE: The act is effective when the bill becomes law.

HOUSE BILL 21

Short Title:	Revise McDowell County Bd of Educ. Districts.	(Local)
Sponsors:	Representative Dobson. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Elections and Ethics Law, if favorable, Rules, Calendar, and Operations of the House	

February 6, 2019

A BILL TO BE ENTITLED

AN ACT TO REVISE THE RESIDENCY DISTRICTS OF THE MCDOWELL COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 1987-322 reads as rewritten:

"Sec. 3. Beginning with members elected in 1988, members of the McDowell County Board of ~~Elections~~ Education shall serve four-year terms, except that in the 1992 election, for the four Marion district seats up for election that year, the three highest vote-getters shall be elected for four-year terms, and the next highest vote-getter shall be elected for a two-year term. In the case persons receive an equal number of votes for third and fourth place, and both are elected, the McDowell County Board of ~~Elections~~ Education shall decide the length of term by lot. Notwithstanding the PLAN FOR MERGER OF MARION CITY BOARD OF EDUCATION AND MCDOWELL COUNTY BOARD OF EDUCATION, members shall be elected from the elementary attendance zones to the McDowell County Board of Education as follows:

a. One member from each of the six following elementary attendance zones:
   1. Old Fort Elementary School, beginning in 2020.
   2. Pleasant Gardens Elementary School, beginning in 2022.
   3. North Cove Elementary School, beginning in 2020.
   4. Nebo Elementary School, beginning in 2022.
   5. West Marion Elementary School, beginning in 2020.
   6. Glenwood Elementary School, beginning in 2022.

b. Two members elected in 2020 and one member elected in 2022 from either of the following elementary attendance zones:
   1. Eastfield Global Magnet School.
   2. Marion Elementary School.

To be eligible for election to the Board from an attendance zone, a candidate must reside in the attendance zone. Each seat shall appear separately on the ballot, but all the qualified voters of the entire county are eligible to vote on all the seats. To be eligible to serve as a member of the Board representing an attendance zone, a person must reside in the attendance zone; however, a change in the boundaries of attendance zones shall not affect the ability of any person to complete his or her term of office. If a vacancy occurs on the board, the person appointed as the replacement must reside in the attendance zone which was served by the departing member. In the event the McDowell County Board of Education changes the legal name of an elementary school, the

Board shall reflect, in policy, the corresponding attendance zone of the renamed school to the elementary school named in this act."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 40:
NC Folk Festival Funds.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, Agriculture and Natural and Economic Resources. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 20, 2019
Introduced by:	Reps. Hardister, Faircloth, Quick, Harrison	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 40 would appropriate $100,000.00 to North Carolina Folk & Heritage Festivals for the 2019-2020 fiscal year for marketing and operating expenses.

CURRENT LAW/BILL ANALYSIS: House Bill 40 would appropriate $100,000.00 to North Carolina Folk & Heritage Festivals from the General Fund for the 2019-2020 fiscal year for marketing and operating expenses.

EFFECTIVE DATE: This act would become effective July 1, 2019.

BACKGROUND: North Carolina Folk & Heritage Festivals filed as a North Carolina non-profit in 2017. It originally filed and operated under the name North Carolina Roots and Heritage Festival.

ıren Cochrane-Brown
Director

H40-SMBG-5 E1 -V-2

Legislative Analysis Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 40

Short Title:	NC Folk Festival Funds.	(Public)
Sponsors:	Representatives Hardister, Faircloth, Quick, and Harrison (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, Agriculture and Natural and Economic Resources, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

February 11, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOLK FESTIVAL.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the North Carolina Folk & Heritage Festivals, a nonprofit organization, the sum of one hundred thousand dollars ($100,000) for the 2019-2020 fiscal year for marketing and operational expenses.

SECTION 2. This act becomes effective July 1, 2019.

HOUSE BILL 72:
Support Multiple Recesses For Lincoln Co Schl.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 20, 2019
Introduced by:	Rep. Saine	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 72 would state the North Carolina General Assembly supports the Lincoln County Board of Education or charter schools within Lincoln County to minimally extend the school day in order to have multiple shorter recess periods.

CURRENT LAW: Under Chapter 115C, local boards of education are responsible for structuring instructional days. Charter schools are exempt from statutes and rules applicable to local boards of education, but remain responsible for structuring instructional days under Article 14A of Chapter 115C.

BILL ANALYSIS: House Bill 72 would state the North Carolina General Assembly supports the Lincoln County Board of Education or charter schools within Lincoln County to minimally extend the school day in order to have multiple shorter recess periods.

This act would only apply to the Lincoln County Board of Education and charter schools within Lincoln County.

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

aren Cochrane-Brown
Director

H72-SMBG-6 E1 -V-2

Legislative Analysis
Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 72

Short Title:	Support Multiple Recesses For Lincoln Co Schl.	(Local)
Sponsors:	Representative Saine. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

February 14, 2019

A BILL TO BE ENTITLED

AN ACT TO EXPRESS THE SUPPORT OF THE GENERAL ASSEMBLY FOR MULTIPLE RECESS PERIODS FOR PUBLIC SCHOOLS LOCATED IN LINCOLN COUNTY.

Whereas, the Robert Wood Johnson Foundation states that principals nationwide report recess to have a substantial positive impact on students' learning experience; and

Whereas, certain findings support that elementary school children learn better when given at least one recess period; and

Whereas, at least one elementary school observed improved test scores after providing first graders with four 15-minute recess periods; and

Whereas, G.S. 115C-84.2 permits flexibility for local boards of education to structure the school day in their local school administrative units according to their local needs; and

Whereas, Article 14A of Chapter 115C of the General Statutes permits charter school boards to structure the school day in their charter schools according to each charter school's needs; and

Whereas, certain fourth grade students of Lincoln Charter School have voiced a preference to extend the school day by 10 minutes in order to accommodate two 20-minute recess periods in lieu of one 30-minute recess period; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly supports the Lincoln County Board of Education using the flexibility within G.S. 115C-84.2 or a charter school located in Lincoln County using the flexibility within Article 14A of Chapter 115C of the General Statutes to minimally extend the school day in order to have multiple shorter recess periods.

SECTION 2. This act applies only to Lincoln County.

SECTION 3. This act is effective when it becomes law.

HOUSE BILL 84:
City of Kannapolis/Annexation.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 20, 2019
Introduced by:	Reps. Howard, Warren	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 84 would add certain properties to the corporate limits of the City of Kannapolis and would become effective June 30, 2020.

[As introduced, this bill was identical to S63, as introduced by Sen. Ford, which is currently in Senate State and Local Government.]

CURRENT LAW: Annexation is a method by which municipalities alter their boundaries. The municipality must follow the statutorily prescribed steps in order to add an area into its boundaries. The municipality must provide, or contract to provide, basic services to the area. These services include police protection, fire protection, solid waste collection and the extension of water and sewer lines to the area.

North Carolina law sets forth four basic ways in which a municipality may annex an area:

- **Voluntary Annexation.** – The owners of all real property in an area contiguous to the municipality desiring to be annexed sign a petition requesting annexation.
- **Voluntary Satellite Annexation.** – The owners of all real property in the area desiring to be annexed sign a petition requesting annexation, if it otherwise meets the statutory requirements.
- **Municipal-Initiated Annexation subject to a referendum.** – The municipality initiates an annexation proceeding, pursuant to statutory requirements.
- **Legislative Act.** – The General Assembly has the authority to extend the boundaries of any municipality.

BILL ANALYSIS: House Bill 84 would annex, by legislative act, numerous properties around the Old Beatty Ford Road interchange on Interstate 85 in southern Rowan County, into the corporate limits of the City of Kannapolis. The Kannapolis City Council, on December 17, 2018, adopted a resolution requesting that its local delegation to the General Assembly introduce a bill to annex these properties into the city.

EFFECTIVE DATE: The act would become effective June 30, 2020. The property annexed as of January 1, 2020, would be subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2020.

aren Cochrane-Brown
Director

H84-SMBD-5 E1 -V-2

Legislative Analysis Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 84*

Short Title:	City of Kannapolis/Annexation.	(Local)
Sponsors:	Representatives Howard and Warren (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

February 14, 2019

A BILL TO BE ENTITLED

AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is added to the corporate limits of the City of Kannapolis:

Tract 1

Being that certain parcel of land lying and being situate in Rowan County, North Carolina and being more particularly described as follows: Beginning at a rebar located at the northwest corner of Jane Elizabeth and Michael Lance Casey, recorded in Book 1261, Page 618, said point being on the southern right of way line of Backwoods Lane, said point having North Carolina state plane coordinates (NAD83/2011) of N: 653,986.54 feet and E: 1,537,405.46 feet, said point being the POINT OF BEGINNING; thence with the western line of said Casey South 09°39'03" West 562.18 feet to an iron pipe located on the northern right of way line of Beatty Ford Road (NCDOT Project: W-5516,) a variable width public right of way; thence along the northern right of way line of said Beatty Ford Road South 89°46'14" West 120.46 feet to an iron pipe on the northern line of Mark Alvin and Joy Lane Roberts, recorded in Book 1259, Page 768; thence following the northern line of said Roberts North 86°38'01" West 275.35 feet to an iron pipe; thence South 08°16'21" West 17.46 feet to an iron pipe on the northern right of way line of Beatty Ford Road; thence along the northern right of way line of said Beatty Ford Road the following twenty-six calls: South 89°46'14" West 102.31 feet to a right of way monument; North 78°16'33" West 194.21 feet to a right of way monument; South 89°45'18" West 219.89 feet to a right of way monument; South 84°24'31" West 160.81 feet to a point; South 78°48'27" West 132.46 feet to a right of way monument; South 89°47'42" West 255.04 feet to a right of way monument; North 83°54'05" West 316.93 feet to a right of way monument; South 76°49'15" West 133.16 feet to a right of way monument; North 82°39'13" West 191.45 feet to a right of way monument; South 79°05'32" West 137.66 feet to a right of way monument; North 78°02'56" West 214.82 feet to a right of way monument; South 81°19'36" West 101.20 feet to a right of way monument; North 82°38'28" West 150.80 feet to a right of way monument; South 89°43'16" West 265.51 feet to a right of way monument; South 73°12'14" West 192.85 feet to a right of way monument; North 89°52'49" West 55.10 feet to a right of way monument; North 70°21'37" West 117.05 feet to a point; South 73°32'58" West 143.63 feet to a right of way monument; South 89°45'17" West 71.93 feet to a right of way monument; North 79°48'00" West 249.13 feet to a right of way monument; North 89°49'34" West 27.99 feet to a right of way monument; South

76°43'29" West 202.22 feet to a right of way monument; North 89°50'55" West 75.16 feet to a point; North 00°13'44" West 70.00 feet to a point; North 88°19'45" West 603.34 feet to a point; South 89°46'16" West 591.99 feet to a point on the eastern right of way line of Interstate 85; thence along the eastern right of way line of said Interstate 85 North 20°59'51" West 314.11 feet to a point; thence with a curve to the right having an arc length of 542.18 feet, a radius of 11,378.98 feet, and a chord bearing and distance of North 04°00'03" East 542.13 feet to a point at the southwest corner of Jamie Lee and Deborah Helms Morris, recorded in Book 830, Page 668; thence leaving the right of way of Interstate 85 and with the southern line of said Morris South 87°47'21" East 1.92 feet to an iron pipe; thence South 87°47'21" East 155.50 feet to a rebar at the southwest corner of Jamie Lee and Deborah Helms Morris, recorded in Book 729, Page 915; thence with the southern line of said Morris South 87°49'20" East 836.49 feet to a rebar at the southwest corner of Joshua L and Alisha G. Vanover, recorded in Book 1122, Page 761; thence with the southern line of said Vanover South 87°28'13" East 262.83 feet to a rebar at the southwest corner of Cecil G. and Betty G. Keller, recorded in Book 566, Page 340; thence with the southern line of said Keller the South 87°27'14" East 272.32 feet to a rebar at the southwest corner of Stephen M. and Cathy Jo Garmon, recorded in Book 562, Page 646; thence with the southern line of said Garmon South 87°24'28" East 272.17 feet to a rebar at the southwest corner of Stephen M. and Cathy Jo Garmon, recorded in Book 625, Page 878; thence South 87°27'09" East 273.24 feet to a rebar at the southwest corner of Stephen M. and Cathy Jo Garmon, recorded in Book 612, Page 967; thence with the line of said Garmon South 87°27'47" East 476.63 feet to a pipe found planted in stone; thence North 02°29'49" East 318.00 feet to a rebar at the southwest corner of Barbara Rainwater Lentz, recorded in Book 1034, Page 820; thence South 85°45'30" East 1,442.85 feet to a rebar on the western line of Tammy L. Efird, recorded in Book 1117, Page 961; thence with the western line of said Efird South 03°53'01" West 197.16 feet to a rebar; thence South 79°51'08" East 1,453.95 feet to the POINT OF BEGINNING, containing 4,513,597 Square Feet, 103.618 Acres, more or less.

Tract 2

Being that certain parcel of land lying and being situate in Rowan County, North Carolina and being more particularly described as follows: Beginning at an iron pipe located on the western line of Mark Alvin and Joy Lane Roberts, recorded in Book 1259, Page 768, said point being on the southern right of way line of Beatty Ford Road (NCDOT Project: W-5516,) said point having North Carolina state plane coordinates (NAD83/2011) of N: 653,370.91 feet and E: 1,536,904.69 feet, said point being the POINT OF BEGINNING; thence leaving the right of way of Beatty Ford Road and with the western line of said Roberts South 08°14'15" West 71.30 feet to an iron pipe at the northwest corner of Terry O. Basinger, recorded in Book 1258, Page 10; thence with the western line of said Basinger South 08°16'21" West 156.53 feet to an iron pipe at the northwestern corner of Larry Wayne and Barbara Beaver Basinger, recorded in Book 1256, Page 787; thence with the western line of said Basinger South 08°10'18" West 155.84 feet to an iron pipe at the northwest corner of Norman R. Basinger, recorded in Book 1258, Page 318; thence with the line of said Basinger South 08°16'09" West 148.73 feet to an iron pipe; thence South 86°39'37" East 696.71 feet to an iron pipe at the northwest corner of Julius Ray and Phillis Diane Nesbit Rivers, recorded in Book 1162, Page 436; thence with the line of said Rivers South 02°53'05" West 605.29 feet to a rebar at the southwest corner of Galen L and Patricia Burris, recorded in Book 566, Page 885 and being the common with the northwest corner of Justin Michael Sr. and Tracey Morrison, recorded in Book 1068, Page 720, said point being in the right of way of Bruner Sloop Road; thence crossing Bruner Sloop Road and following the western line of said Morrison South 02°08'20" West 21.70 feet to an iron pipe; thence South 02°14'02" West 513.89 feet to a rebar on the eastern line of Ernest Lester and Evelyn B. Cole, recorded in Book 1115, Page 743; thence with the northern line of said Cole North 84°26'06" West 1,345.98 feet to a rebar; thence South 04°03'36" West 324.86 feet to a rebar on the northern line of Earlene Honbarrier Wallace, recorded in Book DC#78, Page 447; thence with the northern

line of said Honbarrier North 84°20'22" West 1,354.84 feet to a rebar at the northeastern corner of Thomas Franklin Corl, recorded in Book 1216, Page 4; thence with the northern line of said Corl North 83°54'31" West 285.75 feet to an iron pipe; thence North 05°08'31" East 10.15 feet to a rebar; thence North 84°51'29" West 505.27 feet to an iron pipe; thence North 14°41'40" East 89.75 feet to a rebar; thence North 84°54'48" West 80.00 feet to a rebar; thence South 14°41'43" West 99.86 feet to an iron pipe, recorded Paul Jeffrey and Donna Richardson Fritts, recorded in Book 987, Page 101; thence with the northern line of said Fritts North 84°51'29" West 122.06 feet to a stone on the eastern line of Floyd W and Frances J Propst, recorded in Book 1249, Page 426; thence with the line of said Propst North 06°01'59" East 546.59 feet to an iron pipe; thence North 85°54'04" West 1,010.54 feet to an iron pipe; thence South 02°02'05" East 287.08 feet to an iron pipe at the northeast corner of Ralph E. Archie Trustee, recorded in Book 1058, Page 582; thence with the northern line of said Archie Trustee North 87°56'32" West 399.89 feet to an iron pipe at the northeast corner of David and Linda Leonard, recorded in Book 1304, Page 445; thence with the northern line of said Leonard North 88°04'29" West 324.40 feet to a point on the eastern right of way line of Interstate 85 (NCDOT TIP Project I-3802B;) thence with the eastern right of way line of said Interstate 85 the following 4 calls: with a curve to the right having an arc length of 236.25 feet, a radius of 1,080.00 feet, and a chord bearing and distance of North 17°11'54" East 235.78 feet to a point; North 32°28'49" East 470.08 feet to a point; North 17°09'26" East 241.87 feet to a point; North 01°55'53" East 323.82 feet to a point on the southern right of way line of the aforementioned Beatty Ford Road; thence with the southern right of way line of said Beatty Ford Road the following twenty-seven calls: North 76°21'18" East 236.62 feet to a point; North 89°46'16" East 515.00 feet to a point; North 00°13'44" West 70.00 feet to a point; North 89°48'04" East 65.11 feet to a right of way monument; South 77°52'00" East 209.91 feet to a right of way monument; North 86°20'13" East 29.35 feet to a right of way monument; North 80°10'04" East 259.29 feet to a right of way monument; North 89°46'58" East 90.00 feet to a right of way monument; South 77°27'35" East 46.14 feet to a right of way monument; North 85°30'09" East 140.51 feet to a right of way monument; South 53°46'57" East 93.10 feet to a right of way monument; North 86°54'08" East 200.23 feet to a right of way monument; North 73°05'27" East 104.38 feet to a right of way monument; South 60°11'28" East 109.78 feet to a right of way monument; North 70°06'41" East 58.33 feet to a right of way monument; South 84°53'47" East 50.22 feet to a right of way monument; North 86°52'14" East 200.14 feet to a right of way monument; North 77°04'23" East 159.05 feet to a right of way monument; South 83°18'22" East 249.83 feet to a right of way monument; North 76°15'29" East 151.07 feet to a right of way monument; South 69°05'05" East 111.45 feet to a right of way monument; North 82°19'31" East 348.77 feet to a right of way monument; North 89°48'26" East 250.15 feet to a right of way monument; South 82°38'16" East 302.74 feet to a right of way monument; North 89°48'06" East 149.98 feet to a point; North 74°50'05" East 155.24 feet to a right of way monument; North 89°46'35" East 193.31 feet to the POINT OF BEGINNING, containing 7,532,704 Square Feet, 172.927 Acres, more or less.

Tract 3

Being that certain parcel of land lying and being situate in Rowan County, North Carolina and being more particularly described as follows: Beginning at a rebar located at the northeast corner of Gladys Beaver Tate, recorded in Book 1053, Page 117, said point being on the southern line of Oscar Eugene and Irene Moose, recorded in Book 1258, Page 316, said point having North Carolina state plane coordinates (NAD83/2011) of N: 653,045.35' and E: 1,530,500.33 feet, said point being the POINT OF BEGINNING; thence with said southern line of Moose South 89°22'52" East 1,146.92 feet to an iron pipe; thence South 89°22'52" East 0.42 feet to a point on the western right of way line of Interstate 85; thence with the western right of way line of Interstate 85 with a curve to the left having an arc length of 728.25 feet, a radius of 11,662.84 feet, and a chord bearing and distance of South 02°57'30" East 728.13 feet to a point; thence along a spiral having the following six (6) chores: (1) South 04°48'01" East 23.01 feet;

(2) South 04°53'56" East 24.47 feet; (3) South 04°59'05" East 26.46 feet; (4) South 05°03'05" East 26.40 feet; (5) South 05°05'43" East 26.34 feet; and (6) South 05°06'58" East 24.26 feet; thence with a curve to the left having an arc length of 90.32 feet, a radius of 23,026.00 feet, and a chord bearing and distance of South 05°13'55" East 90.32 feet to the northeast corner of Charles Ray Ryner, recorded in Book 753, Page 434; thence leaving the right of way of Interstate 85 and following the northern line of said Ryner North 88°04'29" West 19.68 feet to an iron pipe; thence North 87°52'54" West 485.52 feet to an iron pipe at the northeast corner of Vaughn H. and Nancy A. Wilhelm; North 87°27'06" West 907.72 feet to an iron pipe; thence North 13°01'11" East 9.30 feet to an axle on the eastern line of Deborah Beaver Brown, recorded in Book 884, Page 774; thence with the eastern line of said Brown North 13°01'11" East 501.70 feet to an iron pipe on the southern line of Linda S. Brooks, recorded in Book 1245, Page 953; thence North 76°06'05" East 120.88 feet to an iron rod; thence North 03°55'04" West 368.99 feet to a rebar; thence North 03°59'32" West 25.94 feet; to the POINT OF BEGINNING, containing 1,178,923 square feet, or 27.06 acres, more or less.

Additional tracts:

The following territory described by Rowan County Property Identification Number:

1. 147 068 (North of and immediately adjacent to the new Old Beatty Ford Road right-of-way; West and immediately adjacent to the I-85 right-of-way)
2. 147 028 (Northwest of and immediately adjacent to property 147-068; immediately adjacent and to the East of China Grove Road)
3. 147 070 (South of and immediately adjacent to the new Old Beatty Ford Road right-of-way; West and immediately adjacent to the I-85 right-of-way)
4. 147 029 (South of and immediately adjacent to the new Old Beatty Ford Road right-of-way; immediately adjacent and to the East of China Grove Road)
5. 135 091 (West of and immediately adjacent to the property 135 068 which is part of Tract 2, as described in this act, south of the new Old Beatty Ford Road right-of-way)
6. 135 090 (West of and immediately adjacent to the property 135 068 which is part of Tract 2, as described in this act, south of the new Old Beatty Ford Road right-of-way)

SECTION 2. This act becomes effective June 30, 2020. Property in the territory described in Section 1 of this act as of January 1, 2020, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2020.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Government

DATE: 2/20/2019 Room: 544

House Sgt-At Arms:

1. Name: John Gilbert
2. Name: Thomas Terry
3. Name: Will Crocker
4. Name: Dean Marshbourne
5. Name: David Leighton

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Wednesday, February 20, 2019
Session: 2:00 PM

Committee	Room	Time	Staff	Comments	Member
State and Local Government I	544	10:00 AM	Christopher Patterson		Rep. Evelyn Terry
			James Robison		Rep. Rep. Dean Arp
			Anastasia Schrader		Rep. John Sauls
			Michael Steele		Speaker Tim Moore

VISITOR REGISTRATION SHEET

House Committee on State and Local Government — 2/20/2019
Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Suzanne Beasley	SEANC
Resha Fortson	SEANC
Tom Philion	NC Folk Festival
ShiAnne Caldwell	Common Cause NC
Jazmyne Abney	Common Cause NC
Tony Quartararo	
Claudia Shoemaker	Governors Office
Everett Ransom	Livingstone College
Davajeion Henderson	Livingstone College
Chris Glover	Livingstone College
Azende King	LivingStone College

VISITOR REGISTRATION SHEET

House Committee on State and Local Government — 2/20/2019

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DARRELL HIGGINBOTHAM	City of Kannapolis
Ryan Muldowney	NCSBA
David Heman	NCCN
Tiffany Gladney	Rural Center
Melissa Burns	NCACS

VISITOR REGISTRATION SHEET

House Committee on State and Local Government — 2/20/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dominique Sanders	Common Cause NC

House Committee on State and Local Government
Wednesday, February 27, 2019 at 10:00 AM
Room 544 of the Legislative Office Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on February 27, 2019 in Room 544 of the Legislative Office Building. Representative Warren, Chair; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Carter, Fisher, Graham, Logan, Quick, Ross, Sasser, Setzer, von Haefen and Willingham attended.

Representative Harry Warren, Chair, called the meeting to order and introduced the Pages and Sergeant-at-Arms who assisted with the committee. Copies of the attendance and visitor registration forms are included with these minutes.

The following bills were considered:

HB 44 - Fort Fisher Historic Site Funds. (Representative Davis)
Chairman Warren recognized Rep. Ted Davis to explain the bill. The Chairman opened the floor for discussion. Reps. Speciale and Quick asked questions. Rep. Autry was recognized and moved that HB 44 receive a Favorable Report with a serial referral to the Appropriations, Agriculture and Natural and Economic Resources Committee. The Chairman opened the floor for a vote and the motion passed.

HB 52 - Wrightsville Beach Local Act Amendment. (Representative Davis)
Chairman Warren recognized Rep. Ted Davis to explain the bill. The Chairman opened the floor for discussion. Reps. Cleveland and Autry asked questions. Rep. Cleveland was recognized and moved that HB 52 receive a Favorable Report with a serial referral to the Rules, Calendar, and Operations of the House Committee. The Chairman opened the floor for a vote and the motion passed.

HB 59 - Winston-Salem/Real Property Conveyances. (Representatives Conrad and Montgomery)
Chairman Warren recognized Rep. Conrad to explain the bill. The Chairman opened the floor for discussion and Rep. Autry asked a question. Rep. Speciale was recognized and moved that HB 59 receive a Favorable Report with a serial referral to the Rules, Calendar, and Operations of the House Committee. The Chairman opened the floor for a vote and the motion passed.

HB 105 - Red Light Cameras/Hope Mills & Spring Lake (Representatives Lucas, Floyd, Szoka, and Richardson)
Chairman Warren recognized Rep. Lucas to explain the bill. The Chairman opened the floor for discussion and Reps. Speciale, Quick, and Logan asked questions. Howard Marsilio from Legislative Analysis assisted Rep. Lucas in answering the questions. Rep. Graham was recognized and moved that HB 105 receive a Favorable Report with a serial referral to the Judiciary Committee. The Chairman opened the floor for a vote and the motion passed.

HB 134 - Filling Vacancy/Onslow County Board of Comm. (Representatives Cleveland, Dixon, and Shepard)
Chairman Warren recognized Rep. Cleveland to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Speciale was recognized and moved that HB 134 receive a Favorable Report with a serial referral to the Rules, Calendar, and Operations of the House Committee. The Chairman opened the floor for a vote and the motion passed.

HB 104 - Litter Definition Clarification. (Representative Torbett) was scheduled to be heard but was postponed. Rep. Torbett had a press conference and was unable to attend the meeting.

The meeting adjourned at 10:27 a.m.

Representative Harry Warren, Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB44, Summary, and Committee Report
4. HB52, Summary, and Committee Report
5. HB59, Summary, and Committee Report
6. HB105, Summary, and Committee Report
7. HB134, Summary, and Committee Report
8. Sergeant-at-Arms
9. Pages
10. Visitor Registration Forms

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, February 27, 2019
TIME: **10:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 44	Fort Fisher Historic Site Funds.	Representative Davis
HB 52	Wrightsville Beach Local Act Amendment.	Representative Davis
HB 59	Winston-Salem/Real Property Conveyances.	Representative Conrad Representative Montgomery
~~HB 104~~	~~Litter Definition Clarification.~~	~~Representative Torbett~~
HB 105	Red Light Cameras/Hope Mills & Spring Lake.	Representative Lucas Representative Floyd Representative Szoka Representative Richardson
HB 134	Filling Vacancy/Onslow County Board of Comm.	Representative Cleveland Representative Dixon Representative Shepard

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:43 AM on Monday, February 25, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)



House Committee on State and Local Government
Wednesday, February 27, 2019, 10:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 44	Fort Fisher Historic Site Funds.	Representative Davis
HB 52	Wrightsville Beach Local Act Amendment.	Representative Davis
HB 59	Winston-Salem/Real Property Conveyances.	Representative Conrad Representative Montgomery
~~HB 104~~	~~Litter Definition Clarification.~~	~~Representative Torbett~~
HB 105	Red Light Cameras/Hope Mills & Spring Lake.	Representative Lucas Representative Floyd Representative Szoka Representative Richardson
HB 134	Filling Vacancy/Onslow County Board of Comm.	Representative Cleveland Representative Dixon Representative Shepard

Adjournment



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **44** Fort Fisher Historic Site Funds.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, AGRICULTURE AND NATURAL AND ECONOMIC RESOURCES**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Davis

HB **52** Wrightsville Beach Local Act Amendment.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Davis

HB **59** Winston-Salem/Real Property Conveyances.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Conrad

HB **105** Red Light Cameras/Hope Mills & Spring Lake.

Draft Number:	None
Serial Referral:	**JUDICIARY**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lucas

HB **134** Filling Vacancy/Onslow County Board of Comm.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Cleveland



TOTAL REPORTED: 5

HOUSE BILL 44:
Fort Fisher Historic Site Funds.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, Agriculture and Natural and Economic Resources. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 27, 2019
Introduced by:	Rep. Davis	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 44 would appropriate a total of $8,000,000.00 to the Department of Natural and Cultural Resources for the 2019-2020 fiscal year for various capital projects and to plan facilities for the Underwater Archaeology Branch to be located at the Fort Fisher State Historic Site.

CURRENT LAW/BILL ANALYSIS: House Bill 44 would appropriate from the General Fund to the Department of Natural and Cultural Resources, Division of Historical Resources, the sum of seven million five hundred thousand dollars ($7,500,000) for the 2019-2020 fiscal year to complete various capital projects at the Fort Fisher State Historic Site.

This bill would also appropriate from the General Fund to the Department of Natural and Cultural Resources, Division of Historical Resources, Office of State Archaeology, the sum of five hundred thousand dollars ($500,000) for the 2019-2020 fiscal year to plan facilities for the Underwater Archaeology Branch to be located on the grounds of the Fort Fisher State Historic Site.

EFFECTIVE DATE: This act would become effective July 1, 2019.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

HOUSE BILL 44

Short Title:	Fort Fisher Historic Site Funds.	(Public)
Sponsors:	Representative Davis. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, Agriculture and Natural and Economic Resources, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

February 12, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES FOR PROJECTS AT THE FORT FISHER STATE HISTORIC SITE.

Whereas, the Fort Fisher State Historic Site is the most visited State Historic Site, attracting more than 900,000 visitors at the end of the last fiscal year; and

Whereas, many of Fort Fisher's visitors are school groups from New Hanover County; groups from summer camp programs such as the YMCA, Boys and Girls Clubs, and Junior ROTC; nursing homes; military groups; families; and other tourists; and

Whereas, to accommodate the visitors at Fort Fisher, funds are needed to build a new visitor center, which will provide additional space for exhibits, a larger auditorium to handle several school groups at once, a multipurpose space for classrooms, storage facilities for archives, and rental space for additional income; and

Whereas, funds are also needed to expand Fort Fisher's earthworks exhibit, upgrade its parking lot, and build a new maintenance facility; and

Whereas, additional funds are needed to plan facilities for the Underwater Archaeology Branch to be located on the grounds of the Fort Fisher State Historic Site to preserve the State's maritime history; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Natural and Cultural Resources, Division of Historical Resources, the sum of seven million five hundred thousand dollars ($7,500,000) for the 2019-2020 fiscal year to complete various capital projects at the Fort Fisher State Historic Site.

SECTION 2. There is appropriated from the General Fund to the Department of Natural and Cultural Resources, Division of Historical Resources, Office of State Archaeology, the sum of five hundred thousand dollars ($500,000) for the 2019-2020 fiscal year to plan facilities for the Underwater Archaeology Branch to be located on the grounds of the Fort Fisher State Historic Site.

SECTION 3. This act becomes effective July 1, 2019.

HOUSE BILL 52:
Wrightsville Beach Local Act Amendment.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 27, 2019
Introduced by:	Rep. Davis	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 52 would allow the Town of Wrightsville Beach to use the Town's property located between private property and the Atlantic Ocean for public purposes and would provide the Town discretion to license and regulate the operation of private businesses on this land without the property reverting to the State.

CURRENT LAW: Chapter 246 of the Public Laws of 1939 describes property that had been filled in, restored, or constructed by the Town of Wrightsville Beach following years of erosion. Section 1 incorporates this filled in, restored, and newly constructed land into the corporate limits of the Town of Wrightsville Beach. Section 2 establishes a set "property line" to distinguish private from public land. All of the newly constructed land to the west of the property line is conveyed to the adjacent land owners, and all newly constructed land to the east of the property line is conveyed to the Town of Wrightsville Beach.

No building or structure may be built on land lying to the east of the property line. All land to the east of the property line is to be kept open at all times by the Town for (1) streets and highways for public use, (2) development and use as a public square or park, which includes the construction of public restrooms, gazebos, and typical park facilities, and (3) construction of public beach access facilities. If the land is not used for these purposes, the land reverts and becomes property of the State.

BILL ANALYSIS: House Bill 52 would remove the prohibition on erecting buildings or structures on the land lying east of the property line and the specific requirements on what the land may be used for. Instead, the bill would allow the land to be used only for public purposes. The bill would further authorize the Town to license and regulate the operation of private businesses on the land.

EFFECTIVE DATE: This act would be effective when it becomes law.

Karen Cochrane-Brown
Director

H52-SMBA-8 E1 -V-4

Legislative Analysis Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 52

Short Title:	Wrightsville Beach Local Act Amendment.	(Local)
Sponsors:	Representative Davis. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

February 13, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW LANDS OWNED BY THE TOWN OF WRIGHTSVILLE BEACH TO BE USED FOR THE BENEFIT OF THE PUBLIC AND TO ALLOW THE TOWN TO REGULATE CERTAIN PRIVATE BUSINESSES OPERATING ON THOSE LANDS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 246 of the Public Laws of 1939, as amended by Chapter 618 of the Session Laws of 1981 and Section 1 of S.L. 2018-103, reads as rewritten:

"Section 1. That all land filled in, restored, and made, and to be filled in, restored and made, as the result of the recitals in preamble of this Act, which will exist between the present Eastern property line of the lot owners at present bordering on said ocean, and the low water mark of the Atlantic Ocean, after the work referred to in the preamble hereof, is completed, shall be within the corporate limits of the Town of Wrightsville Beach, and so much of said lands so filled in, restored and made, which will lie West of the property line to be defined and determined by Section Two of this Act, is hereby granted and conveyed in fee simple to the land owner, to the extent that his land abuts thereon, and the balance of said land lying East of said building line, to be fixed and determined by Section Two of this Act, is hereby granted and conveyed in fee simple to the Town of Wrightsville Beach; provided, however, that ~~no building or structure shall be built and erected on~~ said made and built up land lying East of the property line to be defined and set out in Section Two of this ~~Act, and provided further that all made and constructed land lying East of the property line shall be, at all times, kept open for the purpose of streets and highways for the use of the public, and further for the development and uses as a public square or park, to include the construction of public restrooms, gazebos, and typical park facilities in such public squares or parks, and further for the construction of public beach access facilities,~~ Act shall be used only for public purposes, except as otherwise provided herein, as the governing authorities of the Town of Wrightsville Beach, by ordinance, shall determine; and provided further that the governing authorities of the Town of Wrightsville Beach are authorized, but not required, to license and regulate the operation of private businesses on the made and built up land lying East of the property line to be defined and set out in Section Two of this Act; and provided further that if any such property as is hereby granted and conveyed to the Town of Wrightsville Beach, shall cease to be used for the purposes or in the manner prescribed in this Act, it shall revert and become the property of the State of North Carolina, and provided further that the owners of the property abutting on said newly made or constructed land, shall, in front of their said property, possess and keep their rights, as if littoral owners, in the waters of the Atlantic Ocean, bordering on said newly acquired and constructed land."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 59:
Winston-Salem/Real Property Conveyances.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 27, 2019
Introduced by:	Reps. Conrad, Montgomery	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 59 would authorize the City of Winston-Salem to convey city-owned real property, with or without consideration, for the purpose of increasing the supply of affordable housing for low-and moderate-income persons.

[As introduced, this bill was identical to S83, as introduced by Sens. Krawiec, Lowe, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: The authority of and procedures for a municipality to sell or dispose of real property is governed by Article 12 of Chapter 160A. In limited circumstances, a municipality may, with or without consideration, sell real property through a ***non-competitive*** private sale process to volunteer fire departments and rescue squads (G.S.160A-277) and to non-profit entities carrying out a public purpose (G.S. 160A-279).[1] Additionally, municipal real property may be sold using any of the following ***competitive*** sale procedures:

- Advertisement for sealed bids - G.S.160A-268.
- Offer and upset bid - G.S. 160A-269.
- Public auction – G.S. 160A-270.

BILL ANALYSIS: House Bill 59 would:

- Authorize the governing body of the City of Winston-Salem to:
  - Convey upon such terms as it deems wise, city-owned real property, with or without consideration, for the purpose of increasing the supply of affordable housing for low-and moderate income persons provided the property being conveyed was not acquired by the exercise of eminent domain.
  - Place a restriction in the deed conveying the city-owned property that the property shall revert to the city if it ceases to be used for increasing the supply of affordable housing for low-and moderate income persons prior to the expiration of any time period for such use required by the governing body.
- Require the governing body of the City of Winston-Salem to:

[1] The North Carolina Supreme Court held that providing financial assistance for residential housing construction for sale or rental to low income persons and families served a public purpose. *Martin v. North Carolina Housing Corporation, 277 N.C. 29, (1970).* Subsequently, the North Carolina Supreme Court found a public purpose in providing the same assistance to moderate income persons and families. *In Re The Denial of Approval to Issue $30,000,000 of Single Family Housing bonds and $30,000,000 of Multi-Family Housing Bonds for Persons of Moderate Income, 307 N.C. 52 (1982).*

Karen Cochrane-Brown
Director

Legislative Analysis Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- First adopt a resolution at a regular or special meeting authorizing the appropriate municipal official to make the conveyance for the purpose of increasing the supply of affordable housing for low-and moderate income persons.
- Post the resolution on the city's Web site at least 10 calendar days prior to the date the conveyance is executed by the appropriate municipal official.

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

HOUSE BILL 59

Short Title:	Winston-Salem/Real Property Conveyances.	(Local)
Sponsors:	Representatives Conrad and Montgomery (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

February 14, 2019

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO CONVEY CITY-OWNED REAL PROPERTY FOR THE PURPOSE OF INCREASING THE SUPPLY OF AFFORDABLE HOUSING FOR LOW- AND MODERATE-INCOME PERSONS.

The General Assembly of North Carolina enacts:

SECTION 1. The governing body of a municipality may, with or without consideration and upon such terms as it deems wise, convey city-owned real property for the purpose of increasing the supply of affordable housing for low- and moderate-income persons; provided no property acquired by the exercise of eminent domain may be conveyed under this section. The deed conveying the city-owned property may contain a restriction that provides that the city-owned property shall revert to the municipality if it ceases to be used for increasing the supply of affordable housing for low- and moderate-income persons prior to the expiration of any time period for such use required by the governing body. Any conveyance of city-owned property under this section may be made only pursuant to a resolution adopted by the governing body at a regular or special meeting authorizing the appropriate municipal official to make the conveyance for the purpose of increasing the supply of affordable housing for low- and moderate-income persons. The resolution shall be posted on the municipality's Web site at least 10 calendar days prior to the date the conveyance is executed by the appropriate municipal official.

SECTION 2. This act applies to the City of Winston-Salem only.

SECTION 3. This act is effective when it becomes law.

HOUSE BILL 105:
Red Light Cameras/Hope Mills & Spring Lake.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Judiciary. If favorable, re-refer to Transportation. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 27, 2019
Introduced by:	Reps. Lucas, Floyd, Szoka, Richardson	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 105 would authorize the Town of Hope Mills to use cameras to identify and penalize persons who violate the red light statute, and it makes changes to the Town of Spring Lake's existing authorization to use red light cameras. Both Towns are located in Cumberland County.

CURRENT LAW: G.S. 160A-300.1 authorizes more than 20 municipalities[1] to use traffic control photographic systems to enforce the State law[2] prohibiting a driver from entering an intersection when a traffic light is emitting a steady red signal. The camera must meet standards set by the Department of Transportation, and appropriate warning signs must be conspicuously posted not more than 300 feet from the location of the red light camera system. The duration of the yellow light change interval at the intersection where a camera is used must be no less than the yellow light change interval duration specified on the traffic signal plan of record signed and sealed by a professional engineer and must be in compliance with the Manual on Uniform Traffic Control Devises.

S.L. 2007-341[3] amended G.S. 160A-300.1 to address constitutional issues raised by the North Carolina Court of Appeals in *Shavitz v. City of High Point,* 177 N.C. App. 465 (2006). Under G.S. 160A-300.1, as amended by S.L. 2007-341, a violation detected by a red light camera is a noncriminal violation for which a civil penalty of $50[4], $75[5], or $100[6] is assessed, depending on the municipality; no points or insurance points are assigned to the owner or driver of the vehicle. The owner of the vehicle must either pay the civil penalty or challenge[7] the assessment within 30 days after the date the citation is served or mailed. If the owner fails to respond to the citation within the time allowed, the civil penalty is increased to $100 and the right to contest the citation is forfeited.

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[1] Cities of Albemarle, Charlotte, Durham, Fayetteville, Greensboro, Greenville, High Point, Locust, Lumberton, Newton, Rocky Mount, and Wilmington; the Towns of Chapel Hill, Cornelius, Huntersville, Matthews, Nags Head, Pineville, and Spring Lake; and to the municipalities in Union County. A separate session law authorizes use of red light cameras in Wake County municipalities, and in Concord.

[2] G.S. 20-158.

[3] The changes made to G.S. 160A-300.1 by S.L. 2007-341 apply to the Cities of Albemarle, Charlotte, Durham, Fayetteville, Greenville (see S.L. 2016-64), Locust, and Rocky Mount, and to the municipalities in Union County.

[4] The authorized penalty is $50 in all municipalities except those listed in Note 5 and 6 below.

[5] The authorized penalty is $75 in Albemarle, Charlotte, Durham, Locust, and Rocky Mount, and to the municipalities in Union County.

[6] The authorized penalty is $100 in Fayetteville and Greenville.

[7] A municipality is required to establish a nonjudicial administrative hearing process to allow the citation and penalty to be contested.

ıren Cochrane-Brown
Director

Legislative Analysis Division
(919) 733-2578

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The clear proceeds of the penalty must be paid to the local school board, subject only to deductions for the costs of producing and mailing citation notices to the vehicle owners, and those costs cannot exceed 10% of the civil penalty assessed. A municipality may assess a collection assistance fee, not to exceed 20% of the civil penalty assessed, if the civil penalty has not been paid within 30 days after a second notice.

BILL ANALYSIS:

Section 1 & Section 2 of House Bill 105 would amend the existing local authority for the Town of Spring Lake to use a red light camera system and to include the changes made by S.L. 2007-341. It would authorize the Town of Hope Mills to use a red light camera system, consistent with the law as amended by S.L. 2007-341. In addition to the general authority granted to these two towns under G.S. 160A-300.1, as amended by S.L. 2007-341, the bill would do the following[8]:

- **Section 3** would increase the authorized civil penalty for an initial citation from $75 to $100 for Spring Lake[9], and authorize Hope Mills to impose a $100 civil penalty for an initial citation. The bill would not change the $100 penalty that would normally apply upon a second notice of the violation. Thus, the civil penalty amount would not increase if it remains unpaid after 30 days.
- **Section 4** would make a clarification applicable to the City of Fayetteville, and the Towns of Hope Mills and Spring Lake that the total amount of the combined civil penalty assessed shall not exceed $100 in total.
- **Section 5** would provide that the Towns of Hope Mills and Spring Lake may enter into a contract with a contractor for the lease, lease purchase, or purchase of a traffic control photographic system. They may enter into only one contract, and the duration of the contract may be for no more than 60 months. After the period specified in the contract has expired, the system shall either be the property of the town, or the system shall be removed and returned to the contractor.
- **Section 6** would authorize the Towns of Hope Mills and Spring Lake to enter into an interlocal agreement with the Cumberland County School Board to carry out the purposes of the Act. The agreement may include provisions on sharing the cost of operating the red light camera system. The 2006 Court of Appeals decision[10] held that the deduction of the operating costs from the proceeds of the civil penalty was a violation of Article IX, Section 7 of the State Constitution, which requires the clear proceeds of a penalty be remitted to the county school board. To address that holding, the bill authorizes the school board to voluntarily agree, through an interlocal agreement, to pay all or a portion of the operating costs of the system.

EFFECTIVE DATE: Section 4 of this act applies to the City of Fayetteville and to the Towns of Hope Mills and Spring Lake. The remainder of this act applies only to the Towns of Hope Mills and Spring Lake and the Cumberland County Board of Education. Section 3 of this act becomes effective October 1, 2019, and applies to violations committed on or after that date. The remainder of this act becomes effective July 1, 2019.

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[8] The General Assembly has enacted similar legislation that incorporates these changes for the following cities: Fayetteville, S.L. 2014-84, and Greenville, S.L. 2016-64.

[9] See G.S. 160A-300.1(c)(2), Section 3 of S.L. 2007-341, and Section 3 of this act.

[10] The City of High Point filed a Petition for Discretionary Review with the North Carolina Supreme Court, but the Court denied the petition on June 28, 2007.

HOUSE BILL 105

Short Title:	Red Light Cameras/Hope Mills & Spring Lake.	(Local)
Sponsors:	Representatives Lucas, Floyd, Szoka, and Richardson (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Judiciary, if favorable, Transportation, if favorable, Rules, Calendar, and Operations of the House	

February 20, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE LAW GOVERNING RED LIGHT CAMERAS IN THE TOWNS OF HOPE MILLS AND SPRING LAKE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-300.1(d) reads as rewritten:

"(d) This section applies only to the Cities of Albemarle, Charlotte, Durham, Fayetteville, Greensboro, Greenville, High Point, Locust, Lumberton, Newton, Rocky Mount, and Wilmington, to the Towns of Chapel Hill, Cornelius, Hope Mills, Huntersville, Matthews, Nags Head, Pineville, and Spring Lake, and to the municipalities in Union County."

SECTION 2. Section 3 of S.L. 2007-341, as amended by Section 1 of S.L. 2016-64, reads as rewritten:

"**SECTION 3.** Section 1 of this act applies to the Cities of Albemarle, Charlotte, Durham, Fayetteville, Greenville, Locust, and ~~Rocky Mount~~ Rocky Mount, to the Towns of Hope Mills and Spring Lake, and to the municipalities in Union County."

SECTION 3. G.S. 160A-300.1(c)(2), as amended by Section 1 of S.L. 2007-341, reads as rewritten:

"(2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of ~~seventy-five dollars ($75.00)~~ one hundred dollars ($100.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65."

SECTION 4. G.S. 160A-300.1(c)(3), as amended by Section 1 of S.L. 2007-341, reads as rewritten:

"(3) The owner of the vehicle shall be issued a citation which shall clearly state when the penalty is due and the manner in which the violation may be challenged. The owner shall comply with the directions on the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within 30 days after the date the citation is served or mailed, the owner shall have waived the right to contest responsibility for the violation, and ~~shall be subject to a~~ the civil penalty ~~not to exceed~~ assessed pursuant to subdivision (2) of this subsection, if less than one hundred dollars ($100.00), may be increased to an amount not to exceed one hundred dollars

($100.00). The total amount of the combined civil penalty assessed pursuant to subdivisions (2) and (3) of this subsection shall not exceed one hundred dollars ($100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt."

SECTION 5. G.S. 160A-300.1(c), as amended by Section 1 of S.L. 2007-341, is amended by adding a new subdivision to read:

"(4a) A municipality enacting an ordinance implementing a traffic control photographic system may enter into a contract with a contractor for the lease, lease-purchase, or purchase of the system. The municipality may enter into only one contract for the lease, lease-purchase, or purchase of the system, and the duration of the contract may be for no more than 60 months. After the period specified in the contract has expired, the system shall either be the property of the municipality or removed and returned to the contractor."

SECTION 6. The Cumberland County Board of Education may enter into, with a town listed in this section, an interlocal agreement necessary and proper to effectuate the purpose and intent of G.S. 160A-300.1 and this act. Any agreement entered into pursuant to this section may include provisions on cost-sharing and reimbursement that the Cumberland County Board of Education and the town freely and voluntarily agree to for the purpose of effectuating the provisions of G.S. 160A-300.1 and this act. The towns authorized in this section are Hope Mills and Spring Lake.

SECTION 7. Section 4 of this act applies to the City of Fayetteville and to the Towns of Hope Mills and Spring Lake. The remainder of this act applies only to the Towns of Hope Mills and Spring Lake and the Cumberland County Board of Education.

SECTION 8. Section 3 of this act becomes effective October 1, 2019, and applies to violations committed on or after that date. The remainder of this act becomes effective July 1, 2019.

HOUSE BILL 134:
Filling Vacancy/Onslow County Board of Comm.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 27, 2019
Introduced by:	Reps. Cleveland, Dixon, Shepard	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***House Bill 134 would provide that vacancies on the Onslow County Board of Commissioners would be filled by the person recommended by the county executive committee of the political party of the vacating member, if such recommendation is made within 30 days of the vacancy. The bill would become effective when it becomes law and would apply to vacancies filled on or after that date.***

CURRENT LAW: Each county is governed by a board of commissioners elected in even-numbered years for either two or four year terms. Newly elected county commissioners take office on the first Monday in December following their election. Onslow County elects a seven member board of commissioners in at-large partisan elections for four year staggered terms.

There are two statutory processes governing filling vacancies on county boards of commissioners. Under both methods, when a vacancy on the board of commissioners occurs, the remaining members appoint a new member. If the departing member was elected as a political party nominee, the appointee must be a member of the same political party. If the county is divided into electoral districts to elect commissioners, the appointee must reside in the same district as the departing nominee.

The statutes differ on the appointment procedure if the departing member was originally elected as a nominee of a political party. G.S. 153A-27 requires that appointing authority must consult with the county executive committee of the relevant political party before filling a vacancy. And, G.S. 153A 27.1 requires the appointment of the nominee of the county executive committee of the relevant political party if the recommendation is made within 30 days after the seat becomes vacant.

BILL ANALYSIS: House Bill 134 would place Onslow County under G.S. 153A-127.1 requiring the appointment of the nominee of the county executive committee of the political party of the vacating commissioner, if such recommendation is made within 30 days of the vacancy.

EFFECTIVE DATE: The bill would become effective when the act becomes law and would apply to vacancies filled on or after that date.

BACKGROUND: G.S. 153A-127.1 applies in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Caldwell, Carteret, Cherokee, Clay, Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Harnett, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, and Yancey.

ıren Cochrane-Brown
Director

H134-SMBD-8 E1 -V-2

Legislative Analysis Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 134

Short Title:	Filling Vacancy/Onslow County Board of Comm.	(Local)
Sponsors:	Representatives Cleveland, Dixon, and Shepard (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

February 21, 2019

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT VACANCIES ON THE ONSLOW COUNTY BOARD OF COMMISSIONERS ARE FILLED IN ACCORDANCE WITH G.S. 153A-27.1.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-27.1(h) reads as rewritten:

"(h) This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Caldwell, Carteret, Cherokee, Clay, Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Harnett, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore, Onslow, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, and Yancey."

SECTION 2. This act applies to Onslow County only.

SECTION 3. This act is effective when it becomes law and applies to vacancies filled on or after that date.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Government

DATE: 2-27-19 Room: 544 LOB

House Sgt-At Arms:

1. Name: Reggie Sills
2. Name: Marvin Lee
3. Name: Warren Hawkins
4. Name: John Gilbert
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Wednesday, February 27, 2019
Session: 3:00 PM

Committee	Room	Time	Staff	Comments	Member
State and Local Government I	544	10:00 AM	Zephoniya Bond		Speaker Tim Moore
			Alicia Fleming		Speaker Tim Moore
			Donte' January		Speaker Tim Moore
			Tomas Puebla		Speaker Tim Moore

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 2-27-19

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
April Neumann	mwc
Chandler Sowell	SA
Claudia Shoemaker	Gov. Office
Steve Woodson	NCFB
Courtney Crowder	Cumberland County Gov
Susan Ma	Duke Energy
Jacqueline Scott	Rep. Floyd's office

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 2-27-19

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rhaegan Jackson	FPA
[illegible]	MWC
Erin Wynia	NCLM
Justin Delaney	NCDOT
Sarah Collins	NCLM
Hugh Johnson	NCACC
Reshe Fortson	SEANC
Deans Eatman	NCDOT

House Committee on State and Local Government
Wednesday, March 6, 2019 at 10:00 AM
Room 1228 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on March 6, 2019 in Room 1228 of the Legislative Building. Representatives Warren and Corbin, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Batch, Boles, Carter, Dobson,.Fisher, Graham, Jarvis, Logan, McElraft, Quick, Ross, Sasser, Setzer, von Haefen and Willingham attended.

Representative Harry Warren, Chair, called the meeting to order and introduced the Pages and Sergeant-at-Arms who assisted with the committee. Copies of the attendance and visitor registration forms are included with these minutes.

The following bills were considered:

HB 39 – Adopt the Osprey as State Raptor. (Representatives McElraft and Iler)
Chairman Warren recognized Rep. Pat McElraft to explain the bill. The Chairman opened the floor for discussion and questions. Rep. Speciale asked a question. Rep. Ross was recognized and moved that HB 39 receive a Favorable Report with a serial referral to Wildlife. The Chairman opened the floor for a vote and the motion passed.

HB 85 - Emissions/Onslow County. (Representatives Shepard, Cleveland, Torbett, and B. Turner)
Chairman Warren recognized Rep. Phil Shepard to explain the bill. A handout was dispersed to each member before the meeting. The Chairman opened the floor for discussion and questions. Rep. Boles asked a question and Howard Marsilio was recognized to respond. Rep. McElraft was recognized and moved that the PCS for HB 85 receive a Favorable Report, Unfavorable as to the original bill, with a serial referral to the Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 104 - Litter Definition Clarification. (Representative Torbett)
Chairman Warren recognized Rep. Torbett to explain the bill. The Chairman opened the floor for discussion and questions. Reps. McElraft, Batch, and Ager asked questions. Rep. Setzer was recognized and moved that the PCS for HB 104 receive a Favorable Report, Unfavorable as to the original bill, with a serial referral to Transportation. The Chairman opened the floor for a vote and the motion passed.

HB 115 - Even-Yr. Elections/Town of Biltmore Forest. (Representative Brian Turner)
Chairman Warren recognized Rep. Brian Turner to explain the bill. The Chairman opened the floor for discussion and questions and Rep. Ager made a comment. Rep. Setzer was recognized and moved that HB 115 receive a Favorable Report with a serial referral to Elections and Ethics. The Chairman opened the floor for a vote and the motion passed.

HB 129 - Powell Bill/Use For Parks. (Representatives Conrad, Lambeth, and Meyer)
Chairman Warren recognized Rep. Conrad to explain the bill. A handout was dispersed to each member before the meeting. The Chairman opened the floor for discussion and questions. Rep. Meyer made a comment and Reps. Fisher, Ross, and Jarvis asked questions. Rep. Corbin was recognized and moved that HB 129 receive a Favorable Report with a serial referral to Transportation. The Chairman opened the floor for a vote and the motion passed.

HB 171 – China Grove Satellite Annexations. (Representatives Warren, Pittman, and Howard)
Chairman Warren recognized Rep. Larry Pittman to explain the bill. The Chairman opened the floor for discussion and questions. Reps. Boles and Speciale asked questions. Rep. Setzer was recognized and moved that HB 171 receive a Favorable Report with a serial referral to Finance. The Chairman opened the floor for a vote and the motion passed.

SB 4 – Extend Terms of 2 Members/Coastal Carolina CC. (Senator Brown)
Chairman Warren recognized Rep. Phil Shepard to explain the bill. The Chairman opened the floor for discussion and questions. Rep. Speciale asked a question. Rep. McElraft was recognized and moved that SB 4 receive a Favorable Report with a serial referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

SB 12 - Alexander County/Sheriff Vacancies. (Senator Wells)
Chairman Warren recognized Senator Wells to explain the bill. The Chairman opened the floor for discussion and questions. Reps. Nicholas Giddings of Legislative Analysis was recognized to comment on the bill. Reps. Blackwell, Batch, and Autry asked questions. Rep. Speciale was recognized and moved that the PCS for SB 12 receive a Favorable Report, Unfavorable as to the original bill, with a serial referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

The meeting adjourned at 10:50 a.m.

Representative Harry Warren, Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB39, Summary, and Committee Report
4. HB85, PCS, Summary, and Committee Report
5. HB104, PCS, Summary, and Committee Report
6. HB115, Summary, and Committee Report
7. HB129, Summary, and Committee Report
8. HB171, Summary
9. SB4, Summary
10. SB12, PCS, Summary,
11. Sergeant-at-Arms
12. Pages
13. Visitor Registration Forms

Updated #1: Room change, remove HB55 and add SB12

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, March 6, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 39	Adopt the Osprey as State Raptor.	Representative McElraft Representative Iler
HB 85	Emissions/Onslow County.	Representative Shepard Representative Cleveland
HB 104	Litter Definition Clarification.	Representative Torbett
HB 115	Even-Yr. Elections/Town of Biltmore Forest.	Representative B. Turner
HB 129	Powell Bill/Use For Parks.	Representative Conrad Representative Lambeth Representative Meyer
HB 171	China Grove Satellite Annexations.	Representative Warren Representative Pittman Representative Howard
SB 4	Extend Terms of 2 Members/Coastal Carolina CC.	Senator Brown
SB 12	Alexander County/Sheriff Vacancies.	Senator Wells

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:46 PM on Monday, March 04, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, March 6, 2019
TIME: **10:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 39	Adopt the Osprey as State Raptor.	Representative McElraft Representative Iler
HB 55	Alexander County/Sheriff Vacancies.	Representative Elmore
HB 85	Emissions/Onslow County.	Representative Shepard Representative Cleveland
HB 104	Litter Definition Clarification.	Representative Torbett
HB 115	Even-Yr. Elections/Town of Biltmore Forest.	Representative B. Turner
HB 129	Powell Bill/Use For Parks.	Representative Conrad Representative Lambeth Representative Meyer
HB 171	China Grove Satellite Annexations.	Representative Warren Representative Pittman Representative Howard
SB 4	Extend Terms of 2 Members/Coastal Carolina CC.	Senator Brown

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:31 PM on Monday, March 04, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, March 6, 2019, 10:00 AM
1228 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 39	Adopt the Osprey as State Raptor.	Representative McElraft Representative Iler
HB 85	Emissions/Onslow County.	Representative Shepard Representative Cleveland
HB 104	Litter Definition Clarification.	Representative Torbett
HB 115	Even-Yr. Elections/Town of Biltmore Forest.	Representative B. Turner
HB 129	Powell Bill/Use For Parks.	Representative Conrad Representative Lambeth Representative Meyer
HB 171	China Grove Satellite Annexations.	Representative Warren Representative Pittman Representative Howard
SB 4	Extend Terms of 2 Members/Coastal Carolina CC.	Senator Brown
SB 12	Alexander County/Sheriff Vacancies.	Senator Wells

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **39** Adopt the Osprey as State Raptor.

Draft Number:	None
Serial Referral:	**WILDLIFE RESOURCES**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McElraft

HB **115** Even-Yr. Elections/Town of Biltmore Forest.

Draft Number:	None
Serial Referral:	**ELECTIONS AND ETHICS LAW**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	B. Turner

HB **129** Powell Bill/Use For Parks.

Draft Number:	None
Serial Referral:	**TRANSPORTATION**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Conrad

HB **171** China Grove Satellite Annexations.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Pittman

SB **4** Extend Terms of 2 Members/Coastal Carolina CC.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Shepard

TOTAL REPORTED: 5



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **85** Emissions/Onslow County.

Draft Number:	H85-PCS30130-BG-5
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Shepard

HB **104** Litter Definition Clarification.

Draft Number:	H104-PCS30129-BG-4
Serial Referral:	**TRANSPORTATION**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Torbett

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

SB **12** Alexander County/Sheriff Vacancies.

Draft Number:	S12-PCS35077-LU-1
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Blackwell

TOTAL REPORTED: 3



HOUSE BILL 39:
Adopt the Osprey as State Raptor.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Wildlife Resources. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 20, 2019
Introduced by:	Reps. McElraft, Iler	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 39 would adopt the osprey as the official raptor of the State of North Carolina.

CURRENT LAW: State symbols and other official adoptions of the State are found in Chapter 145 of the General Statutes. Currently, North Carolina does not have an official raptor.

BILL ANALYSIS: This act would amend Chapter 145 of the General Statutes by adding a new section to establish the osprey as the official raptor of the State of North Carolina.

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

aren Cochrane-Brown
Director

Legislative Analysis
Division
(919) 733-2578

H39-SMBA-4 E1 -V-2

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 39

Short Title:	Adopt the Osprey as State Raptor.	(Public)
Sponsors:	Representatives McElraft and Iler (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Wildlife Resources, if favorable, Rules, Calendar, and Operations of the House	

February 11, 2019

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE OSPREY AS THE OFFICIAL RAPTOR OF THE STATE OF NORTH CAROLINA.

Whereas, ospreys are raptors that are plentiful in North Carolina, inhabiting estuaries, lakes, rivers, and marshes throughout the Coastal Plain, but can often be seen as well nesting near lakes and rivers in other parts of the State; and

Whereas, ospreys are majestic birds that stand 21 to 26 inches tall, weigh up to four pounds and have wingspans that measure up to about six feet; and

Whereas, ospreys have plumage that is generally dark on the back and wings, while the under plumage is mostly white; and

Whereas, ospreys have distinctive white coloring on the top of their head and a dark stripe that runs through each eye to the nape; and

Whereas, ospreys can be recognized during flight by the crooked or M-shape of their wings; and

Whereas, ospreys are diurnal birds of prey that hunt during daylight hours when they use their keen eyesight to focus on locating fish just below the surface of the water; and

Whereas, ospreys are unique among North American raptors, feeding almost exclusively on live fish with a diet that includes about 80 different species of saltwater and freshwater fish; and

Whereas, ospreys are the only raptors that plunge into water feet first and can dive 30 miles per hour or greater to grasp fish with their specially equipped talons; and

Whereas, ospreys have earned the reputation as "Fishermen of the Seas"; and

Whereas, ospreys are one of the most easily observed birds of prey, because they use brush, driftwood, sticks, twigs, and other debris to build large, bulky nests in dead trees along waterways or in man-made structures over open water, such as channel markers; and

Whereas, ospreys typically reach sexual maturity in their third year and are monogamous, with pairs returning to the same nest year after year, usually in early March for breeding season; and

Whereas, the female usually lays two to five eggs, for which the incubation period is 34 to 40 days, and after the chicks hatch, they remain in the nest for 48 to 59 days to fledge, becoming independent of their parents four to eight weeks later but prior to the start of fall migration; and

Whereas, although female ospreys are somewhat larger than males, each partner has an average life expectancy that exceeds 10 years; and

Whereas, because of their sensitivity to contaminants in the environment and the ease with which they can be observed and monitored, ospreys can serve as an excellent indicator of the health of the environment; and

Whereas, the U.S. osprey population has been increasing steadily since 1960 when it was at an all-time low, which was attributed to the peak of the use of harmful pesticides, which were leeching into U.S. waterways; and

Whereas, the resiliency of the osprey reflects the spirit of the "Tar Heel nature" of the people of the State of North Carolina; and

Whereas, North Carolina does not have an official State raptor; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-52. State raptor.**

The osprey (*Pandion haliaetus carolinensis*) is adopted as the official raptor of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 85
PROPOSED COMMITTEE SUBSTITUTE H85-CSBG-5 [v.1]
02/28/2019 03:27:55 PM

Short Title: Emissions/Onslow County. (Local)

Sponsors:

Referred to:

February 14, 2019

A BILL TO BE ENTITLED

AN ACT TO REMOVE ONSLOW COUNTY FROM THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.107A(c) reads as rewritten:

"(c) Counties Covered. – Motor vehicle emissions inspections shall be performed in the following counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, ~~Onslow,~~ Randolph, Rockingham, Rowan, Union, and Wake."

SECTION 2. No later than September 30, 2019, the Department of Environmental Quality shall prepare and submit to the United States Environmental Protection Agency for approval by that agency a proposed North Carolina State Implementation Plan amendment based on the change to the motor vehicle emissions testing program provided in this act.

SECTION 3. Section 1 of this act becomes effective on the later of the following dates and applies to motor vehicles inspected, or due to be inspected, on or after that effective date:

(1) October 1, 2019.

(2) The first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the United States Environmental Protection Agency has approved an amendment to the North Carolina State Implementation Plan submitted as required by Section 2 of this act. The Secretary shall provide this notice along with the effective date of this act on its Web site and by written or electronic notice to emissions inspection mechanic license holders, emissions inspection station licensees, and self-inspector licensees in the county where motor vehicle emissions inspection requirements are removed by this act.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.



HOUSE BILL 85:
Emissions/Onslow County.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 6, 2019
Introduced by:	Reps. Shepard, Cleveland	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	PCS to First Edition H85-CSBG-5		

OVERVIEW: House Bill 85 would remove Onslow County from the group of counties which are required to conduct emissions inspections.

The Proposed Committee Substitute (PCS) would direct the Department of Environmental Quality to prepare and submit to the United States Environmental Protection Agency for approval by that agency a proposed North Carolina State Implementation Plan amendment based on the change to the motor vehicle emissions testing program with the proposed removal of Onslow County.

CURRENT LAW: Currently, pursuant to G.S. 143-215.107A, motor vehicle emissions inspections shall be performed in the following counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union, and Wake.

BILL ANALYSIS: The bill would remove Onslow County from the group of counties required to perform emissions inspections.

The PCS would direct the Department of Environmental Quality to prepare and submit to the United States Environmental Protection Agency for approval by that agency a proposed North Carolina State Implementation Plan amendment based on the change to the motor vehicle emissions testing program with the proposed removal of Onslow County, and adds an effective date contingency (see effective date below).

EFFECTIVE DATE: Section 1 of this act becomes effective on the later of the following dates and applies to motor vehicles inspected, or due to be inspected, on or after that effective date:

(1) October 1, 2019.

(2) The first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the United States Environmental Protection Agency has approved an amendment to the North Carolina State Implementation Plan submitted as required by Section 2 of this act. The Secretary shall provide this notice along with the effective date of this act on its Web site and by written or electronic notice to emissions inspection mechanic license holders, emissions inspection station licensees, and self-inspector licensees in the county where motor vehicle emissions inspection requirements are removed by this act.

The remainder of this act would become effective when it becomes law.

aren Cochrane-Brown
Director

H85-SMBG-22 CSBG-5 -V-4

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

BACKGROUND: Prior to December 1, 2018, the following counties were required to perform emissions inspections: Alamance, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Catawba, Chatham, Cleveland, Craven, Cumberland, Davidson, Durham, Edgecombe, Forsyth, Franklin, Gaston, Granville, Guilford, Harnett, Haywood, Henderson, Iredell, Johnston, Lee, Lenoir, Lincoln, Mecklenburg, Moore, Nash, New Hanover, Onslow, Orange, Pitt, Randolph, Robeson, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Union, Wake, Wayne, Wilkes and Wilson.

In 2013, the General Assembly directed the Department of Environment and Natural Resources to conduct a study to examine whether all of the counties covered under the emissions testing and maintenance program pursuant to G.S. 143-215.107A were needed to meet and maintain the current and proposed federal ozone standards in North Carolina. The final report was completed in 2016, and recommended elimination of 31 counties from the program. Subsequently, Section 3.5 of S.L. 2017-10 directed the Department of Environmental Quality to submit an amendment to North Carolina's State Implementation Plan to the USEPA for approval, based on the change to the motor vehicle emissions program with the proposed removal of 26 of the 31 recommended counties, which did not include Franklin, Lee, New Hanover, Onslow, and Rockingham.

The current list of counties required to conduct vehicles emissions testing became effective December 1, 2018.

HOUSE BILL 85

Short Title:	Emissions/Onslow County.	(Local)
Sponsors:	Representatives Shepard and Cleveland (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

February 14, 2019

A BILL TO BE ENTITLED

AN ACT TO REMOVE ONSLOW COUNTY FROM THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.107A(c) reads as rewritten:

"(c) Counties Covered. – Motor vehicle emissions inspections shall be performed in the following counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, ~~Onslow,~~ Randolph, Rockingham, Rowan, Union, and Wake."

SECTION 2. This act is effective when it becomes law.

IV. Final Recommendations Using the emissions modeling results and observed ambient air quality monitoring data relative to the EPA's revised ozone standard of 70 ppb as the criteria, the DEQ is recommending the following: A. Recommendation 1 • Eliminate the following 31 counties from vehicle emissions inspections requirements, effective January 1, 2017: Brunswick, Burke, Caldwell, Carteret, Catawba, Chatham, Cleveland, Craven, Edgecombe, Franklin, Granville, Harnett, Haywood, Henderson, Lee, Lenoir, Moore, Nash, New Hanover, Onslow, Orange, Pitt, Robeson, Rockingham, Rutherford, Stanly, Stokes, Surry, Wayne, Wilkes, and Wilson. • Retain the vehicle emissions inspection program in the following 17 counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Gaston, Guilford, Iredell, Johnston, Lincoln, Mecklenburg, Randolph, Rowan, Union, and Wake. B. Recommendation 2 The DEQ recommends retaining the vehicle emissions inspection program in 17 counties, and optimizing the efficiency of the program by implementing the following, effective January 1, 2019 (to allow time for the EPA to revoke the 2008 ozone standard): • Change the vehicle emissions inspection frequency from annual to biennial; and • Decrease the range of vehicle model years covered under the current program (i.e., 1996 through the current year) to the "latest 20 model years." This change allows for coverage of the latest 20 vehicle model years such that vehicles that are more than 20 years old would transition out of the program. For example, under the current program 1996 and newer model year vehicles would always be subject to emissions inspections; however, under a rolling 20-year program 1996 model year vehicles would be exempt from the program beginning January 2017. C Recommendation 3 For the 17 counties remaining in the vehicle emissions inspection program, the DAQ and DMV recommend to continue the evaluation of the effectiveness of random survey inspections. This recommendation is based on current review of potential opportunities to optimize program efficiencies using remote survey inspections (remote sensing and remote On-Board Diagnostic II (OBD)) for this report. The two agencies conclude that remote sensing inspections are mostly used by states that continue to use the tail pipe test and would not improve the efficiency of North Carolina's emissions inspection program. The DEQ and DMV conclude that remote OBD inspections are a new, emerging technology that should continue to be evaluated as the technology matures. While no state has fully implemented a remote OBD testing program, Oregon is starting a voluntary remote OBD testing program in early 2016. However, either method of remote testing would still require a safety/tamper inspection with North Carolina's 34 current program and would not improve the efficiency of the program if vehicle

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 104
PROPOSED COMMITTEE SUBSTITUTE H104-CSBG-4 [v.1]

02/27/2019 02:49:26 PM

Short Title: Litter Definition Clarification. (Public)

Sponsors:

Referred to:

February 20, 2019

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE TERM "LITTER" INCLUDES YARD WASTE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-399 reads as rewritten:

"**§ 14-399. Littering.**

...

(a2) Subsection (a1) of this section does not apply to the accidental blowing, scattering, or spilling of an insignificant amount of municipal solid waste, as defined in G.S. 130A-290(18a), or yard waste during the automated loading or unloading of a vehicle designed and constructed to transport municipal solid waste or yard waste if the vehicle is operated in a reasonable manner and according to manufacturer specifications.

(a3) Subsections (a) and (a1) of this section do not apply to the placement of yard waste on or near a curbside in accordance with the applicable local ordinance for collection by a yard waste collection service. For purposes of this section, the term "yard waste" includes grass clippings, leaves, shrubbery trimmings, and any other plant material resulting from lawn maintenance and other horticultural gardening and landscaping activities.

...

(c1) Any person who violates subsection (a1) of this section in an amount not exceeding 15 pounds is guilty of an infraction punishable by a fine of not more than one hundred dollars ($100.00). In addition, the court may require the violator to perform community service of not less than four hours nor more than 12 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. Any second or subsequent violation of subsection (a1) of this section in an amount not exceeding 15 pounds within three years after the date of a prior violation is an infraction punishable by a fine of not more than two hundred dollars ($200.00). In addition, the court may require the violator to perform community service of not less than eight hours nor more than 24 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. ~~For purposes of this subsection, the term "litter" shall not include nontoxic and biodegradable agricultural or garden products or supplies, including mulch, tree bark, and wood chips.~~

...

(i) For the purpose of the section, unless the context requires otherwise:

...

(4) "Litter" means any garbage, rubbish, trash, refuse, yard waste, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood,

motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. While being used for or distributed in accordance with their intended uses, "litter" does not include political pamphlets, handbills, religious tracts, newspapers, and other similar printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of North Carolina.

...."

SECTION 2. This act becomes effective December 1, 2019, and applies to offenses committed on or after that date.

HOUSE BILL 104:
Litter Definition Clarification.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Transportation. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 6, 2019
Introduced by:	Rep. Torbett	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	PCS to First Edition H104-CSBG-4		

OVERVIEW: House Bill 104 would clarify the definition of "litter", and would make further modifications to the law related to the criminal offense of littering.

The PCS clarifies the municipal solid waste collection exception.

[As introduced, this bill was identical to S81, as introduced by Sen. T. Alexander, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: G.S. 14-399 sets forth a range of offense classifications and punishment, depending on the amount and type of litter, for the purposes of the criminal offenses of littering. G.S. 14-399(i)(4) currently defines "litter"[1] for the purposes of this section, and lists categories of items which would be, and would not be, considered litter under the definition.

G.S. 14-399(a) prohibits the intentional or reckless blowing, scattering, spilling, throwing or placing or otherwise disposing of any litter upon any public property or private property. G.S. 14-399(a1) prohibits negligently blowing, scattering, spilling, throwing or placing or otherwise disposing of any litter upon any public property or private property. These prohibitions do not apply to insignificant amounts of municipal solid waste resulting from the automated loading of a vehicle designed for municipal solid waste transportation when operated reasonably.

Current law presumes an operator of a vehicle or water craft to have committed the offense when the litter is blown, scattered, spilled, thrown or placed from the vehicle or watercraft, but the presumption does not apply to vehicles transporting nontoxic and biodegradable agricultural or garden products or supplies, including mulch, tree bark, wood chips, and raw logs.

BILL ANALYSIS: This bill would add the term "yard waste" as part of the definition of litter, and further defines the phrase "yard waste" to include "grass clippings, leaves, shrubbery trimmings, and any other

[1] "Litter" means any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. While being used for or distributed in accordance with their intended uses, "litter" does not include political pamphlets, handbills, religious tracts, newspapers, and other similar printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of North Carolina.

plant material resulting from lawn maintenance and other horticultural gardening and landscaping activities."

The PCS clarifies that the prohibition under subsection (a1) would not apply to small amounts of yard waste resulting from the loading and unloading of collection vehicles.

The prohibitions under subsection (a) and (a1) do not apply to the placement of yard waste on or near a curbside in accordance with an applicable local ordinance for collection by a yard waste collection service.

The bill would also remove an exception for "nontoxic and biodegradable agricultural or garden products or supplies, including mulch, tree bark, and wood chips" for the purposes of subsection (a1).

EFFECTIVE DATE: This act would become effective December 1, 2019 and would apply to offenses committed on or after that date.

HOUSE BILL 104

Short Title:	Litter Definition Clarification.	(Public)
Sponsors:	Representative Torbett. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Transportation, if favorable, Rules, Calendar, and Operations of the House	

February 20, 2019

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE TERM "LITTER" INCLUDES YARD WASTE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-399 reads as rewritten:

"**§ 14-399. Littering.**

...

(a3) Subsections (a) and (a1) of this section do not apply to the placement of yard waste on or near a curbside in accordance with the applicable local ordinance for collection by a yard waste collection service. For purposes of this section, the term "yard waste" includes grass clippings, leaves, shrubbery trimmings, and any other plant material resulting from lawn maintenance and other horticultural gardening and landscaping activities.

...

(c1) Any person who violates subsection (a1) of this section in an amount not exceeding 15 pounds is guilty of an infraction punishable by a fine of not more than one hundred dollars ($100.00). In addition, the court may require the violator to perform community service of not less than four hours nor more than 12 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. Any second or subsequent violation of subsection (a1) of this section in an amount not exceeding 15 pounds within three years after the date of a prior violation is an infraction punishable by a fine of not more than two hundred dollars ($200.00). In addition, the court may require the violator to perform community service of not less than eight hours nor more than 24 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. ~~For purposes of this subsection, the term "litter" shall not include nontoxic and biodegradable agricultural or garden products or supplies, including mulch, tree bark, and wood chips.~~

...

(i) For the purpose of the section, unless the context requires otherwise:

...

(4) "Litter" means any garbage, rubbish, trash, refuse, yard waste, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in

any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. While being used for or distributed in accordance with their intended uses, "litter" does not include political pamphlets, handbills, religious tracts, newspapers, and other similar printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of North Carolina.

...."

SECTION 2. This act becomes effective December 1, 2019, and applies to offenses committed on or after that date.

HOUSE BILL 115:
Even-Yr. Elections/Town of Biltmore Forest.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Elections and Ethics Law. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 6, 2019
Introduced by:	Rep. B. Turner	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 115 would change the regular municipal election cycle from odd-numbered years to even-numbered years for the Town of Biltmore Forest, extend the terms of the current mayor and commissioners by one year to implement the new election schedule, and change the date of the next municipal election in the town to 2020.

CURRENT LAW: Generally, municipal elections are held in odd-numbered years (G.S. 163A-1585). In the Town of Biltmore Forest, officers consist of a mayor and three commissioners serving four-year non-staggered terms. Elections are conducted on a nonpartisan basis and the results are determined using the plurality method in G.S. 163A-1616. Nonpartisan elections determined by a plurality are held on the Tuesday after the first Monday in November (G.S. 163A-1585). Terms of the current town officers expire in 2019.

BILL ANALYSIS: House Bill 115 would amend the Charter of the Town of Biltmore Forest to require regular municipal elections to be held in even-numbered years. To implement this change, municipal elections would not be conducted in 2019 and the terms of the current mayor and commissioners would be extended by one year to 2020 when the next municipal election would be held.

EFFECTIVE DATE: The act is effective when the bill becomes law and applies to elections held on or after that date.

ɹren Cochrane-Brown
Director

H115-SMBD-9-E1-V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 115

Short Title:	Even-Yr. Elections/Town of Biltmore Forest.	(Local)
Sponsors:	Representative B. Turner. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Elections and Ethics Law, if favorable, Rules, Calendar, and Operations of the House	

February 21, 2019

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF BILTMORE FOREST SHALL BE HELD IN EVEN-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 3 of the Charter of the Town of Biltmore Forest, being Chapter 32 of the Session Laws of 1923, as amended by Town Ordinance adopted on June 21, 2011, reads as rewritten:

"Sec. 3. ~~The following named persons shall fill the offices of mayor and commissioners from their qualifications until an election to be held on the first Monday in May, nineteen hundred and twenty-three, and until their successors are elected and qualified, to wit: Junius G. Adams, mayor, and Charles E. Waddell, Edward M. Jones, and Lloyd M. Jarrett, commissioners~~The officers of the Town of Biltmore Forest shall consist of a mayor and three commissioners who shall serve four-year terms. In 2020, and quadrennially thereafter, the mayor and three commissioners shall each be elected for four-year terms."

SECTION 1.(b) Section 7 of the Charter of the Town of Biltmore Forest, being Chapter 32 of the Session Laws of 1923, as amended by Town Ordinance adopted on June 21, 2011, reads as rewritten:

"Sec. 7. ~~That~~ In 2020, and quadrennially thereafter, an election shall be held in ~~said town on the first Monday in May, nineteen hundred and twenty-three, and quadrennially thereafter~~ the Town on Tuesday after the first Monday in November in each even-numbered year for the purpose of electing a mayor and three ~~commissioners, which said~~ commissioners. The election shall be held under the laws of North Carolina regulating elections in cities and towns."

SECTION 2. No regular municipal elections shall be conducted in the Town of Biltmore Forest in 2019. The mayor and three commissioners whose terms expire in 2019 are extended until 2020. Regular municipal elections shall be conducted in the Town of Biltmore Forest in 2020.

SECTION 3. This act is effective when it becomes law and applies to elections held on or after that date.

HOUSE BILL 129:
Powell Bill/Use For Parks.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Transportation. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 6, 2019
Introduced by:	Reps. Conrad, Lambeth, Meyer	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 129 would permit cities and towns with a population of 3,000 or less and with no more than one mile of public streets to use Powell Bill funds for the planning, construction, and maintenance of parks.

CURRENT LAW: Powell Bill funds are those funds allocated by the General Assembly to the Department of Transportation (DOT) to be used by eligible cities and towns within their corporate limits. Seventy-five percent (75%) of the funds are allocated on a per capita basis based on population and twenty-five percent (25%) are allocated based on the proportional mileage of public (non-State) streets. The funds are to be used primarily for the resurfacing of streets but may also be used to:

- Maintain, repair, construct, reconstruct or widen any street or public thoroughfare including bridges, drainage, curb and gutter.
- To meet the municipality's proportionate share of assessments levied.
- To plan, construct and maintain bikeways, greenways, or sidewalks.

BILL ANALYSIS: House Bill 129 would authorize use of Powell Bill funds for the planning, construction, and maintenance of parks in cities and towns that have both:

- A population of 3,000 or less.
- No more than one mile of public streets.

EFFECTIVE DATE: The act is effective when the bill becomes law and would apply to funds received before, on, or after that date.

ıren Cochrane-Brown
Director

H129-SMBD-11 E1 -V-5

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 129

Short Title:	Powell Bill/Use For Parks.	(Public)
Sponsors:	Representatives Conrad, Lambeth, and Meyer (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Transportation, if favorable, Rules, Calendar, and Operations of the House	

February 21, 2019

A BILL TO BE ENTITLED

AN ACT TO PERMIT CITIES AND TOWNS WITH A POPULATION OF 3,000 OR LESS AND NO MORE THAN ONE MILE OF PUBLIC STREETS TO USE POWELL BILL FUNDS FOR THE PLANNING, CONSTRUCTION, AND MAINTENANCE OF PARKS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-41.3(a) reads as rewritten:

"(a) Uses of Funds. – Except as otherwise provided in this subsection, the funds allocated to cities and towns under the provisions of G.S. 136-41.2 shall be expended by said cities and towns primarily for the resurfacing of streets within the corporate limits of the municipality but may also be used for the purposes of maintaining, repairing, constructing, reconstructing or widening of any street or public thoroughfare including bridges, drainage, curb and gutter, and other necessary appurtenances within the corporate limits of the municipality or for meeting the municipality's proportionate share of assessments levied for such purposes, or for the planning, construction and maintenance of bikeways, greenways, or sidewalks. For cities and towns that have a population of 3,000 or less and no more than 1 mile of public streets, the funds allocated under the provisions of G.S. 136-41.2 may be expended for the planning, construction, and maintenance of parks. The funds allocated to cities and towns under the provisions of G.S. 136-41.2 shall not be expended for the construction of a sidewalk into which is built a mailbox, utility pole, fire hydrant, or other similar obstruction that would impede the clear passage of pedestrians on the sidewalk."

SECTION 2. This act is effective when it becomes law and applies to funds received before, on, or after that date.

Powell Bill Data

Less than 3,000 residents
Less than 1 miles of roads

Municipality	County	Population	Roads	Powell Bill Funds
Bear Grass	Martin	73	.69	$2,500
Bethania	Forsyth	326	.39	$7,000
Boardman	Columbus	152	.5	$3,700
Caswell Beach	Brunswick	452	.14	$4,500
Colerain	Bertie	189	.37	$4,200
Dillsboro	Jackson	235	.92	$6,000
Earl	Cleveland	269	.92	$6,700
Falkland	Pitt	97	.05	$2,000
Godwin	Cumberland	136	.95	$4,200
Harrelsville	Hertford	102	.55	$2,900
Kingstown	Cleveland	674	.94	$14,700
Lasker	Northampton	120	.94	$3,900
Misenheimer	Stanley	692	.15	$13,800
Raynham	Robeson	94	.57	$2,800
Red Cross	Stanly	769	.17	$15,000
Tobaccoville	**Forsyth**	**2,538**	**.61**	**$50,600**
Watha	Pender	224	.43	$5,100
Yanceyville	**Caswell**	**2,029**	**.06**	**$40,000**

HOUSE BILL 171:
China Grove Satellite Annexations.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 6, 2019
Introduced by:	Reps. Warren, Pittman, Howard	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 171 would exempt the Town of China Grove from the 10% area cap on voluntary satellite annexations.

CURRENT LAW: G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property, also known as voluntary satellite annexation.

If all property owners in a satellite area petition a municipality for voluntary annexation of the noncontiguous property, the municipality may annex the property, if the following 5 requirements are met:

1. The nearest point on the proposed satellite corporate limits must be not more than 3 miles from the primary corporate limits of the annexing city.
2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
5. *The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed 10% of the area within the primary corporate limits of the annexing city.*

BILL ANALYSIS: Senate Bill 80 would add the Town of China Grove to the group of municipalities exempted from the 10% area cap on voluntary satellite annexation.

EFFECTIVE DATE: Senate Bill 80 would be effective when it becomes law.

BACKGROUND: On November 6, 2018, the China Grove Town Council passed a unanimous resolution requesting that the Town be exempted from the 10% area cap on voluntary satellite annexations. The General Assembly has exempted over 100 other municipalities from this requirement in G.S. 160A-58.1(b)(5).

aren Cochrane-Brown
Director

H171-SMBD-13 E1 -V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

HOUSE BILL 171*

Short Title:	China Grove Satellite Annexations.	(Local)
Sponsors:	Representatives Warren, Pittman, and Howard (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

February 26, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF CHINA GROVE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1 reads as rewritten:

"**§ 160A-58.1. Petition for annexation; standards.**

...

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

...

(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Carthage, Catawba, China Grove, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Franklin, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Ocean Isle Beach, Pembroke, Pine Level, Pollocksville, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Siler City, Smithfield, Spencer, Spring Lake, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Wilson's Mills, Windsor, Yadkinville, and Zebulon.

...."

SECTION 2. This act is effective when it becomes law.



SENATE BILL 4:
Extend Terms of 2 Members/Coastal Carolina CC.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 6, 2019
Introduced by:	Sen. Brown	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***Senate Bill 4 would extend the terms of office for two members of the Board of Trustees of Coastal Carolina Community College for one year, to now expire on June 30, 2020. The act would be effective when it becomes law.***

CURRENT LAW: G.S. 115D-12 establishes the local boards of trustees for community colleges. There are thirteen members on each board, including the president of the student body as an ex officio member. The remaining twelve members are appointed in groups of four respectively by the following entities:

- The board(s) of education of the local school administrative unit(s) located in the administrative area of the institution.
- The board(s) of commissioners of the county or counties in the administrative area of the institution.
- The Governor.

The terms of one or more trustees may be extended for one year to stagger the terms unless the terms are already staggered. Other than the president of the student body who serves ex officio, appointees serve four-year terms which begin on July 1.[1]

BILL ANALYSIS: Senate Bill 4 would extend the terms of office of the following members of the Board of Trustees of Coastal Carolina Community College:

- Mr. Donald C. Williamson, appointed by the Onslow County Board of Education, or any member appointed to fill a vacancy in that seat for the remainder of the unexpired term.
- Ms. Debbi Rouse, appointed by the Onslow County Board of Commissioners, or any member appointed to fill a vacancy in that seat for the remainder of the unexpired term.

The terms of office would expire on June 30, 2020, instead of June 30, 2019. Successors to these seats would be appointed every four years thereafter.

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

**Brad Krehely and Jessica Sammons, Staff Attorneys, substantially contributed to this summary.*

[1] G.S. 115D 13.

Karen Cochrane-Brown
Director

S4-SMBA-10 E1 -V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 1

SENATE BILL 4

Short Title:	Extend Terms of 2 Members/Coastal Carolina CC.	(Local)
Sponsors:	Senator Brown (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

January 31, 2019

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE TERMS OF OFFICE OF CERTAIN MEMBERS OF THE BOARD OF TRUSTEES OF COASTAL CAROLINA COMMUNITY COLLEGE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 115D-13, the terms of office of the following members of the Board of Trustees of Coastal Carolina Community College shall be extended for one year so that their terms expire June 30, 2020, and their successors are appointed by the appointing entity for each seat every four years thereafter:

(1) Mr. Donald C. Williamson, appointed by the Onslow County Board of Education, or any member appointed to fill a vacancy in that seat for the remainder of the unexpired term in accordance with G.S. 115D-12.

(2) Ms. Debbi Rouse, appointed by the Onslow County Board of Commissioners, or any member appointed to fill a vacancy in that seat for the remainder of the unexpired term in accordance with G.S. 115D-12.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 12
Second Edition Engrossed 2/18/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S12-CSLU-1 [v.7]
03/05/2019 01:25:35 PM

Short Title: Fill Certain Vacancies/Alexander & Burke Co. (Local)

Sponsors:

Referred to:

February 4, 2019

A BILL TO BE ENTITLED

AN ACT RELATING TO THE MANNER IN WHICH VACANCIES ARE FILLED IN THE OFFICE OF SHERIFF IN ALEXANDER COUNTY AND THE OFFICES OF SHERIFF, REGISTER OF DEEDS, AND BOARD OF COMMISSIONERS IN BURKE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162-5.1 reads as rewritten:

"**§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief deputy.**

If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a political party, the board of commissioners shall consult the county executive committee of that political party before filling the vacancy, and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled.

In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

This section shall apply only in the following counties: Alamance, ~~Alexander,~~ Alleghany, Avery, Beaufort, Brunswick, Buncombe, ~~Burke,~~ Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, Stokes, Surry, Transylvania, Wake, Washington, Wayne, and Yancey."

SECTION 2.(a) G.S. 161-5, as amended by Section 1 of Chapter 376 of the 1991 Session Laws, reads as rewritten:

"**§ 161-5. Vacancy in office.**

(a) Repealed by Session Laws 1991, c. 60, s. 1.

(a1) ~~When~~ Except as otherwise provided in subsection (a2) of this section, when a vacancy occurs from any cause in the office of register of deeds, the board of county commissioners shall fill such vacancy by the appointment of a successor for the unexpired term, who shall qualify and give bond as required by law. If the register of deeds was elected as the nominee of a political

party, the board of county commissioners shall consult the county executive committee of that political party before filling the vacancy and shall appoint the person recommended by that committee, if the party makes a recommendation within 30 days of the occurrence of the vacancy.

(a2) When a vacancy occurs from any cause in the office of register of deeds, the board of commissioners shall fill the vacancy by the appointment of a successor for the unexpired term, who shall qualify and give bond as required by law. Counties subject to this subsection are: Burke, Camden, Chowan, Pasquotank, and Perquimans.

...."

SECTION 2.(b) G.S. 153A-27.1(h) reads as rewritten:

"(h) This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, ~~Burke,~~ Caldwell, Carteret, Cherokee, Clay, Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Harnett, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, and Yancey."

SECTION 2.(c) This section applies to Burke County only.

SECTION 3. This act is effective when it becomes law.

SENATE BILL 12:
Fill Certain Vacancies/Alexander & Burke Co.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 6, 2019
Introduced by:	Sen. Wells	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	PCS to Second Edition S12-CSLU-1		

OVERVIEW: Senate Bill 12 would authorize Alexander and Burke Counties to fill a vacancy in the office of sheriff without consulting the executive committee of the vacating sheriff's political party.

The PCS would also do the following:

- ***Authorize Burke County to fill a vacancy in the office of register of deeds without consulting the executive committee of the vacating register of deeds' political party.***
- ***Authorize Burke County to fill vacancies on its Board of County Commissioners (BOC) without being bound by the recommendation of the executive committee of the vacating member's political party.***

CURRENT LAW: Sheriffs in all 100 North Carolina counties are elected in partisan elections. Vacancies are either filled under G.S. 162-5 or G.S. 162-5.1. The methods are generally the same, except that G.S. 162-5.1 requires the BOC to consult with the county executive committee of the vacating sheriff's political party and elect the person recommended by the committee as long as the recommendation is made within 30 days of the vacancy. Currently, in Alexander and Burke Counties, G.S. 162-5.1 controls.

Vacancies in the office of register of deeds are filled by the BOC, generally after consulting the county executive committee of the vacating register of deeds' political party. If the executive committee recommends a replacement within 30 days of the vacancy, the BOC must appoint the person recommended. This applies to all counties, except Camden, Chowan, Pasquotank, and Perquimans.

Vacancies on a BOC are filled under either G.S. 153A-27 or G.S. 153A-27.1. Both methods require the appointee to be of the same political party as the vacating member, if the member was elected as a political party nominee. The main difference between the two processes is that for those counties subject to G.S. 153A-27.1, the appointing authority[1] is bound by the recommendation of the county executive committee of the relevant political party if that recommendation is made within 30 days of the vacancy, whereas the appointing authority is not bound by the recommendation under G.S. 153A-27. Currently, in Burke County, G.S. 153A-27.1 controls.

BILL ANALYSIS: The PCS to Senate Bill 12 would do the following:

[1] The appointing authority is the remaining members of the BOC, unless a quorum cannot be reached. If there is no quorum, the chair of the BOC may appoint enough members until a quorum is reached. If the office of the chair is vacant, the clerk of superior court fills the vacancies upon a request of members of the BOC or a petition of the registered voters in the county.

aren Cochrane-Brown
Director

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Remove Alexander and Burke Counties from the requirements of G.S. 162-5.1 and place them under G.S. 162-5. This would authorize their respective BOC to fill a vacancy in the office of sheriff for the remainder of the term without consulting the county executive committee of the vacating sheriff's political party.
- Add Burke County to the list of counties authorized to fill a vacancy in the office of register of deeds without consulting the executive committee of the vacating register of deeds' political party.
- Remove Burke County from the requirements of G.S. 153A-27.1 and place it under G.S. 153A-27. This would authorize Burke County to fill vacancies on its BOC without being bound by the recommendation of the executive committee of the vacating member's political party.

EFFECTIVE DATE: The act is effective when it becomes law.

Billy Godwin and Shawn Middlebrooks, Staff Attorneys, substantially contributed to this summary.

SENATE BILL 12
Second Edition Engrossed 2/18/19

Short Title:	Alexander County/Sheriff Vacancies.	(Local)
Sponsors:	Senator Wells (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

February 4, 2019

A BILL TO BE ENTITLED

AN ACT RELATING TO VACANCIES IN THE OFFICE OF SHERIFF OF ALEXANDER COUNTY AND SHERIFF OF BURKE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162-5.1 reads as rewritten:

"**§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief deputy.**

If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a political party, the board of commissioners shall consult the county executive committee of that political party before filling the vacancy, and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled.

In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

This section shall apply only in the following counties: Alamance, ~~Alexander,~~ Alleghany, Avery, Beaufort, Brunswick, Buncombe, ~~Burke,~~ Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, Stokes, Surry, Transylvania, Wake, Washington, Wayne, and Yancey."

SECTION 2. This act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Government

DATE: 3/6/2019 Room: 1228/1327

House Sgt-At Arms:

1. Name: Ken Gilbert
2. Name: Rex Foster
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Tuesday, March 05, 2019
Session: 2:00 PM

Committee	Room	Time	Staff	Comments	Member
State and Local Government I	1228/1327	10:00 AM	Ramon Bernal		Speaker Tim Moore
			~~Charleen Chavez Jimenez~~ Jackson Omohundro	Lauryn Bailey	~~Rep. D. Craig Horn~~ Rep. Jamie Boles
					Rep. Pricey Harrison

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 3/6/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Flint Benson	SEANC
Tyler Ross	Intern
[illegible]	OSA
Deans Eatman	NCDOT
Sarah R Atkinson	NC DMV License + Theft
[illegible]	[illegible]
[illegible]	[illegible]
Jamie Keith	NCDMV
Chuck Church	DMV
Kathy Higgins	DP
Calley Maguire	NC Family Policy Council

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 3/6/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Demarcus Andrews	Toxic Free NC
Shriker Nunna	DEQ
Joy Hicks	DEQ
Justin Delaney	NCDOT
Hy Johnson	NCHC
Amber Harris	NCACC
Demetrius Deloatch	NCLM
Whitney Christensen	Ward & Smith
CHARLIE BOONE	CBA/ABATE OF NC
Alfie Wilkes	NCCN

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 3/6/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ken Melton	K.M.A.

House Committee on State and Local Government
Wednesday, March 13, 2019 at 10:00 AM
Room 544 of the Legislative Office Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on March 13, 2019 in Room 544 of the Legislative Office Building. Representatives Warren and Corbin, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Boles, Carter, Dobson, Fisher, Graham, Logan, McElraft, Quick, Ross, Setzer, von Haefen and Willingham attended.

Representative Kevin Corbin, Chair, called the meeting to order and introduced the Pages and Sergeant-at-Arms who assisted with the committee. Copies of the attendance and visitor registration forms are included with these minutes.

The following bills were considered:

HB 8 – In-State Tuition Pilot Program. (Representative Corbin)
Chairman Warren presided while Chairman Corbin explained his bill. Chairman Warren opened the floor for discussion and questions. There being none, Rep. Speciale was recognized and moved that HB 8 receive a Favorable Report with a serial referral to Rules, Calendar, and Operations of the House. Chairman Warren opened the floor for a vote and the motion passed.

HB 143 - Universal Identification/Biometrics Study. (Representatives Terry, Beasley, and Alexander)
Chairman Corbin recognized Rep. Terry to explain the bill. The Chairman opened the floor for discussion and questions. Three members of the Senior Tar Heel Legislature were recognized. One being Ms. Dorothy Crawford who is 100 years old. Reps. McElraft, Cleveland, Warren, Willingham, Quick, Autry, Fisher, and Speciale asked questions. Rep. Fisher was recognized and suggested that the bill be displaced. Rep. Terry agreed and HB 143 remains in State & Local Government.

HB 159 - State Search and Rescue Funding. (Representative Davis)
Chairman Corbin recognized Rep. Davis to explain the bill. The Chairman opened the floor for discussion and questions. Reps. Graham, Fisher, and Ross made comments. Rep. Graham was recognized and moved that HB 159 receive a Favorable Report with a serial referral to Appropriations, Justice and Public Safety. The Chairman opened the floor for a vote and the motion passed.

HB 169 - Loggerhead Turtle/State Saltwater Reptile. (Representatives Iler, C. Smith, and McElraft)
Chairman Corbin recognized Rep. Iler to explain the bill. The Chairman opened the floor for discussion and questions. Rep. Carson Smith, Cosponsor of the bill, was recognized to comment on the bill. Rep. Graham was recognized and moved that HB 169 receive a Favorable Report as amended and rolled into a PCS, Unfavorable as to the original bill with a serial referral to Environment. The Chairman opened the floor for a vote and the motion passed. (Amendment #1 – Warren adopted)

HB 170 - Asheboro Satellite Annexations. (Representatives McNeill and Hurley)
Chairman Corbin recognized Reps. McNeill and Hurley to explain the bill. The Chairman opened the floor for discussion and questions. Reps. Dobson and McElraft made comments. Rep. Dobson was recognized and moved that HB 170 receive a Favorable Report with a serial referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 181 – Walkertown Zoning Authorizations. (Representative Conrad)
Chairman Corbin recognized Rep. Conrad to explain the bill. The Chairman opened the floor for discussion and questions. There being none, Rep. Ross was recognized and moved that HB 181 receive a Favorable Report with a serial referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 187 – Amend Town of Elon Charter/Parking Ordinances. (Representatives Ross and Riddell)
Chairman Corbin recognized Rep. Riddell to explain the bill. The Chairman opened the floor for discussion and questions. Reps. Fisher, Quick, and Cleveland asked questions. Rep. Cleveland requested that a PCS be prepared prior to referral to Finance in order to change the section of the bill that states "that each hour a vehicle remains illegally parked in an on-street parking space is a separate offense, and the violator may be given a ticket for each offense". Rep. Boles was recognized and moved that HB 187 receive a Favorable Report with a serial referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 282 - NC Transportation Museum Funds. (Representatives Warren, Cleveland, Howard, and McElraft)
Chairman Corbin recognized Rep. Warren to explain the bill. The Chairman opened the floor for discussion and questions. Mr. Roy Johnson, President of the NC Transportation Museum Foundation was recognized to address the committee. Rep. Cleveland was recognized and moved that HB 282 receive a Favorable Report with a serial referral to Appropriations, Capital. The Chairman opened the floor for a vote and the motion passed.

HB 285 - City of Sanford/Voluntary Annexations. (Representative Sauls)
Chairman Corbin recognized Rep. Sauls to explain the bill. The Chairman opened the floor for discussion and questions. Reps. Fisher, Quick, and Autry asked questions. Rep. McElraft was recognized and moved that HB 285 receive a Favorable Report with a serial referral to Finance. The Chairman opened the floor for a vote and the motion passed.

The meeting adjourned at 11:03 a.m.

Representative Kevin Corbin, Chair
Presiding

Cindy Hobbs, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB 8, Summary, and Committee Report
4. HB 143 and Summary
5. HB 159, Summary, and Committee Report
6. HB 169, Summary, and Committee Report
7. HB 170, Summary, and Committee Report
8. HB 181, Summary, and Committee Report
9. HB 187, Summary, and Committee Report
10. HB 282, Summary, and Committee Report
11. HB 285, Summary, and Committee Report
12. Sergeant-at-Arms
13. Pages
14. Visitor Registration Forms

Updated #1: Remove HB63 and add HB285

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, March 13, 2019
TIME: **10:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 8	In-State Tuition Pilot Program.	Representative Corbin
HB 143	Universal Identification/Biometrics Study.	Representative Terry Representative Beasley Representative Alexander
HB 159	State Search and Rescue Funding.	Representative Davis
HB 169	Loggerhead Turtle/State Saltwater Reptile.	Representative Iler Representative C. Smith Representative McElraft
HB 170	Asheboro Satellite Annexations.	Representative McNeill Representative Hurley
HB 181	Walkertown Zoning Authorizations.	Representative Conrad
HB 187	Amend Town of Elon Charter/Parking Ordinances.	Representative Ross Representative Riddell
HB 282	NC Transportation Museum Funds.	Representative Warren Representative Cleveland Representative Howard Representative McElraft
HB 285	City of Sanford/Voluntary Annexations.	Representative Sauls

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:47 PM on Monday, March 11, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, March 13, 2019
TIME: **10:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 8	In-State Tuition Pilot Program.	Representative Corbin
HB 63	Protect North Carolina Workers Act.	Representative Cleveland Representative Conrad Representative D. Hall Representative Speciale
HB 143	Universal Identification/Biometrics Study.	Representative Terry Representative Beasley Representative Alexander
HB 159	State Search and Rescue Funding.	Representative Davis
HB 169	Loggerhead Turtle/State Saltwater Reptile.	Representative Iler Representative C. Smith Representative McElraft
HB 170	Asheboro Satellite Annexations.	Representative McNeill Representative Hurley
HB 181	Walkertown Zoning Authorizations.	Representative Conrad
HB 187	Amend Town of Elon Charter/Parking Ordinances.	Representative Ross Representative Riddell
HB 282	NC Transportation Museum Funds.	Representative Warren Representative Cleveland Representative Howard Representative McElraft

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:37 AM on Monday, March 11, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, March 13, 2019, 10:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 8	In-State Tuition Pilot Program.	Representative Corbin
HB 143	Universal Identification/Biometrics Study.	Representative Terry Representative Beasley Representative Alexander
HB 159	State Search and Rescue Funding.	Representative Davis
HB 169	Loggerhead Turtle/State Saltwater Reptile.	Representative Iler Representative C. Smith Representative McElraft
HB 170	Asheboro Satellite Annexations.	Representative McNeill Representative Hurley
HB 181	Walkertown Zoning Authorizations.	Representative Conrad
HB 187	Amend Town of Elon Charter/Parking Ordinances.	Representative Ross Representative Riddell
HB 282	NC Transportation Museum Funds.	Representative Warren Representative Cleveland Representative Howard Representative McElraft
HB 285	City of Sanford/Voluntary Annexations.	Representative Sauls

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **8** **(CS#1)** In-State Tuition Pilot Program.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Speciale

HB **159** State Search and Rescue Funding.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, JUSTICE AND PUBLIC SAFETY**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Davis

HB **170** Asheboro Satellite Annexations.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McNeill

HB **181** Walkertown Zoning Authorizations.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Ross

HB **187** Amend Town of Elon Charter/Parking Ordinances.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Riddell



HB **282** NC Transportation Museum Funds.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, CAPITAL**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Warren

HB **285** City of Sanford/Voluntary Annexations.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Sauls

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **169** Loggerhead Turtle/State Saltwater Reptile.

Draft Number:	H169-PCS10174-BA-3
Serial Referral:	**ENVIRONMENT**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Iler

TOTAL REPORTED: 8

HOUSE BILL 8:
In-State Tuition Pilot Program.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 13, 2019
Introduced by:	Rep. Corbin	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	Second Edition		

OVERVIEW: House Bill 8 would require the State Board of Community Colleges to create a four-year pilot program for residents of certain border counties in Georgia to receive in-State tuition at Tri-County Community College. The pilot program would expire at the end of the 2022-2023 academic year.

CURRENT LAW: G.S. 116-143.1 states that to qualify as a resident for tuition purposes, a person must have established legal residence (domicile) in North Carolina and maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident for tuition purposes.

G.S. 115D-39(a) applies the legal residence requirements of G.S. 116-143.1 to students attending community colleges. Students attending community colleges who do not live in this State may be eligible to receive the in-State tuition under certain circumstances, as outlined within G.S. 115D-39.

BILL ANALYSIS: House Bill 8 would require the State Board of Community Colleges to create an in-State tuition pilot program for residents of the following border Georgia counties: Fannin County, Rabun County, Towns County, or Union County. House Bill 8 would further require that no out-of-state student qualifying for in-State tuition as a result of this pilot program displace a North Carolina resident seeking enrollment at Tri-County Community College.

House Bill 8 would require that the State Board of Community Colleges report on the results of the pilot program annually to the Joint Legislative Education Oversight Committee and the Fiscal Research Division of the General Assembly.

The pilot program would expire at the end of the 2022-2023 academic year.

EFFECTIVE DATE: This act would become effective when it becomes law and would apply beginning with the 2019-2020 school year.

.ren Cochrane-Brown
Director

H8-SMBG-28 E2 -V-5

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 2

HOUSE BILL 8
Committee Substitute Favorable 2/26/19

Short Title: In-State Tuition Pilot Program. (Public)

Sponsors:

Referred to:

January 31, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO IMPLEMENT AN IN-STATE TUITION PILOT PROGRAM FOR RESIDENTS OF CERTAIN GEORGIA COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Pilot Program. – Notwithstanding G.S. 115D-39(a) and G.S. 116-143.1, the State Board of Community Colleges shall establish and implement an in-State tuition pilot program for certain border counties in the State of Georgia. The pilot program shall allow Tri-County Community College to offer in-State tuition to residents of the following Georgia counties:

(1) Fannin County.
(2) Rabun County.
(3) Towns County.
(4) Union County.

No out-of-state student eligible for in-State tuition due to this pilot program shall displace a North Carolina resident eligible for in-State tuition who is seeking to enroll in a program offered by Tri-County Community College.

SECTION 1.(b) Report. – By September 30, 2020, and annually thereafter, the State Board of Community Colleges shall report the results of the pilot program to the Joint Legislative Education Oversight Committee and the Fiscal Research Division of the General Assembly. This report shall include information about the number of out-of-state students who enrolled at the in-State tuition rate, the programs that these students chose, any programs unavailable to these students due to potential displacement of North Carolina residents, any indicators of increased economic development as a result of this program, and the number of out-of-state students enrolled who do not qualify for the in-State tuition rate.

SECTION 1.(c) Expiration. – The pilot program required by this section shall expire at the end of the 2022-2023 academic year.

SECTION 2. This act is effective when it becomes law and applies beginning with the 2019-2020 academic year.

HOUSE BILL 143:
Universal Identification/Biometrics Study.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Health. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 13, 2019
Introduced by:	Reps. Terry, Beasley, Alexander	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 143 would direct the Legislative Research Commission (LRC) to study the feasibility of requiring a universal identification program in all State-related transactions and whether to add biometric identification as an additional authentication method for existing State identification systems.

BILL ANALYSIS: House Bill 143 would direct the LRC to study the feasibility of requiring individuals' participation in a universal identification program to secure all State-related transactions and whether any existing State identification system, database, or network should add biometric identification. As part of the study, the bill requires the LRC to do the following:

1. Examine existing State universal identification systems to determine which systems would be suitable for adaptation and improvement.
2. Identify which State agency would be appropriate for developing, maintaining and implementing a universal identification system.
3. Determine if implementing a universal identification system would comply with higher education and medical information privacy laws.
4. Determine the financial impact of implementing a universal identification system, with and without biometric authentication.
5. Develop a projected timeline for implementation.
6. Study any other matters the LRC deems relevant to its efforts.

The LRC must report its findings and any proposed legislation to the 2020 Regular Session of the 2019 General Assembly upon its convening.

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

ɹren Cochrane-Brown
Director

H143-SMBA-16 E1 -V-3

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 143

Short Title:	Universal Identification/Biometrics Study.	(Public)
Sponsors:	Representatives Terry, Beasley, and Alexander (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Health, if favorable, Rules, Calendar, and Operations of the House	

February 25, 2019

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FEASIBILITY, IMPLEMENTATION, AND COSTS OF UNIVERSAL IDENTIFICATION TO ENSURE TRANSACTIONAL SECURITY FOR REGISTRATION, PARTICIPATION, AND EXECUTION OF STATE FUNCTIONS AND SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Legislative Research Commission (LRC) shall study the feasibility of requiring individuals' participation in a universal identification program to secure all State-related transactions.

The LRC shall study whether any existing State of North Carolina identification system, database, or network would be appropriate to add biometric identification as an additional authentication method.

As part of its study, the LRC shall do all of the following:

(1) Examine the current existing universal identification systems in the State, and determine whether current systems would be suitable for adaptation and improvement.

(2) Identify which State agency would be appropriate for the development, maintenance, and implementation of a universal identification system.

(3) Determine whether the implementation of a universal identification system would comply with higher education and medical information privacy laws.

(4) Determine the financial impacts of all stages of the implementation of a universal identification system and ongoing costs, with and without biometric authentication.

(5) Develop a projected timeline for implementation.

(6) Any other matters the LRC deems relevant to its efforts.

SECTION 1.(b) The LRC shall report its findings, together with any proposed legislation, to the 2020 Regular Session of the 2019 General Assembly upon its convening.

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 159:
State Search and Rescue Funding.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, Justice and Public Safety. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 13, 2019
Introduced by:	Rep. Davis	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 159 would appropriate $2,300,000 for the 2019-2020 fiscal year and the sum of $2,300,000 for the 2020-2021 fiscal year in recurring funds, from the General Fund, to the Division of Emergency Management of the North Carolina Department of Public Safety for the State Search and Rescue Program.

CURRENT LAW/BILL ANALYSIS: Article 6 of Chapter 166A contains the laws related to North Carolina Search and Rescue, which is a program establishing a specialized team or group of teams, organized with capabilities equivalent to search and rescue teams established under the Federal Emergency Management Agency in order to assist in the removal of trapped victims during emergencies, including, but not limited to, collapsed structures, trench excavations, elevated locations, and other technical rescue situations.

House Bill 159 would appropriate $2,300,000 for the 2019-2020 fiscal year and the sum of $2,300,000 for the 2020-2021 fiscal year in recurring funds, from the General Fund, to the Division of Emergency Management of the North Carolina Department of Public Safety for the State Search and Rescue Program.

The funds shall be used in partnership with units of local government to supplement local funds for equipment and provide other items necessary to ensure statewide search and rescue services.

Any match requirement established by the Secretary may be satisfied by the sponsoring local agency with cash payments or in-kind contributions.

EFFECTIVE DATE: This act would become effective July 1, 2019.

.ren Cochrane-Brown
Director

H159-SMBG-29 E1 -V-4

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 159

Short Title:	State Search and Rescue Funding.	(Public)
Sponsors:	Representative Davis. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, Justice and Public Safety, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

February 26, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE CONTINUATION FUNDS TO SUPPORT THE STATE SEARCH AND RESCUE PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Public Safety, Division of Emergency Management, the sum of two million three hundred thousand dollars ($2,300,000) for the 2019-2020 fiscal year and the sum of two million three hundred thousand dollars ($2,300,000) for the 2020-2021 fiscal year in recurring funds to be used to support the State Search and Rescue Program as provided in Article 6 of Chapter 166A of the General Statutes. The funds shall be used in partnership with units of local government to supplement local funds to purchase equipment, maintain equipment, and provide other items necessary to ensure statewide search and rescue services. Any match requirement established by the Secretary may be satisfied by the sponsoring local agency with cash payments or in-kind contributions.

SECTION 2. This act becomes effective July 1, 2019.

HOUSE BILL 169:
Loggerhead Turtle/State Saltwater Reptile.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Environment. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 13, 2019
Introduced by:	Reps. Iler, C. Smith, McElraft	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 169 would adopt the loggerhead sea turtle as the official saltwater reptile of the State of North Carolina.

CURRENT LAW: State symbols and other official adoptions of the State are found in Chapter 145 of the General Statutes. Currently, North Carolina does not have an official saltwater reptile.

BILL ANALYSIS: This act would amend Chapter 145 of the General Statutes by adding a new section to establish the loggerhead sea turtle as the official saltwater reptile of the State of North Carolina.

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

aren Cochrane-Brown
Director

H169-SMBA-12 E1 -V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 169

Short Title:	Loggerhead Turtle/State Saltwater Reptile.	(Public)
Sponsors:	Representatives Iler, C. Smith, and McElraft (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Environment, if favorable, Rules, Calendar, and Operations of the House	

February 26, 2019

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE LOGGERHEAD SEA TURTLE AS THE OFFICIAL SALTWATER REPTILE OF THE STATE OF NORTH CAROLINA.

Whereas, the loggerhead sea turtle is the most common sea turtle on the coast of North Carolina; and

Whereas, loggerhead sea turtles can live to over 50 years, growing up to four feet in length and weighing over 250 pounds; and

Whereas, loggerhead sea turtles got their name because their heads resembled logs; and

Whereas, the diets of loggerhead sea turtles consist of horseshoe crabs, conchs, jellyfish, and seaweed; and

Whereas, loggerhead sea turtles lay hundreds of eggs on the southern beaches of North Carolina; and

Whereas, a female loggerhead sea turtle can lay as many as 100 eggs with hatchlings appearing within 45-75 days; and

Whereas, the State of North Carolina does not have an official saltwater reptile; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-52. State saltwater reptile.**

The loggerhead sea turtle (*Caretta caretta*) is adopted as the official saltwater reptile of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 169 DATE 3/13/19

S. B. No. _____ Amendment No. 1
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) ~~Ter~~ WARREN
)
Sen.)

1 moves to amend the bill on page 1, line 12
2 ( ) WHICH CHANGES THE TITLE
3 by changing "eggs" to "nests"
4
5
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SIGNED _____

ADOPTED Yes FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

HOUSE BILL 170:
Asheboro Satellite Annexations.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 13, 2019
Introduced by:	Reps. McNeill, Hurley	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 170 would exempt Asheboro from the 10% area cap on voluntary satellite annexations.

CURRENT LAW: G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property, also known as voluntary satellite annexation.

If all property owners in a satellite area petition a municipality for voluntary annexation of the noncontiguous property, the municipality may annex the property if the following 5 requirements are met:

1. The nearest point on the proposed satellite corporate limits must be not more than 3 miles from the primary corporate limits of the annexing city.
2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
5. *The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed 10% of the area within the primary corporate limits of the annexing city.*

BILL ANALYSIS: House Bill 170 would add Asheboro to the group of municipalities exempted from the 10% area cap on voluntary satellite annexation.

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

BACKGROUND: The General Assembly has exempted over 100 other municipalities from this requirement in G.S. 160A-58.1(b)(5).

.ren Cochrane-Brown
Director

H170-SMBG-30-E1-V-4

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 1

HOUSE BILL 170

Short Title:	Asheboro Satellite Annexations.	(Local)
Sponsors:	Representatives McNeill and Hurley (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

February 26, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ASHEBORO.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1 reads as rewritten:

"**§ 160A-58.1. Petition for annexation; standards.**

...

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

...

(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Asheboro, Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Carthage, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Franklin, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Ocean Isle Beach, Pembroke, Pine Level, Pollocksville, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Siler City, Smithfield, Spencer, Spring Lake, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Wilson's Mills, Windsor, Yadkinville, and Zebulon.

...."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 181:
Walkertown Zoning Authorizations.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 13, 2019
Introduced by:	Rep. Conrad	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 181 would amend the Charter of the Town of Walkertown to permit the Town to create general use zoning districts and special use zoning districts, and to provide that the issuance of a special use district permit is a legislative act.

[As introduced, this bill was identical to S84, as introduced by Sen. Krawiec, which is currently in Senate State and Local Government.]

CURRENT LAW: Article 19 of Chapter 160A authorizes cities to adopt zoning ordinances for the purpose of promoting health, safety, morals, or the general welfare of the community. For those purposes, a city may divide its territorial jurisdiction into districts of any number, shape, and area and may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. These districts may include general use districts in which a variety of uses are permissible in accordance with general standards, and special use districts or conditional use districts in which uses are permitted only upon the issuance of a special use permit or a conditional use permit. The act of a governing body to rezone property is a *legislative* decision. The act of a governing body to issue a special use permit or a conditional use permit is a *quasi-judicial* decision. The governing board procedures for legislative decisions are different from those for quasi-judicial decisions.

BILL ANALYSIS: House Bill 181 would amend the Charter of the Town of Walkertown to authorize the Town to create general use zoning districts to allow a variety of uses, and to create special use zoning districts to allow a single use upon the issuance by the Walkertown Town Council of a special use permit prescribing the conditions upon which the special use will be permitted. Additionally, the bill would (i) deem the issuance of a special use permit by the Town Council to be a legislative act and (ii) would make the procedural standards for legislative acts applicable to the Council's consideration and issuance of a special use permit.

EFFECTIVE DATE: The act is effective when the bill becomes law and would apply to rezoning petitions filed on or after that date.

HOUSE BILL 181*

Short Title:	Walkertown Zoning Authorizations.	(Local)
Sponsors:	Representative Conrad. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

February 27, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WALKERTOWN TO ALLOW THE TOWN TO ENACT CERTAIN PROCEDURES RELATED TO ZONING AND SPECIAL USE PERMITTING.

The General Assembly of North Carolina enacts:

SECTION 1. The Town Charter of the Town of Walkertown, being Chapter 936 of the Session Laws of 1983, is amended by adding a new section to read:

"Section 10.1. The Town Council of the Town of Walkertown is hereby empowered by ordinance to regulate in any portion or portions of the Town the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry, or other purposes.

For any or all of these purposes, the Town may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this section; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts; provided, however, that the Town may provide for the creation of special use districts in addition to general use districts.

It is the purpose and intent of this section to permit the Town to create general use districts in which a variety of uses are permitted, and to also create special use districts in which a single use is permitted upon the issuance by the Town Council of a special use permit prescribing the conditions under which such use will be permitted.

A person petitioning for rezoning of a tract of land, where special use districts are authorized by ordinance, may elect to request general use district zoning for said tract, or the person may elect to request special use district zoning for said tract.

If a person elects to petition for general use district zoning, the person may not refer, either in the petition or at any hearings related to the petition, to the use intended for the property upon rezoning. The Town Council may not consider the intended use in determining whether to approve or disapprove the petition, but shall consider the full range of uses permitted within the requested general use district. If the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district.

If the petitioner elects to petition for special use district zoning, the petition must specify the actual use intended for the property specified in the petition, and the intended use must be one

permitted in the corresponding general use district. If the petition is for special use district zoning, the Town Council is to approve or disapprove the petition on the basis of the specific use requested. If the petition is approved, the Town Council shall issue a special use district permit authorizing the requested use with such reasonable conditions as the Town Council determines to be desirable in promoting public health, safety, and general welfare. The act of issuing a special use district permit shall be deemed to be a legislative act of the Town Council, and the procedural standards applicable to the legislative acts shall apply to the consideration and issuance of a special use permit.

The conditions contained in a special use permit issued by the Town Council may include: location of the proposed use on the property; the number of dwelling units; the location and extent of support facilities such as parking lots, driveways, and access streets; location and extent of buffer areas and other special purpose areas; the timing of development; and such other matters as the petitioner may propose and the Town Council may find appropriate.

It is the further intent of this section to permit the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety, and welfare, and ensure that substantial justice be done."

SECTION 2. This act is effective when it becomes law and applies to petitions filed on or after that date.

HOUSE BILL 187: Amend Town of Elon Charter/Parking Ordinances.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 13, 2019
Introduced by:	Reps. Ross, Riddell	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 187 would amend the charter of the Town of Elon to allow the Town to adopt and enforce ordinances related to parking.

BILL ANALYSIS: House Bill 187 would amend the charter of the Town of Elon to provide that the board of aldermen may, by ordinance, enact the following parking provisions:

- That each hour a vehicle remains illegally parked in an on-street parking space is a separate offense, and the violator may be given a ticket for each offense.
- That any vehicle that has been towed for a parking violation must be held until the towing fee and penalties for all outstanding parking tickets and parking penalties owed to the town are paid in full, or a bond is posted. Payment of the towing fee, parking tickets, and parking penalties is not a waiver of a person's right to contest those items.
- That the use of wheel locks and towing is permitted for a vehicle parked in a public vehicular area for which there is one or more outstanding, unpaid, and overdue parking tickets for a period of 45 days. The ordinance must provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal, an immobilization fee not to exceed $50.00, and charges for towing and storage. The town is not responsible for damage to an immobilized vehicle parked in a public vehicular area that results from unauthorized attempts to free or move that vehicle.

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

aren Cochrane-Brown
Director

H187-SMBA-13 E1 -V-3

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 187

Short Title:	Amend Town of Elon Charter/Parking Ordinances.	(Local)
Sponsors:	Representatives Ross and Riddell (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

February 27, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELON TO AUTHORIZE THE TOWN TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Elon, being Chapter 109 of the Session Laws of 1985, as amended, is amended by adding a new Article to read as follows:

"Article VI. MISCELLANEOUS.

"Sec. 6.1. (a) The board of aldermen may provide by ordinance that each hour a vehicle remains illegally parked in an on-street parking space is a separate offense, and the violator may be given a ticket for each offense.

(b) The board of aldermen may provide by ordinance that any vehicle that has been towed for a parking violation is to be held until the towing fee and penalties related to all outstanding parking tickets and parking penalties owed to the Town are paid in full, or a bond is posted in the amount of the towing fee and all outstanding parking tickets and parking penalties. Payment of the towing fee and all outstanding parking tickets and parking penalties shall not constitute a waiver of a person's right to contest the towing or the outstanding parking tickets and parking penalties.

(c) The board of aldermen may provide by ordinance for the use of wheel locks on and towing of a vehicle parked in a public vehicular area for which there is one or more outstanding, unpaid, and overdue parking tickets for a period of 45 days. The ordinance shall provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal, an immobilization fee not to exceed fifty dollars ($50.00), and charges for towing and storage. The Town shall not be responsible for any damage to an immobilized vehicle parked in a public vehicular area that results from unauthorized attempts to free or move that vehicle."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 282:
NC Transportation Museum Funds.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, Capital. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 13, 2019
Introduced by:	Reps. Warren, Cleveland, Howard, McElraft	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***House Bill 282 would appropriate four million five hundred thousand dollars (4,500,000) to the Department of Natural and Cultural Resources, Division of State Historic Sites, to complete the renovation and expansion of the Power House facility at the North Carolina Transportation Museum in Spencer.***

CURRENT LAW: The North Carolina Transportation Museum is one of 27 sites under the Division of State Historic Sites of the Department of Natural and Cultural Resources.

BILL ANALYSIS: House Bill 282 would appropriate from the General Fund, the sum of two million five hundred thousand dollars ($2,500,000) for the 2019-2020 fiscal year and the sum of two million dollars ($2,000,000) for the 2020-2021 fiscal year to complete the renovation and expansion of the Power House facility at the North Carolina Transportation Museum in Spencer.

EFFECTIVE DATE: The act would become effective July 1, 2019.

.aren Cochrane-Brown
Director

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 282

Short Title:	NC Transportation Museum Funds.	(Public)
Sponsors:	Representatives Warren, Cleveland, Howard, and McElraft (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, Capital, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

March 7, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA TRANSPORTATION MUSEUM.

Whereas, the North Carolina Transportation Museum, located in Rowan County, is the only one of its kind in the State, displaying the history of all forms of transportation in North Carolina; and

Whereas, the North Carolina Transportation Museum is a major economic engine for the Town of Spencer and Rowan County in general, attracting more than 143,000 visitors and generating $18.3 million for the local economy in 2017; and

Whereas, the Power House, the second-oldest structure at the North Carolina Transportation Museum, once provided the electricity required to run Southern Railway's largest repair facility, as well as the Town of Spencer; and

Whereas, renovating and expanding the Power House structure will enable the North Carolina Transportation Museum to move its outdoor programming space to a larger, safer area for shows, concerts, and festivals, and to provide rental space to generate additional revenue; and

Whereas, the State and the North Carolina Transportation Museum Foundation have spent $3,100,000 from 2005 through 2017 to bring the Power House to its current condition that is not yet finished for occupancy; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Natural and Cultural Resources, Division of State Historic Sites, the sum of two million five hundred thousand dollars ($2,500,000) for the 2019-2020 fiscal year and the sum of two million dollars ($2,000,000) for the 2020-2021 fiscal year to complete the renovation and expansion of the Power House facility at the North Carolina Transportation Museum in Spencer.

SECTION 2. This act becomes effective July 1, 2019.

HOUSE BILL 285:
City of Sanford/Voluntary Annexations.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 13, 2019
Introduced by:	Rep. Sauls	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***House Bill 285 would allow the City of Sanford to conduct a voluntary satellite annexation of property more than three miles from its primary corporate limits.***

CURRENT LAW: G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property, also known as voluntary satellite annexation.

If all property owners in a satellite area petition a municipality for voluntary annexation of the noncontiguous property, the municipality may annex the property, if the following 5 requirements are met:

1. *The nearest point on the proposed satellite corporate limits must be not more than 3 miles from the primary corporate limits of the annexing city.*
2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
5. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed 10% of the area within the primary corporate limits of the annexing city.

BILL ANALYSIS: House Bill 285 would exempt the City of Sanford from the requirement that property annexed through satellite annexation be located not more than three miles from the city's primary corporate limits and would enable the City of Sanford to conduct a voluntary satellite annexation of property *more than* three miles from its primary corporate limits.

EFFECTIVE DATE: The act would be effective when the bill becomes law.

aren Cochrane-Brown
Director

H285-SMBD-16 E1 -V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 285

Short Title:	City of Sanford/Voluntary Annexations.	(Local)
Sponsors:	Representative Sauls. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

March 7, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE CITY OF SANFORD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1 reads as rewritten:

"**§ 160A-58.1. Petition for annexation; standards.**

...

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

~~(1)~~ ~~The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.~~

...."

SECTION 2. This act applies to the City of Sanford only.

SECTION 3. This act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Government

DATE: 3-13-19 Room: 544 LOB

House Sgt-At Arms:

1. Name: Marvin Lee
2. Name: Reggie Sills
3. Name: Glen Wall
4. Name:
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Wednesday, March 13, 2019
Session: 2:00 PM

Committee	Room	Time	Staff	Comments	Member
Commerce and Job Development	422	10:00 AM	Moira Kelly		Speaker. Tim Moore
Judiciary I	1228/1327	10:00 AM	Jevan Lyle		Speaker. Tim Moore
State and Local Government I	544	10:00 AM	Gabria Savage		Speaker. Tim Moore
			Katie Savell		Speaker. Tim Moore

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 3-13-19

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
ROY JOHNSON	NC TRANSPORTATION MUSEUM FOUNDATION HB 282
Rachel Norwood	Area Agency on Aging (Intern) Jackson County
Patsy S Baker	Area Agency on Aging Jackson County
Kellie Dula	Southwestern Commission Area Agency on Aging
Charlotte Cowan	Senior Tarheel Legislature Jackson County
Kate Welch	Senior Tarheel Legislature Swain County
Dorothy Crawford	Senior Tarheel Legislature Macon County
	NWC
	CJCD
Flint Benson	SCANC
Conan Hinie	MVA

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 3-13-19

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jodie Harper	Senior Tar Heel Legislature - Delegate for Alamance Co. / 1512 Zwingli Ct, Burlington, NC 27215
Tim Minks	NC Home Builders
Kay Kay	NCAPA
Carl McCants	Envolink
Steven Wood	NCBIA
Tom Biewer	PFFPNC

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 3-13-19

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amanda Donovan	KTS
Elizabeth Brownstein	NCCCS
Lex Jones	DNCR
Quanisha Collins	NCHFA
~~FOR JOHNSON~~	NCMF
Doug Lassiter	NCSTA
JERRY SCHILL	NC Fisheries Assoc
Tonya Hatar	DOT/R
Kelsey Hulett	NCGA intern to Rep. Autry
Sarah Collins	NCAM

House Committee on State and Local Government
Wednesday, March 20, 2019 at 10:00 AM
Room 544 of the Legislative Office Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on March 20, 2019 in Room 544 of the Legislative Office Building. Representatives Warren and Corbin, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Batch, Boles, Carter, Faircloth, Fisher, Graham, Jarvis, Logan, McElraft, Quick, Ross, Sasser, von Haefen and Willingham attended.

Representative Harry Warren, Chair, called the meeting to order and introduced the Pages and Sergeant-at-Arms who assisted with the committee. Copies of the attendance and visitor registration forms are included with these minutes.

The following bills were considered:

HB 176 – Fayetteville MLK Park/Funds. (Representatives Floyd, Lucas, and Richardson)
Chairman Warren recognized Reps. Floyd and Lucas to explain the bill. The Chairman opened the floor for discussion among members. Rep. Graham was recognized and moved that HB 176 receive a Favorable Report with a serial referral to Appropriations, General Government. Chairman Warren opened the floor for a vote and the motion passed.

HB 178 - MLK Commission/Funding. (Representatives Floyd, Richardson, and Lucas)
Chairman Warren recognized Rep. Floyd to explain the bill. The Chairman opened the floor for discussion among members. Rep. Quick was recognized and moved that HB 178 receive a Favorable Report with a serial referral to Appropriations, General Government.
Chairman Warren opened the floor for a vote and the motion passed.

HB 182 - Guilford Co. Bd. of Ed/Nonpartisan Election. (Representatives Hardister, Faircloth, Quick, and Clemmons)
Chairman Warren recognized Rep. Hardister to explain the bill. The Chairman opened the floor for discussion among members. Rep. Graham was recognized and moved that HB 182 receive a Favorable Report with a serial referral to Elections and Ethics Law. The Chairman opened the floor for a vote and the motion passed.

HB 186 - Hurricane Housing Recovery Grant. (Representatives Floyd and Lucas)
Chairman Warren recognized Rep. Floyd to explain the bill. The Chairman opened the floor for discussion among members. Rep. Graham was recognized and moved that HB 186 receive a Favorable Report with a serial referral to Appropriations, General Government. The Chairman opened the floor for a vote and the motion passed.

HB 191 - Housing Recovery/Restore Greensboro Funds. (Representatives Clemmons, Quick, Hardister, and Faircloth)
Chairman Warren recognized Rep. Clemmons to explain the bill. The Chairman opened the floor for discussion among members. Rep. Batch was recognized and moved that HB 191 receive a Favorable Report with a serial referral to Appropriations, General Government. The Chairman opened the floor for a vote and the motion passed.

HB 193 – Greensboro/Small Business Enterprise. (Representatives Clemmons, Faircloth, Hardister, and Quick)
Chairman Warren recognized Rep. Clemmons to explain the bill. The Chairman opened the floor for discussion among members. Rep. Cleveland was recognized and moved that HB 193 receive a Favorable Report with a serial referral to Commerce. The Chairman opened the floor for a vote and the motion passed.

HB 201 – Register of Deeds Tax Cert. Expansion. (Representatives Hurley and McNeill)
Chairman Warren recognized Rep. Hurley to explain the bill. The Chairman opened the floor for discussion among members. Rep. Speciale was recognized and moved that HB 201 receive a Favorable Report with a serial referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 330 - Efficient Government Buildings & Savings Act. (Representatives Szoka, Arp, Humphrey, and Ross)
Chairman Warren recognized Rep. Szoka to explain the bill. The Chairman opened the floor discussion among members. Mr. Latif Kaid, Director of the State Construction Office was recognized to address the committee. Rep. Autry was recognized and moved that HB 330 receive a Favorable Report with a serial referral to Energy and Public Utilities. The Chairman opened the floor for a vote and the motion passed.

HB 150 - Allow Designee For A Police Chief/JCPC was on the agenda to be heard but was pulled during the committee meeting.

The meeting adjourned at 10:50 a.m.

Representative Harry Warren, Chair
Presiding

Cindy Hobbs, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB 176, Summary, and Committee Report
4. HB 178, Summary, and Committee Report
5. HB 182, Summary, and Committee Report
6. HB 186, Summary, and Committee Report
7. HB 191, Summary, and Committee Report
8. HB 193, Summary, and Committee Report
9. HB 201, Summary, and Committee Report
10. HB 330, Summary, and Committee Report
11. Sergeant-at-Arms
12. Pages
13. Visitor Registration Forms

Updated #2: Remove HB 204

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, March 20, 2019
TIME: **10:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 150	Allow Designee For A Police Chief/JCPC.	Representative Pierce
HB 176	Fayetteville MLK Park/Funds.	Representative Floyd Representative Lucas Representative Richardson
HB 178	MLK Commission/Funding.	Representative Floyd Representative Richardson Representative Lucas
HB 182	Guilford Co. Bd. of Ed/Nonpartisan Election.	Representative Hardister Representative Faircloth Representative Quick Representative Clemmons
HB 186	Hurricane Housing Recovery Grant.	Representative Floyd Representative Lucas
HB 191	Housing Recovery/Restore Greensboro Funds.	Representative Clemmons Representative Quick Representative Hardister Representative Faircloth
HB 193	Greensboro/Small Business Enterprise.	Representative Clemmons Representative Faircloth Representative Hardister Representative Quick
HB 201	Register of Deeds Tax Cert. Expansion.	Representative Hurley Representative McNeill
HB 330	Efficient Government Buildings & Savings Act.	Representative Szoka Representative Arp Representative Humphrey

Representative Ross

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:44 PM on Tuesday, March 19, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #1: Remove HB 217

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, March 20, 2019
TIME: **10:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 150	Allow Designee For A Police Chief/JCPC.	Representative Pierce
HB 176	Fayetteville MLK Park/Funds.	Representative Floyd Representative Lucas Representative Richardson
HB 178	MLK Commission/Funding.	Representative Floyd Representative Richardson Representative Lucas
HB 182	Guilford Co. Bd. of Ed/Nonpartisan Election.	Representative Hardister Representative Faircloth Representative Quick Representative Clemmons
HB 186	Hurricane Housing Recovery Grant.	Representative Floyd Representative Lucas
HB 191	Housing Recovery/Restore Greensboro Funds.	Representative Clemmons Representative Quick Representative Hardister Representative Faircloth
HB 193	Greensboro/Small Business Enterprise.	Representative Clemmons Representative Faircloth Representative Hardister Representative Quick
HB 201	Register of Deeds Tax Cert. Expansion.	Representative Hurley Representative McNeill
HB 204	Carteret Cty/Annexation & Navigable Waters.	Representative McElraft

HB 330	Efficient Government Buildings & Savings Act.	Representative Szoka Representative Arp Representative Humphrey Representative Ross

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:59 AM on Tuesday, March 19, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, March 20, 2019
TIME: **10:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 150	Allow Designee For A Police Chief/JCPC.	Representative Pierce
HB 176	Fayetteville MLK Park/Funds.	Representative Floyd Representative Lucas Representative Richardson
HB 178	MLK Commission/Funding.	Representative Floyd Representative Richardson Representative Lucas
HB 182	Guilford Co. Bd. of Ed/Nonpartisan Election.	Representative Hardister Representative Faircloth Representative Quick Representative Clemmons
HB 186	Hurricane Housing Recovery Grant.	Representative Floyd Representative Lucas
HB 191	Housing Recovery/Restore Greensboro Funds.	Representative Clemmons Representative Quick Representative Hardister Representative Faircloth
HB 193	Greensboro/Small Business Enterprise.	Representative Clemmons Representative Faircloth Representative Hardister Representative Quick
HB 201	Register of Deeds Tax Cert. Expansion.	Representative Hurley Representative McNeill
HB 204	Carteret Cty/Annexation & Navigable Waters.	Representative McElraft
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall

HB 330	Efficient Government Buildings & Savings Act.	Representative Szoka Representative Arp Representative Humphrey Representative Ross

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:11 PM on Monday, March 18, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, March 20, 2019, 10:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 150	Allow Designee For A Police Chief/JCPC.	Representative Pierce
HB 176	Fayetteville MLK Park/Funds.	Representative Floyd Representative Lucas Representative Richardson
HB 178	MLK Commission/Funding.	Representative Floyd Representative Richardson Representative Lucas
HB 182	Guilford Co. Bd. of Ed/Nonpartisan Election.	Representative Hardister Representative Faircloth Representative Quick Representative Clemmons
HB 186	Hurricane Housing Recovery Grant.	Representative Floyd Representative Lucas
HB 191	Housing Recovery/Restore Greensboro Funds.	Representative Clemmons Representative Quick Representative Hardister Representative Faircloth
HB 193	Greensboro/Small Business Enterprise.	Representative Clemmons Representative Faircloth Representative Hardister Representative Quick

HB 201	Register of Deeds Tax Cert. Expansion.	Representative Hurley Representative McNeill
HB 330	Efficient Government Buildings & Savings Act.	Representative Szoka Representative Arp Representative Humphrey Representative Ross

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **176** Fayetteville MLK Park/Funds.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, GENERAL GOVERNMENT**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Floyd

HB **178** MLK Commission/Funding.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, GENERAL GOVERNMENT**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Floyd

HB **182** Guilford Co. Bd. of Ed/Nonpartisan Election.

Draft Number:	None
Serial Referral:	**ELECTIONS AND ETHICS LAW**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Graham

HB **186** Hurricane Housing Recovery Grant.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, GENERAL GOVERNMENT**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Floyd

HB **191** Housing Recovery/Restore Greensboro Funds.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, GENERAL GOVERNMENT**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Clemmons



HB **193** Greensboro/Small Business Enterprise.

Draft Number:	None
Serial Referral:	**COMMERCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Clemmons

HB **201** Register of Deeds Tax Cert. Expansion.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Hurley

HB **330** Efficient Government Buildings & Savings Act.

Draft Number:	None
Serial Referral:	**ENERGY AND PUBLIC UTILITIES**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Szoka

TOTAL REPORTED: 8

HOUSE BILL 176

Short Title:	Fayetteville MLK Park/Funds.	(Public)
Sponsors:	Representatives Floyd, Lucas, and Richardson (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, General Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

February 27, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO COMPLETE THE MARTIN LUTHER KING, JR. PARK.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Fayetteville\Cumberland County Dr. Martin Luther King Jr. Committee, a nonprofit organization, the sum of one million five hundred thousand dollars ($1,500,000) for the 2019-2020 fiscal year to complete the development of the Martin Luther King, Jr. Park. The completion of the Park will help to improve economic development in a tier one community.

SECTION 2. This act becomes effective July 1, 2019.

HOUSE BILL 176:
Fayetteville MLK Park/Funds.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, General Government. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 20, 2019
Introduced by:	Reps. Floyd, Lucas, Richardson	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 176 would appropriate $1,500,000 for the 2019-2020 fiscal year to complete the development of the Martin Luther King, Jr. Park.

BILL ANALYSIS: House Bill 176 would appropriate $1,500,000 for the 2019-2020 fiscal year to the Fayetteville/Cumberland County Dr. Martin Luther King, Jr. Committee, a nonprofit organization, to complete the development of the Martin Luther King, Jr. Park in Fayetteville, North Carolina.

EFFECTIVE DATE: This act would become effective July 1, 2019.

BACKGROUND: The Martin Luther King, Jr. Park was established in Fayetteville, North Carolina in 2007. The requested funds would be used to add a fountain, a lighted spire, a walking trail, gardens, and seating for handicapped and elderly persons in the park.

aren Cochrane-Brown
Director

H176-SMBA-18 E1 -V-3

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 178:
MLK Commission/Funding.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, General Government. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 20, 2019
Introduced by:	Reps. Floyd, Richardson, Lucas	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 178 would appropriate one million dollars ($1,000,000) to the Department of Administration to be used by the Martin Luther King, Jr. Commission to enhance the celebration of Dr. Martin Luther King, Jr., throughout the State.

CURRENT LAW: The Martin Luther King, Jr. Commission is a 16 member commission of the Department of Administration. Twelve members, including the chair, are appointed by the Governor. The President Pro Tempore of the Senate and the Speaker of the House of Representatives each appoint two members. All members serve four year terms.[1] The Commission has the following duties:

- To encourage appropriate ceremonies and activities throughout the State relating to the observance of the legal holiday honoring Martin Luther King, Jr.'s birthday.
- To provide advice and assistance to local governments and private organizations across the State with respect to the observance of such holiday.
- To promote among the people of North Carolina an awareness and appreciation of the life and work of Martin Luther King, Jr.

BILL ANALYSIS: House Bill 178 would appropriate from the General Fund to the Department of Administration, the sum of five hundred thousand dollars ($500,000) for the 2019-2020 fiscal year and the sum of five hundred thousand dollars ($500,000) for the 2020-2021 fiscal year in recurring funds to be used by the Martin Luther King, Jr. Commission to enhance the celebration of Dr. Martin Luther King, Jr., throughout the State.

EFFECTIVE DATE: The act would become effective July 1, 2019.

[1] G.S. 143B-426.34 B.

.ren Cochrane-Brown
Director

H178-SMBD-20-E1-V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 178

Short Title:	MLK Commission/Funding.	(Public)
Sponsors:	Representatives Floyd, Richardson, and Lucas (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, General Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

February 27, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE MARTIN LUTHER KING, JR. COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Administration the sum of five hundred thousand dollars ($500,000) for the 2019-2020 fiscal year and the sum of five hundred thousand dollars ($500,000) for the 2020-2021 fiscal year in recurring funds to be used by the Martin Luther King, Jr. Commission to enhance the celebration of Dr. Martin Luther King, Jr., throughout the State.

SECTION 2. This act becomes effective July 1, 2019.

HOUSE BILL 182:
Guilford Co. Bd. of Ed/Nonpartisan Election.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Elections and Ethics Law. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 20, 2019
Introduced by:	Reps. Hardister, Faircloth, Quick, Clemmons	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 182 change the method of election of the Guilford County Board of Education from partisan to nonpartisan beginning with the 2020 election and would change the way vacancies on the Board are filled.

[As introduced, this bill was identical to S132, as introduced by Sens. Garrett, Robinson, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: The Guilford County Board of Education consists of nine members elected for staggered four-year terms in partisan elections. Eight members are elected from single-member electoral districts, and one member is elected from the county at-large. Members are elected at the general election in even-numbered years, and take office on the first Monday in December following the election. Elections are conducted in accordance with the general laws governing primaries and elections for county officers.

Vacancies on the Board are filled in accordance with G.S. 115C-37.1, which requires the remaining members of the Board to appoint the person recommended by the county executive committee of the political party of the vacating member, if the recommendation is made within 30 days of the occurrence of the vacancy. The appointee serves the remainder of the unexpired term of the vacating member.

BILL ANALYSIS: House Bill 182 would change the method of election of the Guilford County Board of Education from partisan to the nonpartisan, beginning with the 2020 election. The candidate filing period would be established by the Guilford County board of elections.

House Bill 182 would also require that, effective the first Monday in December, 2020, vacancies on the Board would be filled by the remaining Board members. The appointee would serve until the next election for Board members, at which time an election would be held to fill the remaining unexpired term.

House Bill 182 would not affect the terms of office or vacancy procedure for any member of the Board elected in 2016 or 2018.

EFFECTIVE DATE: The act becomes effective when the bill becomes law.

ıren Cochrane-Brown
Director

H182-SMBD-19 E1 -V-3

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 182

Short Title:	Guilford Co. Bd. of Ed/Nonpartisan Election.	(Local)
Sponsors:	Representatives Hardister, Faircloth, Quick, and Clemmons (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Elections and Ethics Law, if favorable, Rules, Calendar, and Operations of the House	

February 27, 2019

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE METHOD OF ELECTION FOR MEMBERS OF THE GUILFORD COUNTY BOARD OF EDUCATION FROM PARTISAN TO NONPARTISAN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 78 of the 1991 Session Laws, as amended by Section 1(b) of S.L. 2013-361, reads as rewritten:

"Sec. 2. (a) ~~The~~ Beginning in 2020, the Board of Education of the Guilford County School Administrative Unit shall be composed of nine members elected on a ~~partisan basis. Beginning in 2016, one shall be elected from each of eight single-member districts established under subsection (g) of this section, and one shall be elected at large from within the entirety of Guilford County. The results shall be determined in accordance with G.S. 163-291.~~ nonpartisan basis in each even-numbered year as terms expire. The nonpartisan primary and election method shall be used with the results determined in accordance with G.S. 163A-1618. The names of the candidates shall be printed on the ballot without reference to any party affiliations. The Guilford County Board of Elections shall establish the candidate filing period. Members shall be elected at the same time as the regular primary and general election dates for county officers.

(b) ~~In the 2016 general election, members for Districts 2, 4, 6 and 8 and the at-large member shall be elected for two-year terms. In 2018~~ 2022, and quadrennially thereafter, members for Districts 2, 4, 6, and ~~8~~ 8, as established under subsection (g) of this section, and ~~the at-large~~ a member elected at large from within the entirety of Guilford County shall be elected for four-year terms. In ~~2016~~ 2020 and quadrennially thereafter, members for Districts 1, 3, 5, and ~~7~~ 7, as established under subsection (g) of this section, shall be elected for four-year terms. ~~Members shall be elected at the same time as the regular primary and general election dates for county officers.~~

…."

SECTION 2. Section 3 of Chapter 78 of the 1991 Session Laws reads as rewritten:

"Sec. 3. Elections shall be held in accordance with the applicable provisions of Chapter 115C and Chapter 163 of the General Statutes, except ~~that the Guilford County Board of Elections shall establish the candidate filing period and for 1992 shall establish absentee voting timetables.~~ as otherwise provided for in this act.

SECTION 3. Section 6 of Chapter 78 of the 1991 Session Laws, as amended by Section 1(c) of S.L. 2013-361, reads as rewritten:

"Sec. 6. Vacancies on the ~~new~~ Guilford County Board of Education shall be filled by vote of a majority of the remaining members of the Board present and voting for the remainder of the unexpired term. Vacancies for positions elected on a partisan basis in 2016 or 2018 shall be filled as provided in G.S. 115C-37.1(d). In instances in which the member being replaced was elected from within a single member district, the Board must appoint a resident of the district where the vacancy exists."

SECTION 4. Effective the first Monday in December of 2020, G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Beaufort, Brunswick, Carteret, Cherokee, Clay, Cleveland, Dare, Davie, Graham, ~~Guilford,~~ Harnett, Hyde, Iredell, Lee, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly, Vance, Washington, and Yancey."

SECTION 5. This act does not affect the terms of office of any person elected in 2016 or 2018 to the Guilford County Board of Education. The members of the Guilford County Board of Education elected in 2016 or 2018, or any member appointed by the remaining members of the Board to fill a vacancy of a member elected in 2016 or 2018, shall serve until a successor has been elected and qualified.

SECTION 6. Except as otherwise provided, this act is effective when it becomes law.

HOUSE BILL 186

Short Title:	Hurricane Housing Recovery Grant.	(Public)
Sponsors:	Representatives Floyd and Lucas (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, General Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

February 27, 2019

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FUNDING TO THE HOUSING FINANCE AGENCY FOR A GRANT TO A NONPROFIT TO ASSIST CERTAIN HOMEOWNERS IMPACTED BY HURRICANES MATTHEW, FLORENCE, AND MICHAEL.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 143C-5-2, there is appropriated from the General Fund to the North Carolina Housing Finance Agency the sum of one million five hundred thousand dollars ($1,500,000) in nonrecurring funds for the 2019-2020 fiscal year to be provided as a grant to Kingdom Community Development Corporation for the completion of construction on 28 subdivision units, six single-family homes, and eight townhomes in Balsawood Village for families affected by Hurricanes Matthew, Florence, and Michael.

SECTION 2. This act becomes effective July 1, 2019.

HOUSE BILL 186:
Hurricane Housing Recovery Grant.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, General Government. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 20, 2019
Introduced by:	Reps. Floyd, Lucas	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 186 would appropriate funds to the North Carolina Housing Finance Agency for a $1,500,000 nonrecurring grant to the Kingdom Community Development Corporation to complete construction of multiple structures in Balsawood Village affected by Hurricanes Matthew, Florence, and Michael.

CURRENT LAW/BILL ANALYSIS: Notwithstanding G.S. 143C-5-2, there is appropriated from the General Fund to the North Carolina Housing Finance Agency the sum of one million five hundred thousand dollars ($1,500,000) in nonrecurring funds for the 2019-2020 fiscal year to be provided as a grant to Kingdom Community Development Corporation for the completion of construction on 28 subdivision units, six single family homes, and eight townhomes in Balsawood Village for families affected by Hurricanes Matthew, Florence, and Michael.

EFFECTIVE DATE: The act would become effective July 1, 2019.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 191*

Short Title:	Housing Recovery/Restore Greensboro Funds.	(Public)
Sponsors:	Representatives Clemmons, Quick, Hardister, and Faircloth (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, General Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

February 27, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO THE CITY OF GREENSBORO TO SUPPORT HOUSING RESTORATION NEEDS IN THE AFTERMATH OF THE APRIL 2018 TORNADO.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the City of Greensboro the sum of one million dollars ($1,000,000) for the 2019-2020 fiscal year in nonrecurring funds to aid the City in its recovery from the damage caused by an EF-2 tornado on April 15, 2018. The City shall use these funds to manage the repair or demolition of damaged homes in a timely manner.

SECTION 2. This act becomes effective July 1, 2019.

HOUSE BILL 191:
Housing Recovery/Restore Greensboro Funds.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, General Government. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 20, 2019
Introduced by:	Reps. Clemmons, Quick, Hardister, Faircloth	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 191 would appropriate $1,000,000 to the City of Greensboro to manage the repair or demolition of homes damaged by a tornado occurring on April 15, 2018.

[As introduced, this bill was identical to S110, as introduced by Sens. Robinson, Tillman, which is currently in Senate Appropriations/Base Budget.]

CURRENT LAW/BILL ANALYSIS: House Bill 191 would appropriate, from the General Fund, $1,000,000 to the City of Greensboro for the 2019-2020 fiscal year in nonrecurring funds to aid in managing the repair or demolition of damaged homes caused by a tornado on April 15, 2018.

EFFECTIVE DATE: This bill would become effective July 1, 2019.

Karen Cochrane-Brown
Director

H191-SMBG-38 E1 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 193*

Short Title:	Greensboro/Small Business Enterprise.	(Local)
Sponsors:	Representatives Clemmons, Faircloth, Hardister, and Quick (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Commerce, if favorable, Rules, Calendar, and Operations of the House	

February 27, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO AUTHORIZE THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM TO PROMOTE THE DEVELOPMENT OF SMALL BUSINESSES IN THE CITY AND TO ENHANCE THE OPPORTUNITIES FOR SMALL BUSINESSES TO PARTICIPATE IN CITY CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter VII of the Charter of the City of Greensboro, being Chapter 1137 of the Session Laws of 1959, as amended, is amended by adding a new Subchapter to read as follows:

"SUBCHAPTER D. SMALL BUSINESS ENTERPRISE PROGRAM.

"Sec. 7.45. Small Business Enterprise Program. (a) The City may establish a race- and gender-neutral small business enterprise program to promote the development of small businesses in the Greensboro Metropolitan Statistical Area and to enhance opportunities for small businesses to participate in City contracts. The City may define the term "small business enterprise" as appropriate and consistent with the City's contracting practices. The City may establish bid and proposal specifications that include subcontracting goals and good-faith effort requirements to enhance participation by small business enterprises in City contracts. Notwithstanding the provisions of G.S. 143-129 and G.S. 143-131(b), the City may consider a bidder's efforts to comply with small business enterprise program requirements in its award of City contracts and, if a bidder is determined to have failed to comply with the requirements, the City may, within its discretion, refuse to award a contract to the bidder.

(b) The small business enterprise program authorized by this section is intended to supplement and not replace the requirements of G.S. 143-128.2, 143-131(b), or 143-135.5. Any goals or efforts established to achieve veteran, minority, and women's business participation consistent with the requirements of G.S. 143-128.2, 143-131(b), or 143-135.5 shall take precedence over goals for small business enterprise participation established under the program authorized by this section. A small business enterprise program established pursuant to this section shall be deemed consistent with the public policy of the State of North Carolina to promote and utilize small and underutilized business enterprises as set forth in G.S. 143-128.2, 143-128.3, and 143-135.5."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 193:
Greensboro/Small Business Enterprise.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Commerce. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 20, 2019
Introduced by:	Reps. Clemmons, Faircloth, Hardister, Quick	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 193 would amend the charter of the City of Greensboro to allow the City to establish a small business enterprise program.

[As introduced, this bill was identical to S166, as introduced by Sens. Garrett, Robinson, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW/BILL ANALYSIS: House Bill 193 would amend the charter of the City of Greensboro to allow the City to establish a race and gender-neutral small business enterprise program to promote the development of small businesses in the Greensboro Metropolitan Statistical Area.

The City would be authorized to define "small business enterprise" and to establish subcontracting goals and good faith effort requirements as part of the program. The bill would further authorize the City to consider efforts to comply with program requirements in its award of City contracts and to refuse an award of a contract within its discretion if the bidder is determined to have failed to comply with the requirements.

Any goals or requirements under current law established to achieve veteran, minority, or women's business participation takes precedence over goals for small business enterprise participation.

EFFECTIVE DATE: This bill would become effective when it becomes law.

aren Cochrane-Brown
Director

H193-SMBG-42 E1 -V-3

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 201:
Register of Deeds Tax Cert. Expansion.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 20, 2019
Introduced by:	Reps. Hurley, McNeill	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 201 would authorize all counties in North Carolina, by resolution, to require payment of delinquent property taxes prior to recording deeds conveying property.

CURRENT LAW: G.S. 161-31(a) allows the county board of commissioners in certain counties, by resolution, to require the register of deeds not to accept any deed transferring real property for registration unless the county tax collector has certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged are a lien on the property described in the deed.[1] The county commissioners may describe the form the certification must take in its resolution.

G.S. 161-31(a1) provides an exception. It requires the register of deeds to accept, without certification, a deed containing the following statement: "This instrument prepared by: _____, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds."

BILL ANALYSIS: House Bill 201 would authorize the board of commissioners in any county in North Carolina to pass a resolution requiring the register of deeds not to accept any deed transferring real property unless the county tax collector certifies that the taxes listed in the statute are not delinquent and are not a lien on the property.

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

[1] G.S. 161-31 currently applies to the following 81 counties: Alamance, Alexander, Anson, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Cherokee, Chowan, Clay, Cleveland, Columbus, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Montgomery, Nash, Northampton, Onslow, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Vance, Warren, Washington, Wayne, Wilson, Yadkin, and Yancey.

aren Cochrane-Brown
Director

H201-SMBA-19 E1 -V-6

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 201

Short Title:	Register of Deeds Tax Cert. Expansion.	(Public)
Sponsors:	Representatives Hurley and McNeill (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

February 27, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW ANY COUNTY TO NOT ACCEPT THE REGISTRATION OF A DEED TRANSFERRING REAL PROPERTY WHEN TAXES ARE DELINQUENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 161-31 reads as rewritten:

"**§ 161-31. Tax certification.**

(a) Tax Certification. – The board of commissioners of a county may, by resolution, require the register of deeds not to accept any deed transferring real property for registration unless the county tax collector has certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged are a lien on the property described in the deed. The county commissioners may describe the form the certification must take in its resolution.

(a1) Exception to Tax Certification. – If a board of county commissioners adopts a resolution pursuant to subsection (a) of this section, notwithstanding the resolution, the register of deeds shall accept without certification a deed submitted for registration under the supervision of a closing attorney and containing this statement on the deed: "This instrument prepared by: _____, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds."

~~(b) Applicability. This section applies only to Alamance, Alexander, Anson, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Cherokee, Chowan, Clay, Cleveland, Columbus, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Montgomery, Nash, Northampton, Onslow, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Vance, Warren, Washington, Wayne, Wilson, Yadkin, and Yancey Counties.~~"

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 330:
Efficient Government Buildings & Savings Act.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Energy and Public Utilities. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 20, 2019
Introduced by:	Reps. Szoka, Arp, Humphrey, Ross	**Prepared by:**	Billy R. Godwin Nick Giddings Staff Attorneys
Analysis of:	First Edition		

OVERVIEW: House Bill 330 would:

- ***Increase energy conservation requirements for all State buildings.***
- ***Increase the frequency of:***
  - ***Required updates to energy management plans by State agencies and institutions of higher learning.***
  - ***Energy consumption reports by community colleges.***
  - ***The comprehensive program report by the State Energy Office.***
- ***Require a practicality and economic feasibility analysis to be completed and implemented for certain State buildings.***

CURRENT LAW:

The State Energy Office Comprehensive Program.

The Department of Environmental Quality through the State Energy Office (SEO) administers a comprehensive program to manage energy, water, and other utility use for State agencies and State institutions of higher learning. State agencies and institutions of higher learning are required to have an energy, water, and utility use management plan that is updated biennially. All State buildings must have cumulatively reduced their total gross energy consumption by twenty percent (20%) by 2010 and thirty percent (30%) by 2015. These marks have been substantially met. State agencies and institutions of higher learning must maintain management plans and community colleges must submit to the SEO a biennial written report of utility consumption and costs. The SEO must submit a report describing the energy management program by December 1 each odd numbered year to the Joint Legislative Energy Policy Commission, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division.

The Sustainable Energy Efficient Buildings Program.

The Department of Administration administers the Sustainable Energy Efficient Buildings Program applicable to any new construction or major renovation project by a public agency of a building larger than 20,000 gross square feet. For these projects, energy consumption must be reduced, based on a nationally accepted engineering standard, at least thirty percent (30%) for new construction and twenty percent (20%) for major renovation. Indoor potable water uses must be reduced by twenty percent (20%) for both new construction and major renovation projects of buildings larger than 20,000 gross square feet.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

BILL ANALYSIS:

Section 1 would require an additional 10% reduction in the gross energy consumption for all State buildings in total by 2025. It would also change from biennially to annually the frequency of: (i) management plan updates for every State agency and State institution of higher learning; (ii) reports of utility consumption and costs submitted by each community college to the SEO; and (iii) the SEO comprehensive program report due by December 1.

Section 2 would expand the definition of "energy conservation measure" to include building analytics systems that are capable of establishing data-driven benchmarks, predicting future energy performance, and finding additional energy savings opportunities.

Section 3 would require an additional 10% savings in energy consumption and potable water usage for new construction and major renovation projects involving buildings greater than 20,000 square feet.

Section 4 would do all of the following:

- For all State buildings greater than 20,000 square feet that have been in use more than 10 years, require each State agency and institution of higher learning to complete, by May 31, 2020, a practicality and economic feasibility analysis of implementing energy conservation measures and submit those findings to the SEO.
- For all State buildings greater than 10,000 square feet that have been in use more than 10 years, require each State agency and institution of higher learning to complete, by May 31, 2025, a practicality and economic feasibility analysis of implementing energy conservation measures and submit those findings to the SEO.
- Require the State agency or institution of higher learning to implement any energy conservation measures it finds practically and economically feasible and to support, through findings of fact, its' determination that implementation of energy conservation measures are not practically and economically feasible.
- Exempts from the feasibility study any buildings for which a practicality and economic feasibility analysis has been conducted within three years of the effective date of this act.

Section 5 would re-enact an annual report requirement for the Department of Administration on the implementation of the Sustainable Energy Efficient Buildings Program.

EFFECTIVE DATE: Except as otherwise provided, this act would become effective when it became law.

HOUSE BILL 330

Short Title:	Efficient Government Buildings & Savings Act.	(Public)
Sponsors:	Representatives Szoka, Arp, Humphrey, and Ross (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Energy and Public Utilities, if favorable, Rules, Calendar, and Operations of the House	

March 12, 2019

A BILL TO BE ENTITLED

AN ACT TO SAVE NORTH CAROLINA TAXPAYER DOLLARS BY REQUIRING REDUCTIONS IN ENERGY AND WATER CONSUMPTION IN PUBLIC BUILDINGS BY 2025.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-64.12 reads as rewritten:

"**§ 143-64.12. Authority and duties of the Department; State agencies and State institutions of higher learning.**

(a) The Department of Environmental Quality through the State Energy Office shall develop a comprehensive program to manage energy, water, and other utility use for State agencies and State institutions of higher learning and shall update this program annually. Each State agency and State institution of higher learning shall develop and implement a management plan that is consistent with the State's comprehensive program under this subsection to manage energy, water, and other utility use, and that addresses any findings or recommendations resulting from the energy audit required by subsection (b1) of this section. The energy consumption per gross square foot for all State buildings in total shall be reduced by twenty percent (20%) by ~~2010 and~~ 2010, thirty percent (30%) by ~~2015~~ 2015, and forty percent (40%) by 2025 based on energy consumption for the 2002-2003 fiscal year. Each State agency and State institution of higher learning shall update its management plan ~~biennially~~ annually and include strategies for supporting the energy consumption reduction requirements under this subsection. Each community college shall submit to the State Energy Office ~~a biennial~~ an annual written report of utility consumption and costs. Management plans submitted ~~biennially~~ annually by State institutions of higher learning shall include all of the following:

...

(j) The State Energy Office shall submit a report by December 1 of every ~~odd-numbered~~ year to the Joint Legislative Energy Policy Commission, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division describing the comprehensive program to manage energy, water, and other utility use for State agencies and State institutions of higher learning required by subsection (a) of this section. The report shall also contain the following:

(1) A comprehensive overview of how State agencies and State institutions of higher learning are managing energy, water, and other utility use and achieving efficiency gains.

(2) Any new measures that could be taken by State agencies and State institutions of higher learning to achieve greater efficiency gains, including any changes in general law that might be needed.

(3) A summary of the State agency and State institutions of higher learning management plans required by subsection (a) of this section and the energy audits required by subsection (b1) of this section.

(4) A list of the State agencies and State institutions of higher learning that did and did not submit management plans required by subsection (a) of this section and a list of the State agencies and State institutions of higher learning that received an energy audit.

(5) Any recommendations on how management plans can be better managed and implemented."

SECTION 2. G.S. 143-64.17 reads as rewritten:

"**§ 143-64.17. Definitions.**

As used in this Part:

(1) "Energy conservation measure" means a facility or meter alteration, training, or services related to the operation of the facility or meter, when the alteration, training, or services provide anticipated energy savings or ~~capture lost~~ generate revenue. Energy conservation measure includes any of the following:

a. Insulation of the building structure and systems within the ~~building.~~building, including proper air and duct sealing of all applicable areas in the building.

b. Storm windows or doors, caulking, weatherstripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed or coated window or door systems, additional glazing, reductions in glass area, or other window or door system modifications that reduce energy consumption.

c. Automatic energy control systems.

d. Heating, ventilating, or air-conditioning system modifications or replacements.

e. Replacement or modification of lighting fixtures to increase the energy efficiency of a lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable State or local building code or is required by the light system after the proposed modifications are made.

f. Energy recovery systems.

g. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings.

h. Repealed by Session Laws 2006-190, s. 2, effective August 3, 2006, and applicable to contracts entered into or renewed on or after that date.

i. Faucets with automatic or metered shut-off valves, leak detection equipment, water meters, water recycling equipment, and wastewater recovery systems.

j. Other energy conservation measures that conserve energy, water, or other utilities.

k. Building analytics systems that allow for advanced software utilizing statistical modeling and machine learning, whether supervised or

unsupervised, to establish data-driven benchmarks, predict future energy performance, and find additional energy savings opportunities.

(2) "Energy savings" means a measured reduction in fuel costs, energy costs, water costs, stormwater fees, other utility costs, or operating costs, including environmental discharge fees, water and sewer maintenance fees, and increased meter accuracy, created from the implementation of one or more energy conservation measures when compared with an established baseline of previous costs, including ~~captured lost~~ generated revenues, developed by the governmental unit.

...."

SECTION 3. G.S. 143-135.37 reads as rewritten:

"**§ 143-135.37. Energy and water use standards for public major facility construction and renovation projects; verification and reporting of energy and water use.**

...

(b) Energy-Efficiency Standard. – For every major facility construction project of a public agency, the building shall be designed and constructed so that the calculated energy consumption is at least ~~thirty percent (30%)~~ forty percent (40%) less than the energy consumption for the same building as calculated using the energy-efficiency standard in ASHRAE 90.1-2004. For every major facility renovation project of a public agency, the renovated building shall be designed and constructed so that the calculated energy consumption is at least ~~twenty percent (20%)~~ thirty percent (30%) less than the energy consumption for the same renovated building as calculated using the energy-efficiency standard in ASHRAE 90.1-2004. For the purposes of this subsection, any exception or special standard for a specific type of building found in ASHRAE 90.1-2004 is included in the ASHRAE 90.1-2004 standard.

(c) Indoor Potable Water Use Standard. – For every major facility construction or renovation project of a public agency, the water system shall be designed and constructed so that the calculated indoor potable water use is at least ~~twenty percent (20%)~~ thirty percent (30%) less than the indoor potable water use for the same building as calculated using the fixture performance requirements related to plumbing under the 2006 North Carolina State Building Code.

...."

SECTION 4.(a) Each State agency and State institution of higher learning shall, no later than May 31, 2020, conduct a preliminary practicality and economic feasibility analysis of implementing energy conservation measures for all buildings greater than 20,000 square feet in size and that have been in use for more than 10 years. Energy conservation measures are deemed to be economically feasible if the resulting energy savings will cover the cost of implementing the measures within 10 years. Each State agency and State institution of higher learning shall submit its findings to the State Energy Office. If the agency or institution of higher learning determines that it is not practical or economically feasible to implement energy conservation measures, the agency or institution of higher learning shall include findings of fact supporting that determination in the findings it submits to the State Energy Office. If the State agency or State institution of higher learning determines that it is practical and economically feasible to implement energy conservation measures, the agency or institution of higher learning shall do so. The energy conservation measures may be achieved by issuing a request for proposal for a guaranteed energy savings contract for all covered buildings owned by the agency or institution of higher learning. If the agency or institution of higher learning issues a request for proposal for a guaranteed energy savings contract for one or more buildings, the agency or institution of higher learning shall issue the request for proposal no later than December 31, 2020. The agency or institution of higher learning shall follow the process provided in Part 2 of Article 3B of Chapter 143 of the General Statutes. The definitions provided in G.S. 143-64.17 shall apply for purposes of this section.

SECTION 4.(b) No later than May 31, 2025, each State agency and State institution of higher learning shall repeat the process set forth in subsection (a) of this section for all buildings greater than 10,000 square feet in size and that have been in use for more than 10 years. If the agency or institution of higher learning issues a request for proposal for a guaranteed energy savings contract for one or more buildings, the agency or institution of higher learning shall issue the request for proposal no later than December 31, 2025.

SECTION 4.(c) This section shall not apply to any building for which a practicality and economic feasibility analysis of implementing energy conservation measures has been conducted within three years prior to the effective date of this section.

SECTION 4.(d) This section is effective when it becomes law. This section shall not be interpreted to prohibit any State agency or State institution of higher learning from issuing any request for proposal for a guaranteed energy savings contract.

SECTION 5. Sections 4.2.(a) and 4.2.(b) of S.L. 2017-10 are repealed.

SECTION 6. Except as otherwise provided, this act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Government

DATE: 3-20-19 **Room:** 544 LOB

House Sgt-At Arms:

1. Name: Reggie Sills
2. Name: Marvin Lee
3. Name: Glen Wall
4. Name:
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Wednesday, March 20, 2019
Session: 2:00 PM

Committee	Room	Time	Staff	Comments	Member
Judiciary I	1228/1327	10:00 AM	LeKel Silver		Rep. Carolyn Logan
			Timothy White		Rep. Kyle Hall
State and Local Government I	544	10:00 AM	Ansleigh Adams		Rep. David R. Lewis
			Katherine Hampton		Rep. Kyle Hall
			Leland Larson, III		Rep. Kevin Corbin
			Mary Watkins		Rep. Jean Farmer-Butterfield
Agriculture	544	1:00 PM	Ansleigh Adams		Rep. David R. Lewis
			Martin Hamilton		Rep. Allison Dahle
			Leland Larson, III		Rep. Kevin Corbin
			Kaitlyn Gomez		Rep. Stephen Ross

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 3-20-19

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ryan Miller	NCBPA PO Box 868 Raleigh, NC 27602
Susanna Davis	NC DPS
Will Pauy Hicks	NCHTA
Quanitra Collins	NCHTA
Cindy Bonpill	NC AOC - Guardian ad Litem
Kim Rayle	Guest of Jon Hardister
Gerald Rayle	Guest of Jon Hardister
Gerald Rayle, Jr.	Guest of Jon Hardister
Maggie Adkins	SELC
Jon Carr	Jordan Price Law Firm
Ben Stockdale	NCSEA

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 3-20-19

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Henry Jones	John Price
Betsy Bailey	CAAC
Alene Wimberley	NCCN
Cassie Gavin	Sierra Club
Molly Diggins	Sierra Club
Shankar Nema	DEQ
Joy Hicks	DEQ
Katie Hall	DOA
Latif Kaid	DOA
April Neumann	DNR
John Hatcher	NCFA
Scott Laster	KEANC

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 3-20-19

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Crawford	AIA NC
Demetrius Delaitch	NCLM
Tiffany Gladney	NC Rural Center
Elizabeth Bof	walkwest
Adam Prideaux	NCPCC
Bruce Muldowney	NCSBA
Tom Bean	EDF, NCSEA
Julie Robins	NCSEA
Duke Energy	DUKE ENERGY
Reshe Fortson	SEANC
Abby Hulbert	Intern — Rep. Autry

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 3-20-19

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
B Young	OSA
MARK EDWARDS	NC DOA
Katy Kirgsom	BP
Flint Benson	SEANC

House Committee on State and Local Government
Wednesday, March 27, 2019 at 10:00 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on March 27, 2019 in Room 1228/1327 of the Legislative Building. Representatives Warren and Corbin, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Batch, Boles, Carter, Fisher, Jarvis, Lofton, Logan, McElraft, Quick, Sasser, Setzer, von Haefen and Willingham attended.

Representative Kevin Corbin, Chair, presided.

The following bills were considered:

HB 31 - Allow Durham Pub. Schools to Provide Housing. (Representatives Black, Morey, Reives, Hawkins)
Chairman Corbin recognized Rep. Black to explain the bill. The Chairman opened the floor for discussion and Reps. Ager, Speciale, McElraft, Quick, Jarvis, and Fisher asked questions. Senator McKissick assisted Rep. Black in answering questions. Rep. Fisher was recognized and moved that HB 31 receive a Favorable Report with a referral to Commerce. The Chairman opened the floor for a vote and the motion passed.

HB 204 - Town of Beaufort/Annexation. (Representative McElraft)
Chairman Corbin recognized Rep. McElraft to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that the PCS for HB 204 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 233 - State Auditor/Various Amendments.-AB (Representatives Riddell, Cleveland, Floyd, Barnes)
Chairman Corbin recognized Rep. Riddell to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that HB 233 receive a Favorable Report with a referral to Judiciary. The Chairman opened the floor for a vote and the motion passed.

HB 243 - State Human Resources Act Amendments.-AB (Representatives Riddell, Cleveland, Floyd)
Chairman Corbin recognized Rep. Riddell to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Speciale was recognized and moved that HB 243 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 260 - Scotland Neck Meals Tax. (Representative Wray)
Chairman Corbin recognized Rep. Wray to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. McElraft was recognized and moved that HB 260 receive a Favorable Report with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 262 - Designate Transylvania Cty Land of Waterfalls. (Representative Henson)

Chairman Corbin recognized Rep. Henson to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Setzer was recognized and moved that the PCS for HB 262 receive Favorable Report, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 273 - Add Member to NC Training Standards Commiss. (Representatives Riddell, Ross, Hardister, Cunningham)

Chairman Corbin recognized Reps. Riddell, Hardister, and Cunningham to explain the bill. The Chairman opened the floor for discussion and Reps. Speciale, Cleveland, Willingham, Quick, McElraft, Warren, and Fisher asked questions. Howard Marsilio from Research Analysis was recognized for clarification. David Hess, Chief of Police (Roxboro); Randy Byrd, President (NC Division), NC Police Benevolent Association; John Midgette, Executive Director, NC Police Benevolent Association; Jeff Gray, Legislative Agent, NC Fraternal Order of Police; Doug Miskew, Public Sector Group; and Fred Baggett, Legislative Counsel, NC Association of Chiefs of Police were recognized to address the committee. Rep. Cleveland was recognized and moved that HB 273 receive an Unfavorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and Rep. Autry called for a division. Nine (9) people voted yes to support Rep. Cleveland's motion and eight (8) voted no.

SB 80 - China Grove Satellite Annexations. (Senator Ford)

Chairman Corbin recognized Sen. Ford to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Warren was recognized and moved that SB 80 receive a Favorable Report with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 225 – Protect Government Accountability. (Representatives D. Hall, Davis, and Stevens) was scheduled to be heard but was pulled by the Speaker and Rep. D. Hall because the companion bill was already being heard.

SB 63 - City of Kannapolis/Annexation. (Senator Ford) was heard due to an administrative miscommunication. It was moved to the Finance Committee but the Chairs of the State & Local Government Committee were not notified by the Rules Chair. The votes taken are null and void. No further action required.

The meeting adjourned at 11:20.

Representative Kevin Corbin, Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB 31, Summary, and Committee Report
4. HB 204, PCS, Summary, and Committee Report
5. HB 233, Summary, and Committee Report
6. HB 243, Summary, and Committee Report
7. HB 260, Summary, and Committee Report
8. HB 262, PCS, Summary, and Committee Report
9. HB 273, Summary, and Committee Report
10. SB 80, Summary, and Committee Report
11. Sergeant-at-Arms
12. Pages
13. Visitor Registration Forms

Cristy Yates (Rep. Harry Warren)

n:	Laura Bone (House Legislative Assistant's Office)
Sent:	Tuesday, March 26, 2019 03:51 PM
To:	Rep. Robert Reives; Rep. MaryAnn Black; Rep. Marcia Morey; Rep. Zack Hawkins; Rep. Pat McElraft; Rep. Sarah Stevens; Rep. Ted Davis; Rep. Destin Hall; Rep. George Cleveland; Rep. Elmer Floyd; Rep. Dennis Riddell; Rep. Lisa S. Barnes; Rep. Michael Wray; Rep. Cody Henson; Rep. Carla Cunningham; Rep. Jon Hardister; Rep. Stephen Ross; Sen. Carl Ford
Cc:	Veronica Green (Rep. Robert Reives); Mimi Wilson (Rep. MaryAnn Black); Pamela Best (Rep. Marcia Morey); Anita Wilder (Rep. Zack Hawkins); Nancy Fox (Rep. Pat McElraft); Lisa Brown (Rep. Sarah Stevens); Andrew Bowers (Rep. Ted Davis); David Cobb (Rep. Destin Hall); Pamela Ahlin (Rep. George Cleveland); Mildred Alston (Rep. Elmer Floyd); Polly Riddell (Rep. Dennis Riddell); Beth Strandberg (Rep. Lisa S. Barnes); Susan Burleson (Rep. Michael Wray); Megan Kluttz (Rep. Cody Henson); Sherrie Burnette (Rep. Carla Cunningham); Jayne Nelson (Rep. Jon Hardister); Tammy Ross (Rep. Stephen Ross); Olivia Baumann (Sen. Carl Ford)
Subject:	<NCGA> House State and Local Government Committee Meeting Notice for Wednesday, March 27, 2019 at 10:00 AM - UPDATED #2
Attachments:	Add Meeting to Calendar_LINC_.ics

Updated #2: Remove H244 [Contractor/Subcontractor Compliance]

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, March 27, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **Bills and summaries will be emailed to committee members and uploaded to the committee website. Paper copies will not be provided so please bring your fully charged laptop if needed.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 31	Allow Durham Pub. Schools to Provide Housing.	Representative Black Representative Morey Representative Reives Representative Hawkins

HB 204	Carteret Cty/Annexation & Navigable Waters.	Representative McElraft
HB 225	Protect Governmental Accountability.	Representative D. Hall Representative Davis Representative Stevens
HB 233	State Auditor/Various Amendments.-AB	Representative Riddell Representative Cleveland Representative Floyd Representative Barnes
HB 243	State Human Resources Act Amendments.-AB	Representative Riddell Representative Cleveland Representative Floyd
HB 260	Scotland Neck Meals Tax.	Representative Wray
HB 262	Designate Official Waterfalls.	Representative Henson
HB 273	Add Member to NC Training Standards Commiss.	Representative Riddell Representative Ross Representative Hardister Representative Cunningham
SB 80	China Grove Satellite Annexations.	Senator Ford
SB 63	City of Kannapolis/Annexation.	Senator Ford

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:50 PM on Tuesday, March 26, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Laura Bone (Committee Assistant)

Updated #1: Add SB63

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, March 27, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **PLEASE NOTE NEW MEETING LOCATION**

Bills and summaries will be emailed to committee members and uploaded to the committee website. Paper copies will not be provided so please bring your fully charged laptop if needed.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 31	Allow Durham Pub. Schools to Provide Housing.	Representative Black Representative Morey Representative Reives Representative Hawkins
HB 204	Carteret Cty/Annexation & Navigable Waters.	Representative McElraft
HB 225	Protect Governmental Accountability.	Representative D. Hall Representative Davis Representative Stevens
HB 233	State Auditor/Various Amendments.-AB	Representative Riddell Representative Cleveland Representative Floyd Representative Barnes
HB 243	State Human Resources Act Amendments.-AB	Representative Riddell Representative Cleveland Representative Floyd
HB 244	Contractor/Subcontractor Compliance.	Representative Cleveland Representative Conrad Representative D. Hall Representative Henson
HB 260	Scotland Neck Meals Tax.	Representative Wray
HB 262	Designate Official Waterfalls.	Representative Henson

HB 273	Add Member to NC Training Standards Commiss.	Representative Riddell Representative Ross Representative Hardister Representative Cunningham
SB 80	China Grove Satellite Annexations.	Senator Ford
SB 63	City of Kannapolis/Annexation.	Senator Ford

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:17 AM on Tuesday, March 26, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Monday, March 25, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **NEW MEETING LOCATION**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 31	Allow Durham Pub. Schools to Provide Housing.	Representative Black Representative Morey Representative Reives Representative Hawkins
HB 204	Carteret Cty/Annexation & Navigable Waters.	Representative McElraft
HB 225	Protect Governmental Accountability.	Representative D. Hall Representative Davis Representative Stevens
HB 233	State Auditor/Various Amendments.-AB	Representative Riddell Representative Cleveland Representative Floyd Representative Barnes
HB 243	State Human Resources Act Amendments.-AB	Representative Riddell Representative Cleveland Representative Floyd
HB 244	Contractor/Subcontractor Compliance.	Representative Cleveland Representative Conrad Representative D. Hall Representative Henson
HB 260	Scotland Neck Meals Tax.	Representative Wray
HB 262	Designate Official Waterfalls.	Representative Henson
HB 273	Add Member to NC Training Standards Commiss.	Representative Riddell Representative Ross Representative Hardister Representative Cunningham
SB 80	China Grove Satellite Annexations.	Senator Ford

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:20 PM on Monday, March 25, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, March 27, 2019, 10:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 31	Allow Durham Pub. Schools to Provide Housing.	Representative Black Representative Morey Representative Reives Representative Hawkins
HB 204	Carteret Cty/Annexation & Navigable Waters. **PCS *(Re-refer to Finance)***	Representative McElraft
~~HB 225~~	~~Protect Governmental Accountability.~~	Representative D. Hall Representative Davis Representative Stevens
HB 233	State Auditor/Various Amendments.-AB	Representative Riddell Representative Cleveland Representative Floyd Representative Barnes
HB 243	State Human Resources Act Amendments.-AB	Representative Riddell Representative Cleveland Representative Floyd
HB 260	Scotland Neck Meals Tax.	Representative Wray
HB 262	Designate Official Waterfalls. **PCS *(Re-refer to Rules)***	Representative Henson

HB 273	Add Member to NC Training Standards Commiss.	Representative Riddell Representative Ross Representative Hardister Representative Cunningham
SB 80	China Grove Satellite Annexations.	Senator Ford
SB 63	City of Kannapolis/Annexation.	Senator Ford

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **31** — Allow Durham Pub. Schools to Provide Housing.

Draft Number:	None
Serial Referral:	**COMMERCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Black

HB **233** — State Auditor/Various Amendments.-AB

Draft Number:	None
Serial Referral:	**JUDICIARY**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Riddell

HB **243** — State Human Resources Act Amendments.-AB

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Riddell

HB **260** — Scotland Neck Meals Tax.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Wray

SB **80** — China Grove Satellite Annexations.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Warren

TOTAL REPORTED: 5



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

UNFAVORABLE

HB **273** Add Member to NC Training Standards Commiss.

Draft Number:	None
Serial Referral:	~~Rules, Calendar, and Operations of the House~~
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Riddell

TOTAL REPORTED: 1

CMR173-V-1

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **204** Carteret Cty/Annexation & Navigable Waters.

Draft Number:	H204-PCS10279-BDx-4
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	McElraft

HB **262** Designate Official Waterfalls.

Draft Number:	H262-PCS40237-BA-5
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Henson

TOTAL REPORTED: 2



HOUSE BILL 31:
Allow Durham Pub. Schools to Provide Housing.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Commerce. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 27, 2019
Introduced by:	Reps. Black, Morey, Reives, Hawkins	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 31 would authorize the Durham Public Schools Board of Education to construct, provide, or maintain affordable rental housing for teachers and other employees of Durham Public Schools.

[As introduced, this bill was identical to S99, as introduced by Sens. McKissick, Woodard, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: Under G.S. 66-58, popularly known as the Umstead Act, governmental units are generally prohibited from engaging in the sale of goods and services in competition with citizens of the State. G.S.115C-518 provides that when a local board of education determines that a building site or other real or personal property is unnecessary or undesirable for public school purposes the local board may dispose of the property in accordance with the statutory procedures providing for the sale and disposition of property. In the case of real property no longer suitable or necessary for public school purposes to which the local board of education holds title, the board of county commissioners for the county in which the property is located has a right of first refusal to obtain the property at fair market price or at a price negotiated between the two boards.

BILL ANALYSIS: House Bill 31 would authorize the Durham Public Schools Board of Education ("Board") to contract with any person, partnership, corporation, or other business entity to construct, provide, or maintain affordable rental housing on property owned by the Board or by Durham County. Additionally, the Board is authorized to enter into residential housing unit lease agreements for housing units owned by the Board. These rental units must be restricted to Durham Public Schools teachers or other Durham Public Schools employees. The Board may establish reasonable rents and may charge below-market rates. Applicable building codes, zoning ordinances, or other health and safety statutes, rules, or regulations would still apply.

EFFECTIVE DATE: This act would be effective when the bill becomes law.

BACKGROUND: Six other boards of education have similar authority to lease housing to teachers within the local school administrative unit: Dare County Board of Education (S.L. 2004-16); Bertie County Board of Education (S.L. 2006-61); Hertford County Board of Education (S.L. 2006-86); Asheville City Board of Education (S.L. 2007-239); Transylvania County Board of Education (S.L. 2009-154); and Edgecombe County Board of Education (S.L. 2009-161). The specific authority granted to each board of education varies.

Staff Attorney Brian Gwyn substantially contributed to this bill summary.

aren Cochrane-Brown
Director

H31-SMBD-27-E1-V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 31

Short Title:	Allow Durham Pub. Schools to Provide Housing.	(Local)
Sponsors:	Representatives Black, Morey, Reives, and Hawkins (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Education - K-12, if favorable, State and Local Government, if favorable, Commerce, if favorable, Rules, Calendar, and Operations of the House	

February 7, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DURHAM PUBLIC SCHOOLS BOARD OF EDUCATION TO PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER EMPLOYEES OF DURHAM PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of Chapter 160A of the General Statutes, or any other provision of law, and subject to the restrictions set out in this act, the Durham Public Schools Board of Education may contract with any person, partnership, corporation, or other business entity to construct, provide, or maintain affordable rental housing on property owned by the Durham Public Schools Board of Education or by Durham County.

SECTION 2. Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of Chapter 160A of the General Statutes, or any other provision of law, the Durham Public Schools Board of Education may, pursuant to this act, enter into residential housing unit lease agreements for housing units owned by the Board. The Board shall restrict the rental of such units exclusively to Durham Public Schools teachers or other Durham Public Schools employees. The Board shall have the authority to establish reasonable rents for housing units and may in its discretion charge below-market rates.

SECTION 3. This act shall not exempt any affordable housing units constructed, provided, maintained, or leased pursuant to this act from compliance with applicable building codes, zoning ordinances, or any other health and safety statutes, rules, or regulations.

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 204
PROPOSED COMMITTEE SUBSTITUTE H204-CSBDx-4 [v.5]
03/26/2019 10:19:02 AM

Short Title: Town of Beaufort/Annexation. (Local)

Sponsors:

Referred to:

February 28, 2019

A BILL TO BE ENTITLED

AN ACT ADDING CERTAIN DESCRIBED NAVIGABLE WATERS AND THE UNINCORPORATED PORTION OF THE RACHEL CARSON RESERVE TO THE CORPORATE LIMITS OF THE TOWN OF BEAUFORT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The following described property is added to the corporate limits of the Town of Beaufort:

AREA #1

The waters from the most southwesterly point of the Town's existing extraterritorial jurisdiction boundary, following the extraterritorial jurisdiction boundary northeasterly around Pivers Island, through Bulkhead Channel (Range 6), then continuing to follow the extraterritorial jurisdiction boundary northwesterly, then moving easterly to the most easterly point where parcel number 730601267487000 meets Gable Creek.

AREA #2

Beginning at the point where the Town's existing corporate boundary in Taylors Creek meets the Town's existing extraterritorial jurisdiction boundary, then following the extraterritorial jurisdiction boundary eastward through Taylors Creek to its mouth, then turning southwesterly at the point where the extraterritorial jurisdiction boundary turns north, arching around the east end of Carrot Island, and connecting with the most southeasterly point of the Town's existing corporate boundary.

SECTION 1.(b) The property described in Section 1.(a) of this act is navigable waters and other property (unincorporated portion of the Rachel Carson Reserve) belonging to the State of North Carolina, and therefore is exempt from taxation by the Town of Beaufort as provided in G.S. 105-278.1.

SECTION 2. This act becomes effective June 30, 2019. Property in the territory described in Section 1.(a) as of January 1, 2019, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2019.

HOUSE BILL 204:
Town of Beaufort/Annexation.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 26, 2019
Introduced by:	Rep. McElraft	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	PCS to First Edition H204-CSBDx-4		

OVERVIEW: House Bill 204 (proposed committee substitute) would add certain navigable waters and the unincorporated portion of the Rachel Carson Reserve to the corporate limits of the Town of Beaufort.

CURRENT LAW: Annexation is a method by which municipalities alter their boundaries. The municipality must follow the statutorily prescribed steps in order to add an area into its boundaries. The municipality must provide, or contract to provide, basic services to the area. These services include police protection, fire protection, solid waste collection and the extension of water and sewer lines to the area.

North Carolina law sets forth four basic ways in which a municipality may annex an area:

- Voluntary Annexation. – The owners of all real property in an area contiguous to the municipality desiring to be annexed sign a petition requesting annexation.
- Voluntary Satellite Annexation. – The owners of all real property in the area desiring to be annexed sign a petition requesting annexation, if it otherwise meets the statutory requirements.
- Municipal-Initiated Annexation subject to a referendum. – The municipality initiates an annexation proceeding, pursuant to statutory requirements.
- Legislative Act. – The General Assembly has the authority to extend the boundaries of any municipality.

S.L. 1981-710 authorizes the Town of Beaufort to make, adopt and enforce ordinances for the navigable waters within its corporate boundaries and for its corporate boundaries as may be extended by law in the future.

BILL ANALYSIS: The PCS to House Bill 204 would add additional navigable waters and the unincorporated portion of the Rachel Carson Reserve to the corporate limits of the Town of Beaufort and would provide that the annexed property, being navigable waters and property owned by the State, would not be subject to taxation by the Town of Beaufort.

EFFECTIVE DATE: The act would become effective June 30, 2019.

BACKGROUND: The Rachael Carson Reserve is a dedicated nature preserve owned by the State of North Carolina located between the mouths of the Newport and North Rivers directly across from the Town of Beaufort. The reserve consists of Town Marsh, Carrot Island, Horse Island, Bird Shoal, and Middle Marshes.[1]

[1] http://www.nccoastalreserve.net/web/crp/rachel-carson

Karen Cochrane-Brown
Director

H204-SMBD-28 CSBDX-4 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 204

Short Title:	Carteret Cty/Annexation & Navigable Waters.	(Local)
Sponsors:	Representative McElraft. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

February 28, 2019

A BILL TO BE ENTITLED

AN ACT ADDING CERTAIN DESCRIBED NAVIGABLE WATERS AND THE UNINCORPORATED PORTION OF THE RACHEL CARSON RESERVE TO THE CORPORATE LIMITS OF THE TOWN OF BEAUFORT AND AUTHORIZING THE MUNICIPALITIES IN CARTERET COUNTY TO REGULATE NAVIGABLE WATERS WITHIN THEIR CORPORATE BOUNDARIES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The following described property is added to the corporate limits of the Town of Beaufort:

AREA #1

The waters from the most southwesterly point of the Town's existing extraterritorial jurisdiction boundary, following the extraterritorial jurisdiction boundary northeasterly around Pivers Island, through Bulkhead Channel (Range 6), then continuing to follow the extraterritorial jurisdiction boundary northwesterly to the point where parcel number 730601053225000 meets parcel number 730601267487000.

AREA #2

Beginning at the point where the Town's existing corporate boundary in Taylors Creek meets the Town's existing extraterritorial jurisdiction boundary, then following the extraterritorial jurisdiction boundary eastward through Taylors Creek to its mouth, then turning southwesterly at the point where the extraterritorial jurisdiction boundary turns north, arching around the east end of Carrot Island, and connecting with the most southeasterly point of the Town's existing corporate boundary.

SECTION 1.(b) The property described in Section 1(a) of this act is navigable waters and other property (unincorporated portion of the Rachel Carson Reserve) belonging to the State of North Carolina, and therefore is exempt from taxation by the Town of Beaufort as provided in G.S. 105-278.1.

SECTION 2. In addition to the Town of Beaufort, the provisions of Chapter 710 of the 1981 Session Laws shall also apply to the Towns of Atlantic Beach, Bogue, Cape Carteret, Cedar Point, Emerald Isle, Indian Beach, Morehead City, Newport, Peletier, and Pine Knoll Shores.

SECTION 3. This act is effective when it becomes law.

HOUSE BILL 233:
State Auditor/Various Amendments.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 27, 2019
Introduced by:	Reps. Riddell, Cleveland, Floyd, Barnes	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 233 would amend various statutes related to the Office of the State Auditor, as requested by the Office of the State Auditor.

CURRENT LAW AND BILL ANALYSIS: House Bill 233 is an agency bill requested by the Office of the State Auditor and would do the following:

Section	Explanation
1	State law requires the Auditor to provide various means to receive reports of allegations of improper governmental activities or misuse of governmental funds, including a telephone hotline. Section 1 would require the grantee or subgrantee of grant funds to post the State Auditor's hotline telephone number in a conspicuous place in the office of the grantee or subgrantee. This section would become effective July 1, 2019.
2	Would allow the Auditor to determine the length of time an auditee has to respond to a performance audit. Currently, the auditee has 30 days. This section would allow the Auditor to set the length of time an auditee has to respond between 15 and 30 days, commensurate with the number and complexity of the findings. The General Statutes do not set any minimum time for agencies to respond to other types of audits.
3	Would allow the State Auditor to share information obtained through an investigation or audit with other governmental agencies prior to the completion of an investigation or the issuance of an audit report. Under current law, the Auditor cannot share its confidential work papers and related supported materials until the audit report is issued.
4	G.S. 147-64.7 gives the Auditor access to documentation related to its audits. Section 4 would provide that the production of documents or information by an auditee does not constitute a waiver or an impairment of the attorney client privilege or the attorney work product privilege.
5	Would require the Auditor to make and enforce only those rules reasonably necessary for the operation of the Auditor's office. The section also makes technical changes within G.S. 147-64.9.

EFFECTIVE DATE: Section 1 would become effective July 1, 2019. The remainder of the bill would become effective when it becomes law.

Karen Cochrane-Brown
Director

H233-SMBA-23 E1 -V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 233

Short Title:	State Auditor/Various Amendments.-AB	(Public)
Sponsors:	Representatives Riddell, Cleveland, Floyd, and Barnes (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House	

March 4, 2019

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A NON-STATE ENTITY THAT RECEIVES STATE FUNDS TO POST THE OFFICE OF THE STATE AUDITOR'S HOTLINE, TO ALLOW THE OFFICE OF THE STATE AUDITOR TO DETERMINE THE LENGTH OF TIME THAT A STATE AGENCY MAY RESPOND TO AN AUDIT OF ECONOMY AND EFFICIENCY OR AN AUDIT OF PROGRAM RESULTS, TO EXPAND THE TYPE OF RECORDS THE OFFICE OF THE STATE AUDITOR MAY SHARE WITH STATE AND FEDERAL AGENCIES, TO CLARIFY THAT THE PRODUCTION OF DOCUMENTS TO THE OFFICE OF THE STATE AUDITOR DOES NOT WAIVE THE ATTORNEY-CLIENT OR ATTORNEY WORK-PRODUCT PRIVILEGES, AND TO CLARIFY THAT THE OFFICE OF THE STATE AUDITOR IS NOT REQUIRED TO ADOPT UNNECESSARY RULES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 143C-6-23(g) reads as rewritten:

"(g) Audit Oversight. – The State Auditor has audit oversight, with respect to grant funds received by the grantee or subgrantee, pursuant to Article 5A of Chapter 147 of the General Statutes, of every grantee or subgrantee that receives, uses, or expends grant funds. A grantee or subgrantee ~~must,~~ shall, upon request, furnish to the State Auditor for audit all books, records, and other information necessary for the State Auditor to account fully for the use and expenditure of grant funds received by the grantee or subgrantee. The grantee or subgrantee ~~must~~ shall furnish any additional financial or budgetary information requested by the State Auditor, including audit work papers in the possession of any auditor of a grantee or subgrantee directly related to the use and expenditure of grant funds. The grantee or subgrantee shall post conspicuously in its office the State Auditor's hotline telephone number, as described in G.S. 147-64.6B(a)."

SECTION 1.(b) This section becomes effective July 1, 2019.

SECTION 2. G.S. 147-64.6(c) reads as rewritten:

"(c) The Auditor ~~shall be~~ is responsible for the following acts and activities:

...

(13) At the conclusion of an audit, the Auditor or the Auditor's designated representative shall discuss the audit with the official whose office is subject to audit and submit necessary underlying facts developed for all findings and recommendations which may be included in the audit report. On audits of economy and efficiency and program results, the auditee's written response shall be included in the final report if received within 15 to 30 days from receipt of the draft report. The length of time shall be determined by the

Auditor and shall be commensurate with the number and complexity of the findings.

...."

SECTION 3. G.S. 147-64.6(d) reads as rewritten:

"(d) Reports and Work Papers. – The Auditor shall maintain for 10 years a complete file of all audit reports and reports of other examinations, investigations, surveys, and reviews issued under the Auditor's authority. Audit work papers and other evidence and related supportive material directly pertaining to the work of the Auditor's office shall be retained according to an agreement between the Auditor and State Archives. To promote intergovernmental cooperation and avoid unnecessary duplication of audit effort, and notwithstanding the provisions of G.S. 126-24, pertinent work papers and other supportive material related to ~~issued audit reports~~ an audit or investigation made pursuant to this section may be, at the discretion of the Auditor and unless otherwise prohibited by law, made available for inspection by duly authorized representatives of the State and federal government who desire access to and inspection of ~~such~~ the records in connection with some matter officially before them, including criminal investigations.

Except as provided in this section, or upon an order issued in Wake County Superior Court upon 10 days' notice and hearing finding that access is necessary to a proper administration of justice, audit work papers and related supportive material shall be kept confidential, including any interpretations, advisory opinions, or other information or materials furnished to or by the Bipartisan State Board of Elections and Ethics Enforcement under this section."

SECTION 4. G.S. 147-64.7 is amended by adding a new subsection to read:

"(d) No Waiver. – The production of documents or information required by this section does not constitute a waiver or an impairment of the attorney-client privilege or the attorney work-product privilege."

SECTION 5. G.S. 147-64.9 reads as rewritten:

"**§ 147-64.9. ~~Rules and regulations.~~Rules.**

The Auditor shall make and enforce ~~such reasonable~~ only those rules ~~and regulations as are~~ that the Auditor determines are reasonably necessary for the operation of ~~his~~ the Auditor's office. The Auditor shall install an adequate accounting system for ~~his~~ the office and shall keep or cause to be kept a complete, accurate, and adequate record of all fiscal transactions of ~~his~~ the office."

SECTION 6. Except as otherwise provided, this act is effective when it becomes law.

HOUSE BILL 243:
State Human Resources Act Amendments.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 27, 2019
Introduced by:	Reps. Riddell, Cleveland, Floyd	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 243 would direct the Office of State Human Resources (OSHR) to provide consultative and technical services to assist State agencies in establishing and administering safety and health programs required by law, and monitor compliance with the State Employees Workplace Requirements Program for Safety, Health, and Workers' Compensation.

CURRENT LAW: Current law requires OSHR to establish a written program for State employee workplace safety, health, and workers' compensation.

G.S. 143-583 requires the OSHR to maintain a model program of safety and health requirements as a guide for State agencies in development of their own individual programs as required by law; establish guidelines for the creation and operation of safety and health committees; and adopt policies to govern, and guidelines for delegation of certain functions, for the administration of workers' compensation programs to State agencies.

BILL ANALYSIS: House Bill 243 would direct the Office of State Human Resources (OSHR) to provide consultative and technical services to assist State agencies in establishing and administering safety and health programs required by law, and monitor compliance with the State Employees Workplace Requirements Program for Safety, Health, and Workers' Compensation.

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

aren Cochrane-Brown
Director

H243-SMBG-45 E1 -V-4

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 243

Short Title:	State Human Resources Act Amendments.-AB	(Public)
Sponsors:	Representatives Riddell, Cleveland, and Floyd (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 4, 2019

A BILL TO BE ENTITLED

AN ACT AMENDING THE STATE HUMAN RESOURCES ACT RELATING TO THE CONSULTATIVE AND TECHNICAL ASSISTANCE PROVIDED TO STATE WORKPLACE SAFETY PROGRAMS BY THE OFFICE OF STATE HUMAN RESOURCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-583 reads as rewritten:

"**§ 143-583. Model program; technical assistance; reports.**

(a) Model Program. – The Office of State Human Resources shall:

(1) Maintain a model program of safety and health requirements to guide State agencies in the development of their individual programs and in complying with the provisions of G.S. 95-148 and this Article.

(2) Establish guidelines for the creation and operation of State agency safety and health committees.

(3) Adopt policies that shall govern the administration of the workers' compensation program and monitor compliance with Chapter 97 of the General Statutes.

(4) Establish guidelines for the delegation of certain administrative functions as necessary for the administration of the workers' compensation program to State agencies, as defined in this section.

(b) Repealed by Session Laws 2015-241, s. 30.18(b), effective July 1, 2015.

(b1) Technical Assistance. – The Office of State Human Resources shall:

(1) Provide consultative and technical services to assist State agencies in establishing and administering their workplace safety and health programs and to address specific technical problems.

(2) Monitor compliance with this Article.

(c) Reports. – The Office of State Human Resources shall report annually to the Joint Legislative Commission on Governmental Operations on the safety, health, and workers' compensation activities of State agencies, compliance with this Article, and the fines levied against State agencies pursuant to Article 16 of Chapter 95 of the General Statutes."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 260:
Scotland Neck Meals Tax.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 27, 2019
Introduced by:	Rep. Wray	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 260 would authorize the Town of Scotland Neck, by resolution, to levy a prepared food and beverages tax of one percent (1%).

BILL ANALYSIS: House Bill 260 would authorize the Town of Scotland Neck Board of Commissioners to pass a resolution, after not less than 10 days' public notice and a public hearing, to levy a prepared food and beverages tax of 1%. This tax would be in addition to the State and local sales tax. The bill also has administrative provisions to address the collection, administration, authority to repeal, and refunds of the tax. Applicable penalties would be addressed by existing general statutes, which state that generally the same civil and criminal penalties that apply to sales and use taxes also apply to local meals taxes.[1] The net proceeds of the tax could only be used for the promotion of travel and tourism in the Town.

CURRENT LAW: Under current law, Cumberland County, Dare County, Mecklenburg County, the City of Charlotte, Wake County, and the Town of Hillsborough are authorized to levy a prepared food and beverages tax of 1%.

"Prepared food" is defined as food that meets at least one of the following conditions:[2]

a. It is sold in a heated state or it is heated by the retailer.
b. It consists of two or more foods mixed or combined by the retailer for sale as a single item. This does not include foods containing raw eggs, fish, meat, or poultry that require cooking by the consumer as recommended by the Food and Drug Administration to prevent food borne illnesses.
c. It is sold with eating utensils provided by the retailer, such as plates, knives, forks, spoons, glasses, cups, napkins, and straws. A plate does not include a container or packaging used to transport the food.

Prepared food does not include food the retailer sliced, repackaged, or pasteurized but did not heat, mix, or sell with eating utensils.

The term **"beverage"** refers to an alcoholic beverage that contains at least one half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.[3]

[1] G.S. 160A-214.1 and 153A-154.1.
[2] G.S. 105-164.3(28).
[3] G.S. 18B-101(4).

aren Cochrane-Brown
Director

H260-SMBA-22 E1 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

EFFECTIVE DATE: This act would be effective when it becomes law.

BACKGROUND: Below is a summary of all prior local meal tax acts.

Local Meals Tax Acts[4]

Jurisdiction	Session Laws
Cumberland County	S.L. 1993-413, as amended by Section 2.19 of S.L. 2001-347
Dare County	S.L. 1991-177, as amended by Section 2.20 of S.L. 2001-347 and by Section 9 of S.L. 2002-141.
Mecklenburg County and City of Charlotte	S.L. 1989-821, as amended by Section 2.18 of S.L. 2001-347, by S.L. 2001-402, and by S.L. 2011-160.
Wake County	S.L. 1991-594, as amended by S.L. 1995-458 and by Section 2.22 of S.L. 2001-347
Town of Hillsborough	S.L. 1993-449, as amended by S.L. 1999-304 and by Section 2.21 of S.L. 2001-347
City of Monroe	S.L. 2005-261, as amended by Section 9 of S.L. 2006-171, w/referendum in 2006 or 2007[5]
Durham County	S.L. 2008-116, w/ referendum[6]

[4]Subject to exemptions, each municipality and county that levies the tax charges a 1% tax on the sales price of prepared food and beverage sold at retail within their corporate limits.

[5] A proposed prepared food and beverages tax was defeated in a Union County Board of Elections referendum on October 9, 2007, with 37.18% of the voters voting for the tax and 62.82% voting against the tax.

[6] A proposed prepared food and beverages tax was defeated in the Durham County General Election on November 4, 2008, with 28.22% of the voters voting for the tax and 71.78% voting against the tax.

HOUSE BILL 260

Short Title:	Scotland Neck Meals Tax.	(Local)
Sponsors:	Representative Wray. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

March 5, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF SCOTLAND NECK TO LEVY A PREPARED FOOD AND BEVERAGES TAX.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Authority. – The Scotland Neck Board of Commissioners, by resolution and after not less than 10 days' public notice and a public hearing, levy a prepared food and beverages tax of up to one percent (1%) of the sales price of prepared food and beverages sold within the Town of Scotland Neck at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1) upon the occurrence of an action listed in this subsection. For purposes of catering, the tax applies to food served in the town without regard to the residency of the caterer. This tax is in addition to State and local sales tax.

SECTION 1.(b) Definitions. – The definitions in G.S. 105-164.3 apply to this section to the extent they are not inconsistent with the provisions of this section. In addition, the following definitions apply in this act:

(1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax.

(2) Prepared food and beverages. – The term includes the following:

a. Prepared food. – Defined in G.S. 105-164.3.

b. An alcoholic beverage. – Defined in G.S. 18B-101.

SECTION 1.(c) Exemptions. – The prepared food and beverages tax does not apply to the following sales of prepared food and beverages:

(1) Prepared food and beverages served to residents in boardinghouses and sold together on a periodic basis with rental of a sleeping room or lodging.

(2) Retail sales exempt from taxation under G.S. 105-164.13.

(3) Retail sales through or by means of vending machines.

(4) Prepared food and beverages served by a retailer subject to the local occupancy tax if the charge for the prepared food and beverages is included in a single, nonitemized sales price together with the charge for rental of a room, lodging, or accommodation furnished by the retailer.

(5) Prepared food and beverages furnished without charge by an employer to an employee.

(6) Retail sales by grocers or by grocery sections of supermarkets or other diversified retail establishments, other than sales of prepared food and

beverages in the delicatessen or similar department of the grocer or grocery section.

(7) Prepared food and beverages served on a federal military reservation.

SECTION 1.(d) Collection. – Every retailer subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing prepared food and beverages. The tax shall be stated separately on the sales document and shall be paid by the purchaser to the retailer as trustee for and on account of the municipality. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the retailer. The entity collecting the tax shall design, print, and furnish to all appropriate businesses and persons in the town the necessary forms for filing returns and instructions to ensure the full collection of the tax.

SECTION 1.(e) Administration. – The Town of Scotland Neck may enter into an agreement with Halifax County for the administration and collection of the tax levied under this section. In the absence of an agreement, the town shall administer the tax levied under this section. A tax levied under this section is due and payable to the local administering authority as agent for the taxing entity in monthly installments on or before the twentieth day of the month following the month in which the tax accrues. Every retailer liable for the tax shall, on or before the twentieth day of each month, prepare and render a return on a form prescribed by the town or, at the town's direction, the entity administering and collecting the tax. The return shall show the total gross receipts derived in the preceding month from sales to which the tax applies.

A return filed under this section is not a public record and may not be disclosed except in accordance with G.S. 160A-208.1.

The provisions of Article 5 and Article 9 of Chapter 105 of the General Statutes apply to this section to the extent they are not inconsistent with the provisions of this section. The uniform meals tax penalty provisions of G.S. 160A-214.1 apply to a tax levied under this section.

SECTION 1.(f) Refunds. – The entity administering the tax shall refund to a nonprofit or governmental entity the prepared food and beverages tax paid by the entity on eligible purchases of prepared food and beverages. A nonprofit or governmental entity's purchase of prepared food and beverages is eligible for a refund under this subsection if the entity is entitled to a refund under G.S. 105-164.14(b) or (c) of local sales and use tax paid on the purchase or if the sale is exempt under G.S. 105-164.13. The time limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(b), (d), and (d1) apply to refunds to nonprofit entities; the time, limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(c), (d), and (d1) apply to refunds to governmental entities. When an entity applies for a refund of the prepared food and beverages tax paid by it on purchases, it shall attach to its application a copy of the application submitted to the Department of Revenue under G.S. 105-164.14 for a refund of the sales and use tax on the same purchases or a written statement that the purchases were exempt from the tax. An applicant for a refund under this subsection shall provide any information required by the entity administering the tax to substantiate the claim.

SECTION 1.(g) Use of Proceeds. – The proceeds of a tax levied under this section shall be used as provided in this subsection. The entity administering and collecting the tax may deduct from the gross proceeds of the taxes collected under this act an amount not to exceed three percent (3%) of the gross proceeds to pay for the direct cost of administering and collecting the taxes. The remaining proceeds shall be used for the promotion of travel and tourism in the Town of Scotland Neck.

SECTION 1.(h) Effective Date of Levy. – A tax levied under this section shall become effective on the date specified in the resolution levying the tax. The date shall be the first day of a calendar month and may not be before the first day of the fourth month after the date the resolution is adopted.

SECTION 1.(i) Repeal. – Repeal or reduction of a tax levied under this section does not affect a liability for a tax that attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction. Any repeal or reduction shall become effective on the first day of a month. Any repeal or reduction may not become effective until the end of the fiscal year in which the repeal resolution is adopted.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 262
PROPOSED COMMITTEE SUBSTITUTE H262-CSBA-5 [v.1]
03/26/2019 10:37:00 AM

Short Title: Designate Transylvania Cty Land of Waterfalls. (Public)

Sponsors:

Referred to:

March 5, 2019

A BILL TO BE ENTITLED

AN ACT DESIGNATING THE CITY OF BREVARD, TOWN OF ROSMAN, AND TRANSYLVANIA COUNTY AS NORTH CAROLINA'S OFFICIAL LAND OF WATERFALLS.

Whereas, Transylvania County has 250 official waterfalls; and

Whereas, "Land of Waterfalls" has been used to describe the area since the early 1900s, including the City of Brevard's and Transylvania County's official seal and logo, respectively; and

Whereas, this area has a long history as a tourist destination, with enjoyment of waterfalls consistently listed on visitor surveys as a primary reason for visitation; and

Whereas, this area features numerous iconic and nationally known waterfalls like Looking Glass Falls, Sliding Rock, Hooker Falls, High Falls, Triple Falls, Rainbow Falls, and more; and

Whereas, Transylvania County's iconic waterfalls have been a part of dozens of feature films, including Thunder Road, The Last of the Mohicans, and The Hunger Games, as well as many national television shows like Lassie and The Oprah Winfrey Show; and

Whereas, Transylvania County is blessed with five public lands—Pisgah National Forest, DuPont State Recreational Forest, Gorges State Park, Headwaters State Forest, and Nantahala National Forest—all of which celebrate their own unique waterfalls; and

Whereas, millions of visitors come to the area annually to visit the many waterfalls; and

Whereas, this area is considered as a highly desirable place to live with the incredible outdoor opportunities, including enjoyment of waterfalls, as a top reason; and

Whereas, the City of Brevard, the Town of Rosman, and Transylvania County should be designated as North Carolina's official land of waterfalls; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-52. Official land of waterfalls.**

The City of Brevard, the Town of Rosman, and Transylvania County are designated as North Carolina's official land of waterfalls."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 262:
Designate Transylvania Cty Land of Waterfalls.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 27, 2019
Introduced by:	Rep. Henson	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	PCS to First Edition H262-CSBA-5		

OVERVIEW: ***House Bill 262 would designate the City of Brevard, the Town of Rosman, and Transylvania County as North Carolina's official land of waterfalls.***

The PCS would change the short title and update uncodified language to acknowledge two additional public lands located in Transylvania County.

CURRENT LAW: State symbols and other official adoptions of the State are found in Chapter 145 of the General Statutes. Currently, North Carolina does not have an official land of waterfalls.

BILL ANALYSIS: This act would amend Chapter 145 of the General Statutes by adding a new section to designate the City of Brevard, the Town of Rosman, and Transylvania County as North Carolina's official land of waterfalls.

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

.aren Cochrane-Brown
Director

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 262

Short Title:	Designate Official Waterfalls.	(Public)
Sponsors:	Representative Henson. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 5, 2019

A BILL TO BE ENTITLED

AN ACT DESIGNATING THE CITY OF BREVARD, TOWN OF ROSMAN, AND TRANSYLVANIA COUNTY AS NORTH CAROLINA'S OFFICIAL LAND OF WATERFALLS.

Whereas, Transylvania County has 250 official waterfalls; and

Whereas, "Land of Waterfalls" has been used to describe the area since the early 1900s, including the City of Brevard's and Transylvania County's official seal and logo, respectively; and

Whereas, this area has a long history as a tourist destination, with enjoyment of waterfalls consistently listed on visitor surveys as a primary reason for visitation; and

Whereas, this area features numerous iconic and nationally known waterfalls like Looking Glass Falls, Sliding Rock, Hooker Falls, High Falls, Triple Falls, Rainbow Falls, and more; and

Whereas, Transylvania County's iconic waterfalls have been a part of dozens of feature films, including Thunder Road, The Last of the Mohicans, and The Hunger Games, as well as many national television shows like Lassie and The Oprah Winfrey Show; and

Whereas, Transylvania County is blessed with three incredible public lands—Pisgah National Forest, Dupont State Recreational Forest, and Gorges State Park—all of which celebrate their own unique waterfalls; and

Whereas, millions of visitors come to the area annually to visit the many waterfalls; and

Whereas, this area is considered as a highly desirable place to live with the incredible outdoor opportunities, including enjoyment of waterfalls, as a top reason; and

Whereas, the City of Brevard, the Town of Rosman, and Transylvania County should be designated as North Carolina's official land of waterfalls; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-52. Official land of waterfalls.**

The City of Brevard, the Town of Rosman, and Transylvania County are designated as North Carolina's official land of waterfalls."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 273:
Add Member to NC Training Standards Commiss.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 27, 2019
Introduced by:	Reps. Riddell, Ross, Hardister, Cunningham	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 273 would add one additional member to the North Carolina Criminal Justice Education and Training Standards Commission.

[As introduced, this bill was identical to S185, as introduced by Sens. Sanderson, Krawiec, Johnson, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: Currently, the North Carolina Criminal Justice Education and Training Standards Commission is comprised of 34 members, which includes police chiefs, police officers, various appointees from the North Carolina Department of Justice and North Carolina Department of Public Safety, members of the North Carolina General Assembly, and various other appointees as outlined within G.S. 17C-3.

BILL ANALYSIS:

House Bill 273 would add one At-large Group member to the North Carolina Criminal Justice Education and Training Standards Commission, who would be a full-time sworn law-enforcement officer selected by the North Carolina Police Benevolent Association.

The initial term of the office would be July 1, 2019 to June 30, 2022, and subsequent appointees would be appointed for a term of 3 years, however the member appointed by the Police Benevolent Association shall serve at the will of the appointing authority.

EFFECTIVE DATE: This act would be effective when it becomes law.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 273

Short Title:	Add Member to NC Training Standards Commiss.	(Public)
Sponsors:	Representatives Riddell, Ross, Hardister, and Cunningham (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 6, 2019

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE NORTH CAROLINA POLICE BENEVOLENT ASSOCIATION CAN APPOINT ONE FULL-TIME SWORN LAW-ENFORCEMENT OFFICER TO SERVE ON THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 17C-3(a) reads as rewritten:

"**§ 17C-3. North Carolina Criminal Justice Education and Training Standards Commission established; members; terms; vacancies.**

(a) There is established the North Carolina Criminal Justice Education and Training Standards Commission, hereinafter called "the Commission." The Commission shall be composed of ~~34~~ 35 members as follows:

...

(4) At-large Groups. – One individual representing and appointed by each of the following organizations: one mayor selected by the League of Municipalities; one law-enforcement training officer selected by the North Carolina Law-Enforcement Training Officers' Association; one criminal justice professional selected by the North Carolina Criminal Justice Association; one sworn law-enforcement officer selected by the North State Law-Enforcement Officers' Association; one member selected by the North Carolina Law-Enforcement Women's Association; ~~and~~ one District Attorney selected by the North Carolina Association of District ~~Attorneys.~~Attorneys; and one full-time sworn law-enforcement officer selected by the North Carolina Police Benevolent Association.

...."

SECTION 2. As enacted by Section 1 of this act, the initial term of office for the member selected by the North Carolina Police Benevolent Association shall begin on July 1, 2019, and shall expire on June 30, 2022. Consistent with G.S. 17C-3(b), subsequent appointees to these positions shall be appointed for a term of three years, but notwithstanding the appointment for a term of three years, the member shall serve at the will of the appointing authority.

SECTION 3. This act is effective when it becomes law.

HB 273 Guest speakers

ROXBORO POLICE DEPARTMENT

David L. Hess
Chief of Police
email: dhess@cityofroxboro.com
@ChiefDavidHess
@CityofRoxboro

109 North Lamar Street
Roxboro, NC 27573
Office: 336-599-8345
Fax: 336-597-8239

264

www.cityofroxboro.com/government/police

NORTH CAROLINA STATE LODGE
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JEFF GRAY
LEGISLATIVE AGENT
919.324.5868

email:jgncfop@gmail.com

NORTH CAROLINA POLICE BENEVOLENT ASSOCIATION
A Division of Southern States Police Benevolent Association
1-800-233-3506
VOICE MAIL EXTENSION: 311

RANDY BYRD
President
NC Division
Cell: (919) 649-7710
Email: rbyrd@sspba.org

Highway 42 S
nough, GA 30252
(770) 389-5391
Fax: (866) 337-7722
www.ncpba.org

PSG
PUBLIC SECTOR GROUP

Doug Miskew

5 West Hargett St Ste 212
Raleigh, NC 27601

o: 919.825.0914
m: 919.522.5201

dmiskew@publicsectorgroup.com
publicsectorgroup.com

NORTH CAROLINA POLICE BENEVOLENT ASSOCIATION
A Division of Southern States Police Benevolent Association
1-800-233-3506
VOICE MAIL EXTENSION: 643

JOHN C. MIDGETTE
Executive Director
Cell: (919) 625-4866
Email: jmidgette@sspba.org

2155 Highway 42 S
McDonough, GA 30252
(770) 389-5391
Fax: (866) 337-7722
www.ncpba.org

NCACP
NC ASSOCIATION OF CHIEFS OF POLICE

Fred P. Baggett
Legislative Counsel

919-888-1316
fredpbaggett@gmail.com



SENATE BILL 80:
China Grove Satellite Annexations.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	March 27, 2019
Introduced by:	Sen. Ford	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 80 would exempt the Town of China Grove from the 10% area cap on voluntary satellite annexations.

CURRENT LAW: G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property, also known as voluntary satellite annexation.

If all property owners in a satellite area petition a municipality for voluntary annexation of the noncontiguous property, the municipality may annex the property, if the following five requirements are met:

1. The nearest point on the proposed satellite corporate limits must be not more than 3 miles from the primary corporate limits of the annexing city.
2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
5. *The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed 10% of the area within the primary corporate limits of the annexing city.*

BILL ANALYSIS: Senate Bill 80 would add the Town of China Grove to the group of municipalities exempted from the 10% area cap on voluntary satellite annexation.

EFFECTIVE DATE: Senate Bill 80 would be effective when it becomes law.

BACKGROUND: On November 6, 2018, the China Grove Town Council passed a unanimous resolution requesting that the Town be exempted from the 10% area cap on voluntary satellite annexations. The General Assembly has exempted over 100 other municipalities from this requirement in G.S. 160A-58.1(b)(5).

Brad Krehely and Susan Sitze, staff attorneys, substantially contributed to this summary.

Karen Cochrane-Brown
Director

S80-SMBA-20 E1 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 1

SENATE BILL 80

Short Title:	China Grove Satellite Annexations.	(Local)
Sponsors:	Senator Ford (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

February 20, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF CHINA GROVE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1 reads as rewritten:

"**§ 160A-58.1. Petition for annexation; standards.**

...

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

...

(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Carthage, Catawba, China Grove, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Franklin, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Ocean Isle Beach, Pembroke, Pine Level, Pollocksville, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Siler City, Smithfield, Spencer, Spring Lake, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Wilson's Mills, Windsor, Yadkinville, and Zebulon.

...."

SECTION 2. This act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Government

DATE: 3/27/2019 Room: 1228/1327

House Sgt-At Arms:

1. Name: Rex Foster
2. Name: Ken Gilbert
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

House Pages
Assignments
Wednesday, March 27, 2019
Session: 10:00 AM

Committee	Room	Time	Staff	Comments	Member
Commerce and Job Development	422	10:00 AM	Blake Ellison		Rep. George G. Cleveland
Judiciary I	544	10:00 AM	Samuel Hart		Rep. Marcia Morey
			Lauren Johnson		Speaker Tim Moore
			Isabel Lewis		Rep. Cynthia Ball
			Everett McAteer		Rep. John Szoka
State and Local Government I	1228/1327	10:00 AM	Imani Hayes		Rep. Garland Pierce
			Jada Long		Rep. Zack Hawkins
			Kai Nilsen		Rep. Verla Insko

VISITOR REGISTRATION SHEET

House Committee on State and Local Government — 3/27/2019
Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Richard Bostic	NCSBA
JOHN MIDGETTE	NC PBA
RANDY BYRD	NC PBA
Eddie BRAXTON	TOWN of SCOTLAND NECK - MAYOR
Charles Baisey	Town of Scotland Neck
ScarletteGardner	OSHR
Tonya Hoaton	OSHR
David Hess	1st Vice President NC Assoc. Chiefs of Police
Fred Baysette	Police Chief
JERRY SCHILL	NC Fisheries Assn.

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 3/27/2019
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Resha Fortson	SEANC
Sarah Patience	WM
Kendall Hathaway	Intern – Rep. Wray
Carolina Snoemaker	governor ofc
[illegible]	Fraternal Order of Police
Ray Hash	Fraternal Order of Police
B Young	OSA
T. Hoegemeyer	OSA
David Ferrell	NP
Doug Miskin	PSG
Beau Mills	Metro Mayors

VISITOR REGISTRATION SHEET

House Committee on State and Local Government — 3/27/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Will Perry-Hill	NCHFA
JARRET BURR	BCC
Haley Gingles	The FMRT Group
Elizabeth Morris	The FMRT Group
CARY THOMAS	FPA

VISITOR REGISTRATION SHEET

House Committee on State and Local Government — 3/27/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dave Hone	SA
Erin Wynia	NCLM
John Thompson	TPG

North Carolina General Assembly

STATE & LOCAL GOVERNMENT COMMITTEE

2019-2020 Session

Chairs

Representative Kevin Corbin
Representative Harry Warren

Co-Chairs

Representative George Cleveland
Representative Michael Speciale

Committee Clerks

Cindy Hobbs
Cristy Yates

House Committee on State and Local Government
Wednesday, April 3, 2019 at 10:00 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on April 3, 2019 in Room 1228/1327 of the Legislative Building. Representatives Warren and Corbin, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Boles, Carter, Dobson, Fisher, Graham, Logan, Quick, Sasser, von Haefen and Willingham attended.

Rep. Harry Warren, Chair, called the meeting to order and introduced the Pages and Sergeant-at-Arms who assisted with the committee. Copies of the attendance and visitor registration forms are included with these minutes.

The following bills were considered:

HB 237 - Brunswick County Zoning Procedure Changes. (Representatives Butler, Iler)
Chairman Warren recognized Rep. Butler to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Corbin was recognized and moved that the PCS for HB 237 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 239 - Pitt County Animal Control Records. (Representatives K. Smith, Humphrey)
Chairman Warren recognized Rep. Humphrey to explain the bill. The Chairman opened the floor for discussion. Reps. Cleveland and Ager asked questions. Rep. Cleveland was recognized and moved that the PCS for HB 239 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 256 - Adopt Official Fried Chicken Festival. (Representative Floyd)
Chairman Warren recognized Rep. Floyd to explain the bill. The Chairman opened the floor for discussion and Rep. Graham asked a question. Rep. Cleveland was recognized and moved that HB 256 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 280 - Mod Rights/Privileges/Immunities Lumbee Tribe. (Representatives Graham, Pierce)
Chairman Warren recognized Rep. Graham to explain the bill. The Chairman opened the floor for discussion and Reps. Willingham, Ager, Autry, and Speciale asked questions. Gregory Richardson, Executive Director of the NC Commission on Indian Affairs, was recognized to address the committee. Rep. Fisher was recognized and moved that HB 280 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 316 - Meals Tax for Rockingham Speedway. (Representative Goodman)
Chairman Warren recognized Rep. Goodman to explain the bill. The Chairman opened the floor for discussion. Reps. Boles, Warren, and Ager asked questions. Nicholas Giddings, of Research Analysis, was recognize to answer questions. Bryan Land, Richmond County Manager, was recognized to address the committee. Rep. Sasser was recognized and moved that the PCS for HB 316 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 324 - Cleveland County Hunting Omnibus. (Representative Hastings)
Chairman Warren recognized Rep. Hastings to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that HB 324 receive a Favorable Report with a referral to Wildlife Resources. The Chairman opened the floor for a vote and the motion passed.

HB 392 - Village of Clemmons/Deannexation. (Representatives Zachary, Conrad)
Chairman Warren recognized Rep. Zachary to explain the bill. The Chairman opened the floor for discussion. Reps. Speciale and Fisher asked questions. Rep. Sasser was recognized and moved that HB 392 receive a Favorable Report with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 394 - Official State Cookie and Ship. (Representatives Hardister, Grange, Lambeth, Clemmons)
Chairman Warren recognized Rep. Grange to explain the bill. The Chairman opened the floor for discussion. Reps. Cleveland, Quick, and Sasser asked questions. Nicholas Giddings, of Research Analysis, was recognized to answer questions. Rep. Cleveland was recognized and moved that HB 394 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 311 - Greensboro/Real Property Conveyances. (Representatives Quick, Clemmons, Harrison, Hardister) was scheduled to be heard but was pulled at the last minute by Rep. Quick.

The meeting adjourned at 10:45.

Representative Harry Warren, Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB 237, PCS, Summary, and Committee Report
4. HB 239, PCS, Summary, and Committee Report
5. HB 256, Summary, and Committee Report
6. HB 280, Summary, and Committee Report , Hand-out, Guest speaker
7. HB 316, PCS, Summary, and Committee Report , Guest speaker
8. HB 324, Summary, and Committee Report
9. HB 392, Summary, and Committee Report
10. HB 394, Summary, and Committee Report
11. Sergeant-at-Arms
12. Pages
13. Visitor Registration Forms

Updated #2: Removed HB240

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, April 3, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 237	Brunswick County Zoning Procedure Changes.	Representative Butler Representative Iler
HB 239	Pitt County Animal Control Records.	Representative K. Smith Representative Humphrey
HB 256	Adopt Official Fried Chicken Festival.	Representative Floyd
HB 280	Mod Rights/Privileges/Immunities Lumbee Tribe.	Representative Graham Representative Pierce
HB 311	Greensboro/Real Property Conveyances.	Representative Quick Representative Clemmons Representative Harrison Representative Hardister
HB 316	Meals Tax for Rockingham Speedway.	Representative Goodman
HB 324	Cleveland County Hunting Omnibus.	Representative Hastings
HB 392	Village of Clemmons/Deannexation.	Representative Zachary Representative Conrad
HB 394	Official State Cookie and Ship.	Representative Hardister Representative Grange Representative Lambeth Representative Clemmons

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:39 PM on Tuesday, April 02, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #1: Removed HB414

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, April 3, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 237	Brunswick County Zoning Procedure Changes.	Representative Butler Representative Iler
HB 239	Pitt County Animal Control Records.	Representative K. Smith Representative Humphrey
HB 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 256	Adopt Official Fried Chicken Festival.	Representative Floyd
HB 280	Mod Rights/Privileges/Immunities Lumbee Tribe.	Representative Graham Representative Pierce
HB 311	Greensboro/Real Property Conveyances.	Representative Quick Representative Clemmons Representative Harrison Representative Hardister
HB 316	Meals Tax for Rockingham Speedway.	Representative Goodman
HB 324	Cleveland County Hunting Omnibus.	Representative Hastings
HB 392	Village of Clemmons/Deannexation.	Representative Zachary Representative Conrad
HB 394	Official State Cookie and Ship.	Representative Hardister Representative Grange Representative Lambeth Representative Clemmons

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:44 AM on Tuesday, April 02, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, April 3, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 237	Brunswick County Zoning Procedure Changes.	Representative Butler Representative Iler
HB 239	Pitt County Animal Control Records.	Representative K. Smith Representative Humphrey
HB 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 256	Adopt Official Fried Chicken Festival.	Representative Floyd
HB 280	Mod Rights/Privileges/Immunities Lumbee Tribe.	Representative Graham Representative Pierce
HB 311	Greensboro/Real Property Conveyances.	Representative Quick Representative Clemmons Representative Harrison Representative Hardister
HB 316	Meals Tax for Rockingham Speedway.	Representative Goodman
HB 324	Cleveland County Hunting Omnibus.	Representative Hastings
HB 392	Village of Clemmons/Deannexation.	Representative Zachary Representative Conrad
HB 394	Official State Cookie and Ship.	Representative Hardister Representative Grange Representative Lambeth Representative Clemmons
HB 414	Regional Water Systems and State Grants.	Representative Barnes

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:41 PM on Monday, April 01, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, April 3, 2019, 10:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

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HB 394	Official State Cookie and Ship.	Representative Hardister Representative Grange Representative Lambeth Representative Clemmons

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **237** Brunswick County Zoning Procedure Changes.

Draft Number:	H237-PCS30258-BD-8
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Butler

HB **239** Pitt County Animal Control Records.

Draft Number:	H239-PCS30259-BD-7
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Humphrey

HB **316** Meals Tax for Rockingham Speedway.

Draft Number:	H316-PCS10337-BAxf-6
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Goodman

TOTAL REPORTED: 3



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **256** Adopt Official Fried Chicken Festival.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Floyd

HB **280** Mod Rights/Privileges/Immunities Lumbee Tribe.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Graham

HB **324** Cleveland County Hunting Omnibus.

Draft Number:	None
Serial Referral:	**WILDLIFE RESOURCES**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Hastings

HB **392** Village of Clemmons/Deannexation.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Zachary

HB **394** Official State Cookie and Ship.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Grange

TOTAL REPORTED: 5



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 237
PROPOSED COMMITTEE SUBSTITUTE H237-CSBD-8 [v.1]

04/02/2019 03:48:16 PM

Short Title: Brunswick County Zoning Procedure Changes. (Local)

Sponsors:

Referred to:

March 4, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR PLANNING BOARDS TO HOLD HEARINGS AND MAKE FINAL DECISIONS FOR ZONING AMENDMENT REQUESTS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-343 reads as rewritten:

"**§ 153A-343. Method of procedure.**

(a) The board of commissioners shall, in accordance with the provisions of this Article, provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. The procedures adopted pursuant to this section shall provide that whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. Except for a county-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the board of commissioners that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the board of commissioners that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

(b) The first class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the county elects to use the expanded published notice provided for in this subsection. In this instance, a county may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish notice of the hearings required by G.S. 153A-323, but provided that each of the advertisements shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a) of this section.

(b1) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection (a) of this section shall be by any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a county-initiated zoning map amendment.

(c) Repealed by Session Laws 2005-418, s. 4, effective January 1, 2006.

(d) When a zoning map amendment is proposed, the county shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.

(e) The board of commissioners may, by ordinance, delegate to the planning board the authority to conduct the public hearing required under this Article and make the final decision on zoning map amendment proposals, including the adoption of a consistency statement pursuant to G.S. 153A-341. The board of commissioners may prescribe procedures for the public hearing that are not inconsistent with this Article. The planning board shall make its final decision by majority vote of the members of the planning board. Any person with standing may appeal a decision of the planning board made pursuant to this subsection to the board of commissioners by providing written notice to the county manager within 15 days of the final decision. On appeal, the board of commissioners shall review the decision of the planning board de novo. If no notice of appeal of the planning board decision is provided within 15 days, then the decision of the planning board shall be final and equivalent to the final decision of the governing body. The board of commissioners may, by ordinance, rescind or modify any authority delegated to the planning board pursuant to this subsection."

SECTION 2.(a) Section 1 of this act applies to Brunswick County.

SECTION 2.(b) This act is effective when it becomes law.

HOUSE BILL 237:
Brunswick County Zoning Procedure Changes.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 3, 2019
Introduced by:	Reps. Butler, Iler	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	PCS to First Edition H237-CSBD-8		

OVERVIEW: House Bill 237 (proposed committee substitute) would authorize the Brunswick County Board of Commissioners to delegate to the Brunswick County Planning Board, authority to conduct the public hearing for, and to make the final decision on, zoning map amendment proposals.

The PCS clarifies that appeals from the planning board are made to the county manager.

CURRENT LAW: Article 18 of Chapter 153A of the General Statutes provides the procedure for counties to adopt, amend, repeal, and enforce zoning regulations, restrictions, and boundaries. For zoning map amendments, the role of the county planning board is limited to review and comment upon whether the proposed zoning map amendment is consistent with any county comprehensive plan or unified development ordinance and to provide written recommendations to the county board of commissioners (BOC). Final decisions on zoning map amendments are made by the BOC after a public hearing and adoption of a statement on whether the amendment is consistent with a comprehensive plan or unified development.[1]

BILL ANALYSIS: House Bill 237 (proposed committee substitute) would do all of the following:

- Authorize, but not require, the Brunswick County Board of Commissioners to enact an ordinance to:
  - Delegate to the Brunswick County Planning Board the authority to conduct the required public hearing, to adopt the statement of plan consistency, and to make the final decision on zoning *map* amendments.
  - Prescribe the planning board's public hearing procedures.
- Require a majority vote of the planning board to make a final decision.
- Authorize any person with standing to appeal the planning board decision within 15 days to the Brunswick County Board of Commissioners.
- Authorize the Brunswick County Board of Commissioners to rescind or modify any authority delegated to the planning board pursuant to this act.

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

[1] G.S. 153A-341; G.S. 153A-343; and G.S. 153A-344.

aren Cochrane-Brown
Director

H237-SMBD-35 CSBD-8 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

BACKGROUND: The following other local government planning boards, agencies, or commissions have been delegated final zoning amendment decisions:

- City of Durham: S.L. 1993-264
- Cabarrus County & its various municipalities: S.L. 1993-247
- Davidson County: S.L. 2018-124
- City of Gastonia: S.L. 1993-247
- City of Greensboro: S.L. 1969-142
- Guilford County: S.L. 1985-485
- Randolph County & its various municipalities: S.L. 2017-19

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

HOUSE BILL 237

Short Title:	Brunswick County Zoning Procedure Changes.	(Local)
Sponsors:	Representatives Butler and Iler (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 4, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR PLANNING BOARDS TO HOLD HEARINGS AND MAKE FINAL DECISIONS FOR ZONING AMENDMENT REQUESTS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-343 reads as rewritten:

"**§ 153A-343. Method of procedure.**

(a) The board of commissioners shall, in accordance with the provisions of this Article, provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. The procedures adopted pursuant to this section shall provide that whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. Except for a county-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the board of commissioners that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the board of commissioners that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

(b) The first class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the county elects to use the expanded published notice provided for in this subsection. In this instance, a county may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish notice of the hearings required by G.S. 153A-323, but provided that each of the advertisements shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper

circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a) of this section.

(b1) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection (a) of this section shall be by any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a county-initiated zoning map amendment.

(c) Repealed by Session Laws 2005-418, s. 4, effective January 1, 2006.

(d) When a zoning map amendment is proposed, the county shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.

(e) The board of commissioners may, by ordinance, delegate to the planning board the authority to conduct the public hearing required under this Article and make the final decision on zoning map amendment proposals, including the adoption of a consistency statement pursuant to G.S. 153A-341. The board of commissioners may prescribe procedures for the public hearing that are not inconsistent with this Article. The planning board shall make its final decision by majority vote of the members of the planning board. Any person with standing may appeal a decision of the planning board made pursuant to this subsection to the board of commissioners by providing written notice to the county manager within 15 days of the final decision. On appeal, the board of commissioners shall review the decision of the planning board de novo. If no notice of appeal of the planning board decision is provided to the county clerk within 15 days, then the decision of the planning board shall be final and equivalent to the final decision of the governing body. The board of commissioners may, by ordinance, rescind or modify any authority delegated to the planning board pursuant to this subsection."

SECTION 2.(a) Section 1 of this act applies to Brunswick County.

SECTION 2.(b) This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 239
PROPOSED COMMITTEE SUBSTITUTE H239-CSBD-7 [v.3]

04/02/2019 01:51:53 PM

Short Title: Pitt County Animal Control Records. (Local)

Sponsors:

Referred to:

March 4, 2019

A BILL TO BE ENTITLED

AN ACT RELATING TO THE RELEASE OF ANIMAL SERVICES RECORDS IN PITT COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1.(b) of S.L. 2018-105 reads as rewritten:

"**SECTION 1.(b)** This section applies to Guilford ~~County~~and Pitt Counties only."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 239:
Pitt County Animal Control Records.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 3, 2019
Introduced by:	Reps. K. Smith, Humphrey	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	PCS to First Edition H239-CSBD-7		

OVERVIEW: House Bill 239 (proposed committee substitute) would declare personal identifying information held by the Pitt County animal services agency not to be public records, but allow the county to disclose that information at its discretion.

The PCS makes the provisions of Part I of S.L. 2018-105 applicable to Pitt County.

CURRENT LAW: Chapter 132 of the General Statutes governs public records and makes all documents of a public entity that are not specifically excluded a public record.

Public records are "all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions."

Every custodian of public records is required to allow the public record in their custody to be inspected and examined at reasonable times and under reasonable supervision, as well as furnish copies thereof upon payment of fees. No person requesting to inspect, examine, or copy public records may be required to disclose the purpose or motive of the request.

BILL ANALYSIS: House Bill 239 (proposed committee substitute) exempts from public records any personal identifying information held by the Pitt County animal services agency related to any of the following individuals:

- An individual who voluntarily surrendered ownership of an animal to an animal shelter.
- An individual who adopted a shelter animal.
- An individual to whom a shelter animal has been placed through a foster program.

Pitt County could, in its' discretion, disclose the aforementioned personal identifying information related to the county animal services agency that is not a public record. The identity of any animal rescue organization with whom the county places an animal would remain a public record.

EFFECTIVE DATE: The act is effective when the bill becomes law.

BACKGROUND: Part I of S.L. 2018-105 contains identical provisions applicable to Guilford County.

aren Cochrane-Brown
Director

H239-SMBD-34 CSBD-7 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 239

Short Title:	Pitt County Animal Control Records.	(Local)
Sponsors:	Representatives K. Smith and Humphrey (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 4, 2019

A BILL TO BE ENTITLED

AN ACT RELATING TO THE RELEASE OF ANIMAL SERVICES RECORDS IN PITT COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 132 of the General Statutes is amended by adding a new section to read:

"**§ 132-1.15. Personally identifiable records relating to county animal services.**

(a) Personally identifiable information held by a county animal services agency that relates to any of the following persons is not a public record as defined in G.S. 132-1:

(1) An individual who has voluntarily surrendered ownership of an animal to an animal shelter.

(2) An individual who has adopted a shelter animal or to whom a shelter animal has been placed through a foster program.

(b) When a county animal control service places animals with an animal rescue organization, the identity of the animal rescue organization is a public record as defined in G.S. 132-1.

(c) Disclosure or nondisclosure of information that is not a public record under this section may be made in the county's discretion."

SECTION 2. This act applies to Pitt County only.

SECTION 3. This act is effective when it becomes law.

HOUSE BILL 256:
Adopt Official Fried Chicken Festival.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 3, 2019
Introduced by:	Rep. Floyd	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 256 would adopt the Fried Chicken Festival, held on the third weekend of May of every year in the City of Fayetteville, as the official fried chicken festival of the State of North Carolina.

CURRENT LAW: State symbols and other official adoptions of the State are found in Chapter 145 of the General Statutes. Currently, North Carolina does not have an official fried chicken festival.

BILL ANALYSIS: This act would amend Chapter 145 of the General Statutes by adding a new section to establish the Fried Chicken Festival, held on the third weekend of May of every year in the City of Fayetteville, as the official fried chicken festival of the State of North Carolina.

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

aren Cochrane-Brown
Director

H256-SMBA-26 E1 -V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 256

Short Title:	Adopt Official Fried Chicken Festival.	(Public)
Sponsors:	Representative Floyd. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 5, 2019

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE FAYETTEVILLE FRIED CHICKEN FESTIVAL AS THE OFFICIAL FRIED CHICKEN FESTIVAL OF THE STATE OF NORTH CAROLINA.

Whereas, North Carolina's poultry industry has an economic impact of over $36.6 billion and ranks as the top agricultural industry in the State; and

Whereas, one of the best-known poultry dishes is fried chicken, which is a common staple in many Southern households; and

Whereas, a festival designed to celebrate fried chicken will be held in the City of Fayetteville the third weekend of May in 2021, and annually thereafter; and

Whereas, the festival will bring together farmers, consumers, and cooks to show off the best that the State has to offer related to fried chicken; and

Whereas, this festival will serve as a great marketing and promotional tool for Fayetteville, surrounding communities, and the State; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-52. Fried chicken festival.**

The Fried Chicken Festival, held the third weekend of May of every year in the City of Fayetteville, is adopted as the official fried chicken festival of the State of North Carolina."

SECTION 2. This act becomes effective July 1, 2021.

HOUSE BILL 280: Mod Rights/Privileges/Immunities Lumbee Tribe.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 3, 2019
Introduced by:	Reps. Graham, Pierce	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 280 would amend the statute that gives official State recognition to the Lumbee Tribe of North Carolina.

CURRENT LAW: The Lumbee Tribe of North Carolina is given official State recognition under G.S. 71A-3 as an Indian Tribe residing in Robeson "and adjoining counties" and enjoys all of the rights, privileges, immunities, obligations, and duties enjoyed by citizens of the State.

BILL ANALYSIS: House Bill 280 would modify G.S. 71A-3 to:

- Specify that Cumberland, Hoke, and Scotland are those counties adjoining Robeson County where the Lumbee Tribe of North Carolina resides.
- Substitute the language providing that the Lumbee Tribe of North Carolina enjoys all of the rights, privileges, immunities, obligations, and duties enjoyed by citizens of the State, with language providing that the Lumbee Tribe of North Carolina would enjoy all the rights, privileges, and immunities as an American Indian Tribe with a recognized tribal governing body carrying out and exercising substantial governmental duties and powers similar to the State, being recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

EFFECTIVE DATE: The bill would be effective when the act becomes law.

BACKGROUND: As of February 1, 2019, the Lumbee Tribe of North Carolina was not one of the 573 Tribal entities recognized by the Bureau of Indian Affairs of the Department of the Interior.[1]

[1] https://www.federalregister.gov/documents/2019/02/01/2019-00897/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of-indian affairs.

aren Cochrane-Brown
Director

H280-SMBD-37 E1 -V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 280

Short Title:	Mod Rights/Privileges/Immunities Lumbee Tribe.	(Public)
Sponsors:	Representatives Graham and Pierce (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 7, 2019

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DEFINITION OF THE LUMBEE TRIBE LOCATED IN ROBESON, CUMBERLAND, HOKE, AND SCOTLAND COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 71A-3 reads as rewritten:

"**§ 71A-3. Lumbee Tribe of North Carolina; rights, privileges, immunities, obligations, and duties.**

The Indians now residing in Robeson County and the adjoining counties of Cumberland, Hoke, and Scotland in North Carolina, originally found by the first white settlers on the Lumbee River in Robeson County, and claiming joint descent from remnants of early American Colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina, who have previously been known as "Croatan Indians," "Indians of Robeson County," and "Cherokee Indians of Robeson County," shall, from and after April 20, 1953, be designated and officially recognized as Lumbee Tribe of North Carolina and ~~shall continue to enjoy all rights, privileges and immunities enjoyed by them as citizens of the State as now provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law.~~they shall continue to enjoy all their rights, privileges, and immunities as an American Indian Tribe with a recognized tribal governing body carrying out and exercising substantial governmental duties and powers similar to the State, being recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."

SECTION 2. This act is effective when it becomes law.

§ 71A-5. Haliwa-Saponi Indian Tribe of North Carolina; rights, privileges, immunities, obligations and duties.

The Indians now residing in Halifax, Warren and adjoining counties of North Carolina, originally found by the first permanent white settlers on the Roanoke River in Halifax and Warren Counties, and who descend from the Saponi, Nansemond, and other tribes of Indians originally inhabiting the coastal regions of North Carolina, shall, from and after April 15, 1965, be designated and officially recognized as the Haliwa-Saponi Indian Tribe, and they shall continue to enjoy all their rights, privileges and immunities as an American Indian Tribe with a recognized tribal governing body carrying out and exercising substantial governmental duties and powers similar to the State, being recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. (1965, c. 254; 1977, 2nd Sess., c. 1193, s. 1; 1997-293, s. 1; 2006-111, s. 1.)

REPRESENTATIVE CHARLES GRAHAM
N.C. HOUSE OF REPRESENTATIVES
47TH DISTRICT

1309 LEGISLATIVE OFFICE BUILDING
16 W. JONES STREET
RALEIGH, NC 27601-1096
(919) 715-0875
CHARLES.GRAHAM@NCLEG.NET

DISTRICT ADDRESS:
4820 FAYETTEVILLE ROAD
LUMBERTON, NC 28358
(910) 608-0430

STATE OF NORTH CAROLINA
DEPARTMENT OF ADMINISTRATION
Commission of Indian Affairs

Gregory A. Richardson
Executive Director

116 W. Jones St.
1317 Mail Service Center
Raleigh, NC 27609-1317

Phone: 919-807-4440
Fax: 919-807-4461
greg.richardson@doa.nc.gov
www.doa.nc.gov/cia

HB 280

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 316
PROPOSED COMMITTEE SUBSTITUTE H316-CSBAxf-6 [v.1]
04/02/2019 02:10:19 PM

Short Title: Meals Tax for Rockingham Speedway. (Local)

Sponsors:

Referred to:

March 11, 2019

A BILL TO BE ENTITLED

AN ACT TO CREATE A SPECIAL TAXING DISTRICT CONSISTING OF THE PROPERTY OCCUPIED BY THE ROCKINGHAM SPEEDWAY AND TO AUTHORIZE THE DISTRICT TO LEVY A PREPARED FOOD AND BEVERAGES TAX OF UP TO TEN PERCENT FOR THE PURPOSE OF IMPROVING AND PROMOTING THE SPEEDWAY AND FOR TOURISM DEVELOPMENT IN THE DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) District R Created. – Richmond County District R is created as a taxing district. Its jurisdiction consists of the property occupied by the Rockingham Speedway. Richmond County District R is a body politic and corporate and has the power to carry out the provisions of this act. The Richmond County Board of Commissioners shall serve ex officio as the governing body of the district and the officers of the board of commissioners shall serve as the officers of the governing body of the district. A simple majority of the governing body constitutes a quorum and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

SECTION 1.(b) Prepared Food and Beverages Tax. – Authorization and Scope. – The governing body of Richmond County District R may, by resolution and after not less than 10 days' public notice and a public hearing, levy a prepared food and beverages tax of up to ten percent (10%) of the sales price of prepared food and beverages sold within the district at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1). For purposes of catering, the tax applies to food served in the district without regard to the residency of the caterer. This tax is in addition to State and local sales tax.

SECTION 1.(c) Definitions. – The definitions in G.S. 105-164.3 apply to this act to the extent they are not inconsistent with the provisions of this act. In addition, the following definitions apply in this act:

(1) Net proceeds. – Gross proceeds less the cost to the governing body of the district of administering and collecting the tax.

(2) Prepared food and beverages. – The term includes the following:

a. Prepared food, as defined in G.S. 105-164.3.

b. An alcoholic beverage, as defined in G.S. 18B-101.

SECTION 1.(d) Exemptions. – The tax levied under this act does not apply to the following sales of prepared food and beverages:

(1) Prepared food and beverages served to residents in boardinghouses and sold together on a periodic basis with rental of a sleeping room or lodging.

(2) Retail sales exempt from taxation under G.S. 105-164.13.

(3) Retail sales through or by means of vending machines.

(4) Prepared food and beverages served by a retailer subject to the local occupancy tax if the charge for the prepared food and beverages is included in a single, nonitemized sales price together with the charge for rental of a room, lodging, or accommodation furnished by the retailer.

(5) Prepared food and beverages furnished without charge by an employer to an employee.

(6) Retail sales by grocers or by grocery sections of supermarkets or other diversified retail establishments, other than sales of prepared food and beverages in the delicatessen or similar department of the grocer or grocery section.

(7) Prepared food and beverages served on a federal military reservation.

SECTION 1.(e) Collection. – Every retailer subject to the tax levied under this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing prepared food and beverages. The tax shall be stated separately on the sales document and shall be paid by the purchaser to the retailer as trustee for and on account of the governing body of the district. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the retailer. The governing body of the district shall design, print, and furnish to all appropriate businesses and persons in the district the necessary forms for filing returns and instructions to ensure the full collection of the tax.

SECTION 1.(f) Administration. – The governing body of the district shall administer a tax levied under this act. A tax levied under this act is due and payable to the finance officer of the governing body of the district in monthly installments on or before the twentieth day of the month following the month in which the tax accrues. Every retailer liable for the tax shall, on or before the twentieth day of each month, prepare and render a return on a form prescribed by the governing body of the district. The return shall show the total gross receipts derived in the preceding month from sales to which the tax applies.

A return filed under this act is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1.

The provisions of Article 5 and Article 9 of Chapter 105 of the General Statutes apply to this act to the extent they are not inconsistent with the provisions of this act. The uniform meals tax penalty provisions of G.S. 153A-154.1 apply to a tax levied under this act as if Richmond County District R were a county.

SECTION 1.(g) Refunds. – The county shall refund to a nonprofit or governmental entity the prepared food and beverages tax paid by the entity on eligible purchases of prepared food and beverages. A nonprofit or governmental entity's purchase of prepared food and beverages is eligible for a refund under this subsection if the entity is entitled to a refund under G.S. 105-164.14(b) or (c) of local sales and use tax paid on the purchase or if the sale is exempt under G.S. 105-164.13. The time limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(b), (d), and (d1) apply to refunds to nonprofit entities; the time, limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(c), (d), and (d1) apply to refunds to governmental entities. When an entity applies for a refund of the prepared food and beverages tax paid by it on purchases, it shall attach to its application a copy of the application submitted to the Department of Revenue under G.S. 105-164.14 for a refund of the sales and use tax on the same purchases or a written statement that the purchases were exempt from the tax. An applicant for a refund under this subsection shall provide any information required by the governing body of the district to substantiate the claim.

SECTION 1.(h) Use of Proceeds. – The proceeds of a tax levied under this act shall be used as provided in this subsection. The governing body of the district may deduct from the gross proceeds of the taxes collected under this act an amount not to exceed three percent (3%) of the gross proceeds to pay for the direct cost of administering and collecting the taxes. The

remaining proceeds shall be used to improve, maintain, finance, operate, market, and promote the Rockingham Speedway and to promote travel and tourism in the district.

SECTION 1.(i) Effective Date of Levy. – A tax levied under this act shall become effective on the date specified in the resolution levying the tax. The date shall be the first day of a calendar month and may not be before the first day of the fourth month after the date the resolution is adopted.

SECTION 1.(j) Repeal. – A tax levied under this act may be repealed or reduced by a resolution adopted by the governing body of the district. Any repeal or reduction shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution is adopted. Repeal or reduction of a tax levied under this act does not affect a liability for a tax that attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 316:
Meals Tax for Rockingham Speedway.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 3, 2019
Introduced by:	Rep. Goodman	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	PCS to First Edition H316-CSBAxf-6		

OVERVIEW: House Bill 316 would create a new taxing district consisting of the property occupied by the Rockingham Speedway in Richmond County and authorize the governing body of the district, by resolution, to levy a prepared food and beverages tax of up to 10%.

The PCS corrects two incorrect statutory cross-references in the bill.

BILL ANALYSIS: House Bill 316 would create a new taxing district consisting of the property occupied by the Rockingham Speedway in Richmond County and authorize the governing body of the district to pass a resolution, after not less than 10 days public notice and a public hearing, to levy a prepared food and beverages tax of up to 10%. This tax would be in addition to the State and local sales tax. The governing body of the district would consist of the Richmond County Board of Commissioners. The bill also has administrative provisions to address the collection, administration, authority to repeal, and refunds of the tax. Applicable penalties would be addressed by existing general statutes, which state that generally the same civil and criminal penalties that apply to sales and use taxes also apply to local meals taxes.[1] The net proceeds of the tax could only be used to improve, maintain, finance, operate, market, and promote the Rockingham Speedway and to promote travel and tourism in the district.

CURRENT LAW: Under current law, Cumberland County, Dare County, Mecklenburg County, the City of Charlotte, Wake County, and the Town of Hillsborough are authorized to levy a prepared food and beverages tax of 1%.

"Prepared food" is defined as food that meets at least one of the following conditions:[2]

a. It is sold in a heated state or it is heated by the retailer.
b. It consists of two or more foods mixed or combined by the retailer for sale as a single item. This does not include foods containing raw eggs, fish, meat, or poultry that require cooking by the consumer as recommended by the Food and Drug Administration to prevent food borne illnesses.
c. It is sold with eating utensils provided by the retailer, such as plates, knives, forks, spoons, glasses, cups, napkins, and straws. A plate does not include a container or packaging used to transport the food.

[1] G.S. 160A-214.1 and 153A-154.1.
[2] G.S. 105-164.3(28).

aren Cochrane-Brown
Director

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Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Prepared food does not include food the retailer sliced, repackaged, or pasteurized, but did not heat, mix, or sell with eating utensils.

The term **"beverage"** refers to an alcoholic beverage that contains at least one half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.[3]

EFFECTIVE DATE: This act would be effective when it becomes law.

BACKGROUND: Below is a summary of all prior local meal tax acts.

Local Meals Tax Acts[4]

Jurisdiction	Session Laws
Cumberland County	S.L. 1993-413, as amended by Section 2.19 of S.L. 2001-347
Dare County	S.L. 1991-177, as amended by Section 2.20 of S.L. 2001-347 and by Section 9 of S.L. 2002-141.
Mecklenburg County and City of Charlotte	S.L. 1989-821, as amended by Section 2.18 of S.L. 2001-347, by S.L. 2001-402, and by S.L. 2011-160.
Wake County	S.L. 1991-594, as amended by S.L. 1995-458 and by Section 2.22 of S.L. 2001-347
Town of Hillsborough	S.L. 1993-449, as amended by S.L. 1999-304 and by Section 2.21 of S.L. 2001-347
City of Monroe	S.L. 2005-261, as amended by Section 9 of S.L. 2006-171, w/referendum in 2006 or 2007[5]
Durham County	S.L. 2008-116, w/ referendum[6]

[3] G.S. 18B-101(4).

[4]Subject to exemptions, each municipality and county that levies the tax charges a 1% tax on the sales price of prepared food and beverage sold at retail within their corporate limits.

[5] A proposed prepared food and beverages tax was defeated in a Union County Board of Elections referendum on October 9, 2007, with 37.18% of the voters voting for the tax and 62.82% voting against the tax.

[6] A proposed prepared food and beverages tax was defeated in the Durham County General Election on November 4, 2008, with 28.22% of the voters voting for the tax and 71.78% voting against the tax.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

HOUSE BILL 316

Short Title:	Meals Tax for Rockingham Speedway.	(Local)
Sponsors:	Representative Goodman. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

March 11, 2019

A BILL TO BE ENTITLED

AN ACT TO CREATE A SPECIAL TAXING DISTRICT CONSISTING OF THE PROPERTY OCCUPIED BY THE ROCKINGHAM SPEEDWAY AND TO AUTHORIZE THE DISTRICT TO LEVY A PREPARED FOOD AND BEVERAGES TAX OF UP TO TEN PERCENT FOR THE PURPOSE OF IMPROVING AND PROMOTING THE SPEEDWAY AND FOR TOURISM DEVELOPMENT IN THE DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) District R Created. – Richmond County District R is created as a taxing district. Its jurisdiction consists of the property occupied by the Rockingham Speedway. Richmond County District R is a body politic and corporate and has the power to carry out the provisions of this act. The Richmond County Board of Commissioners shall serve ex officio as the governing body of the district and the officers of the board of commissioners shall serve as the officers of the governing body of the district. A simple majority of the governing body constitutes a quorum and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

SECTION 1.(b) Prepared Food and Beverages Tax. – Authorization and Scope. – The governing body of Richmond County District R may, by resolution and after not less than 10 days' public notice and a public hearing, levy a prepared food and beverages tax of up to ten percent (10%) of the sales price of prepared food and beverages sold within the district at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1). For purposes of catering, the tax applies to food served in the district without regard to the residency of the caterer. This tax is in addition to State and local sales tax.

SECTION 1.(c) Definitions. – The definitions in G.S. 105-164.3 apply to this act to the extent they are not inconsistent with the provisions of this act. In addition, the following definitions apply in this act:

(1) Net proceeds. – Gross proceeds less the cost to the governing body of the district of administering and collecting the tax.

(2) Prepared food and beverages. – The term includes the following:

a. Prepared food, as defined in G.S. 105-164.3.

b. An alcoholic beverage, as defined in G.S. 18B-101.

SECTION 1.(d) Exemptions. – The tax levied under this act does not apply to the following sales of prepared food and beverages:

(1) Prepared food and beverages served to residents in boardinghouses and sold together on a periodic basis with rental of a sleeping room or lodging.

(2) Retail sales exempt from taxation under G.S. 105-164.13.
(3) Retail sales through or by means of vending machines.
(4) Prepared food and beverages served by a retailer subject to the local occupancy tax if the charge for the prepared food and beverages is included in a single, nonitemized sales price together with the charge for rental of a room, lodging, or accommodation furnished by the retailer.
(5) Prepared food and beverages furnished without charge by an employer to an employee.
(6) Retail sales by grocers or by grocery sections of supermarkets or other diversified retail establishments, other than sales of prepared food and beverages in the delicatessen or similar department of the grocer or grocery section.
(7) Prepared food and beverages served on a federal military reservation.

SECTION 1.(e) Collection. – Every retailer subject to the tax levied under this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing prepared food and beverages. The tax shall be stated separately on the sales document and shall be paid by the purchaser to the retailer as trustee for and on account of the governing body of the district. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the retailer. The governing body of the district shall design, print, and furnish to all appropriate businesses and persons in the district the necessary forms for filing returns and instructions to ensure the full collection of the tax.

SECTION 1.(f) Administration. – The governing body of the district shall administer a tax levied under this act. A tax levied under this act is due and payable to the finance officer of the governing body of the district in monthly installments on or before the twentieth day of the month following the month in which the tax accrues. Every retailer liable for the tax shall, on or before the twentieth day of each month, prepare and render a return on a form prescribed by the governing body of the district. The return shall show the total gross receipts derived in the preceding month from sales to which the tax applies.

A return filed under this act is not a public record and may not be disclosed except in accordance with G.S. 153A-158.1.

The provisions of Article 5 and Article 9 of Chapter 105 of the General Statutes apply to this act to the extent they are not inconsistent with the provisions of this act. The uniform meals tax penalty provisions of G.S. 153A-148.1 apply to a tax levied under this act as if Richmond County District R were a county.

SECTION 1.(g) Refunds. – The county shall refund to a nonprofit or governmental entity the prepared food and beverages tax paid by the entity on eligible purchases of prepared food and beverages. A nonprofit or governmental entity's purchase of prepared food and beverages is eligible for a refund under this subsection if the entity is entitled to a refund under G.S. 105-164.14(b) or (c) of local sales and use tax paid on the purchase or if the sale is exempt under G.S. 105-164.13. The time limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(b), (d), and (d1) apply to refunds to nonprofit entities; the time, limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(c), (d), and (d1) apply to refunds to governmental entities. When an entity applies for a refund of the prepared food and beverages tax paid by it on purchases, it shall attach to its application a copy of the application submitted to the Department of Revenue under G.S. 105-164.14 for a refund of the sales and use tax on the same purchases or a written statement that the purchases were exempt from the tax. An applicant for a refund under this subsection shall provide any information required by the governing body of the district to substantiate the claim.

SECTION 1.(h) Use of Proceeds. – The proceeds of a tax levied under this act shall be used as provided in this subsection. The governing body of the district may deduct from the gross proceeds of the taxes collected under this act an amount not to exceed three percent (3%)

of the gross proceeds to pay for the direct cost of administering and collecting the taxes. The remaining proceeds shall be used to improve, maintain, finance, operate, market, and promote the Rockingham Speedway and to promote travel and tourism in the district.

SECTION 1.(i) Effective Date of Levy. – A tax levied under this act shall become effective on the date specified in the resolution levying the tax. The date shall be the first day of a calendar month and may not be before the first day of the fourth month after the date the resolution is adopted.

SECTION 1.(j) Repeal. – A tax levied under this act may be repealed or reduced by a resolution adopted by the governing body of the district. Any repeal or reduction shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution is adopted. Repeal or reduction of a tax levied under this act does not affect a liability for a tax that attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

SECTION 2. This act is effective when it becomes law.

BRYAN R. LAND
County Manager
Richmond County

1401 Fayetteville Road
Post Office Box 504
Rockingham, NC 28380

Bus: (910) 997-8211
E-mail: Bryan.Land@richmondnc.com

HB316

HOUSE BILL 324:
Cleveland County Hunting Omnibus.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Wildlife Resources. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 3, 2019
Introduced by:	Rep. Hastings	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 324 would make various changes to hunting acts and laws affecting Cleveland County, effective October 1, 2019.

CURRENT LAW/BILL ANALYSIS:

Section 1.(a) would:

- Repeal Chapter 388 of Public Law 1907 which prohibits catching or killing any fox in Cleveland County, and parts of Burke County, between March 1 and December 1 with exceptions.
- Repeal Chapter 1101 of the 1951 Session Laws which prohibits taking or killing a red fox by gun, trap, or otherwise in Cleveland County.
- Repeal Sections 1, 3,
- and 6 of Chapter 587 of the 1979 Session Laws which:
    - Prohibits a person from possessing, or hunting with, any centerfire rifle upon, over or across lands of another without written permission of the property owner or lessee.
    - Prohibits a person from hunting or taking or killing deer upon land at any time without written permission of the land owner or lessee, which remains valid for only 10 days.
    - Specifies that the act is only effective to those lands in Cleveland County lying north of US 74 and south of secondary road 1361 and NC 182.

Section 1.(b):

G.S. 113-133.1 lists those acts preserved by State law when G.S. 113-133.1 was enacted.

Section 1.(b) of this bill would make conforming changes to remove cross-references within G.S. 113-133.1(e) which affected Cleveland County.

Section 1.(c):

Sections 2 and 5 of Chapter 587 of the 1979 Session Laws prohibit a person from discharging any centerfire rifle from, to, or across any State-maintained road and authorizes law enforcement officers and wildlife protectors to enforce the provisions of the act, upon request of the landowner.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 1.(c) of this bill would expand the prohibition to prohibit a person from discharging any firearm from, to, or across any State-maintained road, and remove the need for a landowner request for law enforcement to enforce the provisions of the act.

Section 2:

Currently, Section 1of S.L. 2018-10 enacted an open season for taking of foxes with weapons, and foxes and coyotes by trapping during the trapping season set by the Wildlife Resources Commission, with no tagging requirements prior to or after sale, and removes the bag limit for coyotes and foxes. This section only applies to certain counties. It currently does not apply to Cleveland County.

Section 2 of this bill would add Cleveland County to the list of counties to which S.L. 2018-10 applies.

EFFECTIVE DATE: This act would become effective October 1, 2019.

BACKGROUND: In November 2018, the voters of this State approved an amendment to the North Carolina Constitution stating that it is the "right of the people to hunt, fish, and harvest wildlife is a valued part of the State's heritage and shall be forever preserved for the public good." The amendment further provides that the right of the people to hunt, fish, and harvest wildlife is subject only to laws enacted by the General Assembly to (i) promote wildlife conservation and management and (ii) preserve the future of hunting and fishing. The amendment also included language that it did not modify any provision of law relating to trespass, property rights, or eminent domain. At this time, no appellate court decisions have been issued to interpret this Section of the Constitution.

HOUSE BILL 324

Short Title:	Cleveland County Hunting Omnibus.	(Local)
Sponsors:	Representative Hastings. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Wildlife Resources, if favorable, Rules, Calendar, and Operations of the House	

March 12, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO LOCAL HUNTING ACTS FOR CLEVELAND COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The following local acts are repealed:

(1) Chapter 388, Public Laws 1907.

(2) Chapter 1101 of the 1951 Session Laws.

(3) Sections 1, 3, and 6 of Chapter 587 of the 1979 Session Laws.

SECTION 1.(b) G.S. 113-133.1(e) reads as rewritten:

"(e) Because of strong community interest expressed in their retention, the local acts or portions of local acts listed in this section are not repealed. The following local acts are retained to the extent they apply to the county for which listed:

...

Cleveland: ~~Public Laws 1907, Chapter 388; Session Laws 1951, Chapter 1101;~~ Session Laws 1979, ~~Chapter 587.~~Chapter 587, Sections 2, 4, and 5.

...."

SECTION 1.(c) Chapter 587 of the 1979 Session Laws, as amended by subsection (a) of this section, reads as rewritten:

"**Sec. 2.** It shall be unlawful for any person to discharge any ~~centerfire rifle~~ firearm from, to or across the roadway or right-of-way of any State-maintained road or highway. This act shall not be interpreted to make unlawful the mere possession of a ~~centerfire rifle~~ firearm on any State-maintained road or highway when ~~such rifle~~ the firearm is being transported within or on any motor vehicle.

...

"**Sec. 4.** Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction, shall be fined not less than one hundred dollars ($100.00) or more than two hundred fifty dollars ($250.00) or imprisoned not more than 30 days, or both fined and imprisoned, in the discretion of the court.

"**Sec. 5.** All law enforcement officers, including wildlife protectors, shall have the ~~authority, upon request of a landowner or lessee of land,~~ authority to enforce the provisions of this act."

SECTION 2. Section 1 of S.L. 2018-10 reads as rewritten:

"**SECTION 1.(a)** Notwithstanding any other provision of law, there is an open season for taking foxes with weapons and for foxes and coyotes by trapping during the trapping season set

by the Wildlife Resources Commission each year, with no tagging requirements prior to or after sale.

"**SECTION 1.(b)** No bag limit applies to coyotes and foxes taken under this act.

"**SECTION 1.(c)** This section applies only to Cabarrus, Cleveland, Gaston, McDowell, Mitchell, Montgomery, Rowan, Rutherford, and Stokes Counties."

SECTION 3. This act becomes effective October 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

HOUSE BILL 392

Short Title:	Village of Clemmons/Deannexation.	(Local)
Sponsors:	Representatives Zachary and Conrad (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

March 21, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF CLEMMONS.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the Village of Clemmons:

TRACT #1

Beginning at a point located in the eastern right-of-way line of Styers Ferry Road, same being the western-most corner of Lot 4 as shown on the map of River Ridge as recorded in Plat Book 45, Page 186, Forsyth County Registry; and running thence along the right-of-way of Styers Ferry Road the following three courses and distances: North 48 deg. 24 min. 53 sec. East 97.65 feet to an iron; thence North 88 deg. 36 min. 18 sec. East 105.20 feet to a 1 inch iron pipe; thence along a curve to the left having a radius of 635.00 feet, a length of 246.02 feet and a chord bearing and distance of South 70 deg. 06 min. 52 sec. East 244.49 feet to a point, said point being the eastern-most corner of said Lot 4; running thence along the southern line of said Lot 4 the following six courses and distances: North 87 deg. 44 min. 48 sec. West 12.48 feet to a point; thence North 87 deg. 44 min. 48 sec. West 99.91 feet to a point; thence North 87 deg. 44 min. 48 sec. West 97.91 feet to an axle; thence North 87 deg. 15 min. 02 sec. West 94.05 feet to a 3/4 existing iron pipe; thence North 88 deg. 17 min. 17 sec. West 86.17 feet to a point; and, thence North 88 deg. 37 min. 49 sec. West 19.40 feet to the point and place of Beginning, containing 0.377 acres, more or less, as shown on the survey for Stan Forester prepared by Lewis L. Moore, PLS, Allied Associates, P.A. dated June 19, 2008.

TRACT #2

Beginning at a point located in the western right-of-way of Lewisville-Clemmons Road, said point being located along a tie line North 07 deg. 05 min. 56 sec. East 218.95 feet from a NCDOT right-of-way cap; running thence from said beginning point, North 86 deg. 09 min. 07 sec. West 186.06 feet to a 3/4 inch iron pipe; running thence North 07 deg. 10 min. 00 sec. East 100.00 feet to a 3/4 inch iron pipe; running thence North 82 deg. 50 min. 44 sec. West 76.87 feet to a point; running thence North 03 deg. 00 min. 45 sec. West 15.00 feet to a point; running thence South 87 deg. 14 min. 03 sec. West 11.64 to a point located in the eastern line of Vogler (Tax PIN: 5884-88-8007); running thence along the eastern line of said Vogler tract North 02 deg. 33 min. 41 sec. East 26.77 feet to a 1 inch iron pipe; running thence North 02 deg. 33 min. 41 sec. East 163.55 feet to a point located in the southern right-of-way line of Immanuel Road; running thence along the southern right-of-way line of Immanuel Road the following four

courses and distances: South 88 deg. 53 min. 40 sec. East 143.07 feet to a 1 inch iron pipe; thence South 07 deg. 11 min. 46 sec. West 2.13 feet to a NCDOT right-of-way cap; thence South 89 deg. 29 min. 11 sec. East 115.13 feet to a point; and, thence South 50 deg. 54 min. 29 sec. East 41.28 feet to a point located in the western right-of-way line of Lewisville-Clemmons Road; running thence along the western right-of-way line of Lewisville-Clemmons Road South 07 deg. 05 min. 56 sec. West 296.15 feet to the point and place of Beginning, as shown on the Boundary Survey for Robert A. Vogler and William L. Vogler, Jr. prepared by Daniel M. Wiles, PLS, Yadkin Valley Surveying dated February 12, 2019.

TRACT #3

Beginning at a point located in the western right-of-way line of Lewisville-Clemmons Road (said point having NAD 83 GRID coordinates N: 848,408.4737 US FT and E: 1,589,184.2214 US FT) and running thence with the western right-of-way of Lewisville-Clemmons Road South 07 deg. 08 min. 59 sec. West 108.27 feet to an iron; running thence South 36 deg. 29 min. 26 sec. West 60.24 feet to a NCDOT cap located in the northern right-of-way line of Immanuel Road; running thence along the northern right-of-way line of Immanuel Road North 89 deg. 27 min. 55 sec. West 51.67 feet to an iron; running thence North 03 deg. 34 min. 10 sec. East 197.27 feet to a 3/4 existing iron pipe; running thence South 87 deg. 44 min. 48 sec. East 46.68 feet to an iron; running thence South 37 deg. 02 min. 12 sec. East 49.09 feet to the point and place of Beginning, containing 0.361 acres, more or less, as shown on the survey for Stan Forester prepared by Lewis L. Moore, PLS, Allied Associates, P.A. dated June 19, 2008.

SECTION 2. This act has no effect upon the validity of any liens of the Village of Clemmons for ad valorem taxes or special assessments outstanding before the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property were still within the corporate limits of the Village of Clemmons.

SECTION 3. This act becomes effective June 30, 2019. Property in the territory described in Section 1 of this act as of January 1, 2019, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2019.

HOUSE BILL 394

Short Title:	Official State Cookie and Ship.	(Public)
Sponsors:	Representatives Hardister, Grange, Lambeth, and Clemmons (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 21, 2019

A BILL TO BE ENTITLED

AN ACT ADOPTING THE MORAVIAN COOKIE AS THE OFFICIAL STATE COOKIE AND THE USS NORTH CAROLINA AS THE OFFICIAL STATE SHIP.

Whereas, during the 18th century, settlers from the European kingdom of Moravia travelled to America and founded the town of Salem (now Winston-Salem) in North Carolina in 1766; and

Whereas, when the Moravians settled in North Carolina, they brought with them a spice cookie similar to the German Lebkuchen cookie; and

Whereas, these thin spice cookies are known as Moravian cookies and made of ingredients such as molasses, allspice, and ginger; and

Whereas, the Moravian cookie is one of the most popular cookies in North Carolina; and

Whereas, Moravian cookies have been made and sold in Winston-Salem since the 1950s and millions of pounds of cookies are baked, packaged, and distributed worldwide annually; and

Whereas, sales of Moravian cookies promote tourism in the State and contribute to the State's economy; and

Whereas, it is fitting to recognize the positive impact the Moravians have had on the State's culture by adopting the Moravian cookie as the official cookie of the State of North Carolina; and

Whereas, the USS North Carolina became the first of 10 fast battleships to join the American fleet during World War II; and

Whereas, the USS North Carolina was commissioned on April 9, 1941, and was considered the world's greatest sea weapon; and

Whereas, during the war, the crew of the USS North Carolina consisted of 144 commissioned officers and 2,195 enlisted men, including about 100 Marines; and

Whereas, the USS North Carolina participated in every major naval offensive in the Pacific area of operations and earned 15 battle stars; and

Whereas, the USS North Carolina served as a training vessel for midshipmen before being decommissioned on June 27, 1947; and

Whereas, in 1958, citizens of North Carolina began a statewide campaign known as Save Our Ship (SOS) to save the ship from being scrapped; and

Whereas, the USS North Carolina was moored in Wilmington on October 2, 1961; and

Whereas, on April 29, 1962, the ship was dedicated as a historic landmark, a museum collecting and interpreting all ships named "North Carolina," and as a memorial to the World War II veterans and the 11,000 North Carolinians of all branches of service who died during the war; and

Whereas, in March 1986, the USS North Carolina became one of 22 ships to be registered as a national historic landmark; and

Whereas, the USS North Carolina is a State historic site and a major tourist attraction, bringing in between $1.5 to $3.5 million annually to the State and local economy and attracting over 250,000 visitors; and

Whereas, the USS North Carolina accounts for over 3,500 jobs in New Hanover County each year; and

Whereas, the Moravian cookie and the USS North Carolina should be adopted as official State symbols; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding new sections to read:

"**§ 145-52. Official State cookie.**

The Moravian cookie is adopted as the official cookie of the State of North Carolina.

"**§ 145-53. Official State ship.**

The USS North Carolina is adopted as the official ship of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Government

DATE: 4/3/2019 Room: 1228/1327

House Sgt-At Arms:

1. Name: Rex Foster
2. Name: Ken Gilbert
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

House Pages
Assignments
Wednesday, April 03, 2019
Session: 1:15 PM

Committee	Room	Time	Staff	Comments	Member
Appropriations, Justice and Public Safety	415	8:30 AM	Allison Gilbert		Rep. Robert T. Reives, II
			Aimee Heroux		Rep. Lisa Barnes
			Madison Vasilko		Rep. Allison A. Dahle
Finance	544	8:30 AM	Sarah Hammond		Rep. Allison A. Dahle
			Tucker Leandro		Rep. Josh Dobson
State and Local Government I	1228/1327	10:00 AM	Meigan Bagwell		Rep. Terence Everitt
			~~Brianna Drye~~		~~Rep. Larry Pittman~~
			Allison Gilbert		Rep. Robert T. Reives, II

Brianna Drye

Rep. Larry Pittman

VISITOR REGISTRATION SHEET

House Committee on State and Local Government — 4/3/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Quanisha Collins	NCHFA
Resha Fortson	SEANC
Kenneth R. Robinson	Richmond Co
BRYAN LAND	RICHMOND CO.
Martie Butler	Richmond County
JACK COZART	NSS
Debra Cozart	NSS
Debby Hulbert	House intern
Erik Wynia	NCLM
Debra Dew	NC Chamber
Joe McClees	McClees Council

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 4/3/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ashley Cohn	WRC
— 12	MHC
Isabel Villa-Garcia	NCRLA
Cady Thomas	FPA
Frank Gray	NCRLA
Demetrios Delcoath	NCLM
[illegible]	NC Commission of Indian Affairs
Rianah Alexander	Rep Clemmons CA

House Committee on State and Local Government
Wednesday, April 10, 2019 at 10:00 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on April 10, 2019 in Room 1228/1327 of the Legislative Building. Representatives Warren and Corbin, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Boles, Carter, Dobson, Fisher, Graham, Jarvis, Logan, McElraft, Quick, Ross, Sasser, Setzer, von Haefen, and Willingham attended. Ex-Officio Members, Reps. John Bell and Brendan Jones were also in attendance.

Rep. Kevin Corbin, Chair, called the meeting to order and introduced the Pages and Sergeant-at-Arms. Copies of the attendance and visitor registration forms are included with these minutes.

The following bills were considered:

HB 55 - Alexander County/Sheriff Vacancies. (Rep. Elmore)
Chairman Corbin recognized Rep. Elmore to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Warren was recognized and moved that HB 55 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 63 - Protect North Carolina Workers Act. (Reps. Cleveland, Conrad, D. Hall, Speciale)
Chairman Corbin recognized Rep. Cleveland to explain the bill. Rep. Warren was recognized and offered Amendment 1 which was adopted. The Chairman opened the floor for discussion. Reps. Autry, McElraft, and Graham asked questions. Rep. McElraft was recognized and moved that HB 63 receive a Favorable Report to the new PCS with Amendments rolled in, Unfavorable to the original bill with a referral to Commerce. The Chairman opened the floor for a vote and the motion passed. Amendment #1 – Cleveland adopted.

HB 151 - Katelyn's Law. (Rep. Lambeth)
Chairman Corbin recognized Rep. Lambeth to explain the bill. The Chairman opened the floor for discussion. Rep. McElraft asked a question. Rep. Cleveland was recognized and moved that HB 151 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 299 - Henderson Cty/Build Community College Bldgs. (Reps. McGrady, Henson)
Chairman Corbin recognized Rep. McGrady to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that the PCS for HB 299 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 336 - Extend Suspension of Spencer Mountain. (Rep. Torbett)
Chairman Corbin recognized Rep. Torbett to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that HB 336 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 349 - Wilkes County Fire Tax-Procedure. (Reps. Elmore, Stevens)

Chairman Corbin recognized Rep. Elmore to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that HB 349 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 350 - Designate NC Time Zone/Observe DST All Year. (Reps. Saine, Hastings, Szoka)
Chairman Corbin recognized Rep. Saine to explain the bill. The Chairman opened the floor for discussion. Reps. Autry, Graham, and McElraft asked questions. Rep. Cleveland was recognized and moved that HB 350 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 365 - State Board Construction Contract Claim. (Reps. Arp, Brody, Bell, Reives)
Chairman Corbin recognized Rep. Arp to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Speciale was recognized and moved that the PCS for HB 365 receive a Favorable Report, Unfavorable as to the original bill with a referral to Judiciary. The Chairman opened the floor for a vote and the motion passed.

HB 368 - Bermuda Run/Speed Restrictions. (Rep. Howard)
Chairman Corbin recognized Rep. Howard to explain the bill. The Chairman opened the floor for discussion. Reps. Autry, Graham, Ross, Logan, and Quick asked questions. Howard Marsilio from Legislative Analysis assisted in answering the questions. Rep. Setzer was recognized and moved that the PCS for HB 368 receive a Favorable Report, Unfavorable as to the original bill with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 477 - Four-Year Terms/Town of Bethel. (Rep. K. Smith)
Chairman Corbin recognized Rep. Smith to explain the bill. The Chairman opened the floor for discussion. Reps. McElraft, Setzer, and Speciale asked questions. Rep. Graham was recognized and moved that HB 477 receive a Favorable Report with a referral to Elections and Ethics Law. The Chairman opened the floor for a vote and the motion passed.

HB 481 - Voter Initiative for Beaufort County. (Rep. Kidwell)
Chairman Corbin recognized Rep. Kidwell to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Setzer was recognized and moved that the PCS for HB 481 receive a Favorable Report, Unfavorable as to the original bill with a referral to Elections Law and Ethics. The Chairman opened the floor for a vote and the motion passed.

HB 489 - Lincolnton-Lincoln County Airport Authority. (Rep. Saine)
Chairman Corbin recognized Rep. Saine to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Setzer was recognized and moved that HB 489 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 490 - Winston-Salem/Forsyth Bd. of Ed/Stagger Terms. (Reps. Lambeth, Conrad)
Chairman Corbin recognized Rep. Lambeth to explain the bill. The Chairman opened the floor for discussion. Reps. Autry, McElraft, Quick, Fisher, Dobson, Willingham, and Speciale asked questions. Barbara Burke, Vice Chair, Winston Salem Board of Education and Ronda Mays, FCAE President were recognized to speak to the committee. Rep. McElraft was recognized and moved that the PCS with amendments rolled in for HB 490 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Elections and Ethics Law. The Chairman opened the floor for a vote and Rep. Autry called for a Division. The vote was 10 Yes and 10 No, the motion failed. After all other bills were presented, Rep.

Warren asked the Chair if the committee would reconsider the HB 490. The Chairman opened the floor for a vote to reconsider HB 490 and Rep. Graham called a Division. The vote was 10 Yes and 11 No, the motion failed. Amendment #1 - Warren failed.

HB 495 - Prohibit Municipal Regs/Offsite Easements. (Rep. McElraft)
Chairman Corbin recognized Rep. McElraft to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that the PCS for HB 495 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 528 - Indian Trail/Stallings Occupancy Tax Auth. (Reps. Arp, Horn)
Chairman Corbin recognized Rep. Arp to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Warren was recognized and moved that HB 528 receive a Favorable Report with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

The meeting adjourned at 11:03.

Select or Type Name of Presiding Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB 55, Summary, and Committee Report
4. HB 63, Amendment, Summary, and Committee Report
5. HB 151, Summary, and Committee Report
6. HB 299, PCS, Summary, and Committee Report
7. HB 336, Summary, and Committee Report
8. HB 349, Summary, and Committee Report
9. HB 350, Summary, and Committee Report
10. HB 365, PCS, Summary, and Committee Report
11. HB 368, PCS, Summary, and Committee Report
12. HB 477, Summary, and Committee Report
13. HB 481, PCS, Summary, and Committee Report
14. HB 489, Summary, and Committee Report
15. HB 490, Amendment, PCS, Summary, List of Guest Speakers
16. HB 495, PCS, Summary, and Committee Report
17. HB 528, Summary, and Committee Report
18. Sergeant-at-Arms
19. Pages
20. Visitor Registration Sheets

Updated #3: Remove HB 217

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, April 10, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 55	Alexander County/Sheriff Vacancies.	Representative Elmore
HB 63	Protect North Carolina Workers Act.	Representative Cleveland Representative Conrad Representative D. Hall Representative Speciale
HB 151	Katelyn's Law.	Representative Lambeth
HB 299	Henderson Cty/Build Community College Bldgs.	Representative McGrady Representative Henson
HB 336	Extend Suspension of Spencer Mountain.	Representative Torbett
HB 349	Wilkes County Fire Tax-Procedure.	Representative Elmore Representative Stevens
HB 350	Designate NC Time Zone/Observe DST All Year.	Representative Saine Representative Hastings Representative Szoka
HB 365	State Board Construction Contract Claim.	Representative Arp Representative Brody Representative Bell Representative Reives
HB 368	Bermuda Run/Speed Restrictions.	Representative Howard
HB 477	Four-Year Terms/Town of Bethel.	Representative K. Smith
HB 481	Voter Initiative for Beaufort County.	Representative Kidwell
HB 489	Lincolnton-Lincoln County Airport Authority.	Representative Saine
HB 490	Winston-Salem/Forsyth Bd. of Ed/Stagger Terms.	Representative Lambeth Representative Conrad

HB 495	Prohibit Municipal Regs/Offsite Easements.	Representative McElraft
HB 528	Indian Trail/Stallings Occupancy Tax Auth.	Representative Arp Representative Horn

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:40 PM on Tuesday, April 09, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #2: Remove HB 445

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, April 10, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 55	Alexander County/Sheriff Vacancies.	Representative Elmore
HB 63	Protect North Carolina Workers Act.	Representative Cleveland Representative Conrad Representative D. Hall Representative Speciale
HB 151	Katelyn's Law.	Representative Lambeth
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall
HB 299	Henderson Cty/Build Community College Bldgs.	Representative McGrady Representative Henson
HB 336	Extend Suspension of Spencer Mountain.	Representative Torbett
HB 349	Wilkes County Fire Tax-Procedure.	Representative Elmore Representative Stevens
HB 350	Designate NC Time Zone/Observe DST All Year.	Representative Saine Representative Hastings Representative Szoka
HB 365	State Board Construction Contract Claim.	Representative Arp Representative Brody Representative Bell Representative Reives
HB 368	Bermuda Run/Speed Restrictions.	Representative Howard
HB 477	Four-Year Terms/Town of Bethel.	Representative K. Smith
HB 481	Voter Initiative for Beaufort County.	Representative Kidwell
HB 489	Lincolnton-Lincoln County Airport Authority.	Representative Saine

HB 490	Winston-Salem/Forsyth Bd. of Ed/Stagger Terms.	Representative Lambeth Representative Conrad
HB 495	Prohibit Municipal Regs/Offsite Easements.	Representative McElraft
HB 528	Indian Trail/Stallings Occupancy Tax Auth.	Representative Arp Representative Horn

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:57 AM on Tuesday, April 09, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #1: Add HB 528

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, April 10, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 55	Alexander County/Sheriff Vacancies.	Representative Elmore
HB 63	Protect North Carolina Workers Act.	Representative Cleveland Representative Conrad Representative D. Hall Representative Speciale
HB 151	Katelyn's Law.	Representative Lambeth
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall
HB 299	Henderson Cty/Build Community College Bldgs.	Representative McGrady Representative Henson
HB 336	Extend Suspension of Spencer Mountain.	Representative Torbett
HB 349	Wilkes County Fire Tax-Procedure.	Representative Elmore Representative Stevens
HB 350	Designate NC Time Zone/Observe DST All Year.	Representative Saine Representative Hastings Representative Szoka
HB 365	State Board Construction Contract Claim.	Representative Arp Representative Brody Representative Bell Representative Reives
HB 368	Bermuda Run/Speed Restrictions.	Representative Howard
HB 445	Special Sep. Allowance/Alamance Cty DOs.	Representative Riddell Representative Ross
HB 477	Four-Year Terms/Town of Bethel.	Representative K. Smith
HB 481	Voter Initiative for Beaufort County.	Representative Kidwell

HB 489	Lincolnton-Lincoln County Airport Authority.	Representative Saine
HB 490	Winston-Salem/Forsyth Bd. of Ed/Stagger Terms.	Representative Lambeth Representative Conrad
HB 495	Prohibit Municipal Regs/Offsite Easements.	Representative McElraft
HB 528	Indian Trail/Stallings Occupancy Tax Auth.	Representative Arp Representative Horn

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:01 PM on Monday, April 08, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, April 10, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 55	Alexander County/Sheriff Vacancies.	Representative Elmore
HB 63	Protect North Carolina Workers Act.	Representative Cleveland Representative Conrad Representative D. Hall Representative Speciale
HB 151	Katelyn's Law.	Representative Lambeth
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall
HB 299	Henderson Cty/Build Community College Bldgs.	Representative McGrady Representative Henson
HB 336	Extend Suspension of Spencer Mountain.	Representative Torbett
HB 349	Wilkes County Fire Tax-Procedure.	Representative Elmore Representative Stevens
HB 350	Designate NC Time Zone/Observe DST All Year.	Representative Saine Representative Hastings Representative Szoka
HB 365	State Board Construction Contract Claim.	Representative Arp Representative Brody Representative Bell Representative Reives
HB 368	Bermuda Run/Speed Restrictions.	Representative Howard
HB 445	Special Sep. Allowance/Alamance Cty DOs.	Representative Riddell Representative Ross
HB 477	Four-Year Terms/Town of Bethel.	Representative K. Smith
HB 481	Voter Initiative for Beaufort County.	Representative Kidwell
HB 489	Lincolnton-Lincoln County Airport Authority.	Representative Saine

HB 490	Winston-Salem/Forsyth Bd. of Ed/Stagger Terms.	Representative Lambeth Representative Conrad
HB 495	Prohibit Municipal Regs/Offsite Easements.	Representative McElraft

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:07 PM on Monday, April 08, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, April 10, 2019, 10:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 55	Alexander County/Sheriff Vacancies.	Representative Elmore
HB 63	Protect North Carolina Workers Act.	Representative Cleveland Representative Conrad Representative D. Hall Representative Speciale
HB 151	Katelyn's Law.	Representative Lambeth
HB 299	Henderson Cty/Build Community College Bldgs. **PCS** ***(Re-refer to Rules, Calendar, and Operations of the House)***	Representative McGrady Representative Henson
HB 336	Extend Suspension of Spencer Mountain.	Representative Torbett
HB 349	Wilkes County Fire Tax-Procedure.	Representative Elmore Representative Stevens
HB 350	Designate NC Time Zone/Observe DST All Year.	Representative Saine Representative Hastings Representative Szoka
HB 365	State Board Construction Contract Claim. **PCS** ***(Re-refer to Judiciary)***	Representative Arp Representative Brody Representative Bell Representative Reives
HB 368	Bermuda Run/Speed Restrictions. **PCS** ***(Re-refer to Rules, Calendar, and Operations of the House)***	Representative Howard
HB 477	Four-Year Terms/Town of Bethel.	Representative K. Smith

HB 481	Voter Initiative for Beaufort County. **PCS** ***(Re-refer to Elections and Ethics Law)***	Representative Kidwell
HB 489	Lincolnton-Lincoln County Airport Authority.	Representative Saine
HB 490	Winston-Salem/Forsyth Bd. of Ed/Stagger Terms. **PCS** ***(Re-refer to Elections and Ethics Law)***	Representative Lambeth Representative Conrad
HB 495	Prohibit Municipal Regs/Offsite Easements. **PCS** ***(Re-refer to Rules, Calendar, and Operations of the House)***	Representative McElraft
HB 528	Indian Trail/Stallings Occupancy Tax Auth.	Representative Arp Representative Horn

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **55** Alexander County/Sheriff Vacancies.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Elmore

HB **151** **(CS#1)** Katelyn's Law.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lambeth

HB **336** Extend Suspension of Spencer Mountain.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Torbett

HB **349** Wilkes County Fire Tax-Procedure.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Elmore

HB **350** Designate NC Time Zone/Observe DST All Year.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Saine



HB **477** Four-Year Terms/Town of Bethel.

Draft Number:	None
Serial Referral:	**ELECTIONS AND ETHICS LAW**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	K. Smith

HB **489** Lincolnton-Lincoln County Airport Authority.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Saine

HB **528** Indian Trail/Stallings Occupancy Tax Auth.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Arp

TOTAL REPORTED: 8

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **63** Protect North Carolina Workers Act.

Draft Number:	H63-PCS10408-BD-9
Serial Referral:	COMMERCE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McElraft

HB **299** Henderson Cty/Build Community College Bldgs.

Draft Number:	H299-PCS30310-BA-7
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Cleveland

HB **365** State Board Construction Contract Claim.

Draft Number:	H365-PCS30308-ST-5
Serial Referral:	JUDICIARY
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Arp

HB **368** Bermuda Run/Speed Restrictions.

Draft Number:	H368-PCS30309-BG-30
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Howard

HB **481** Voter Initiative for Beaufort County.

Draft Number:	H481-PCS40326-BD-11
Serial Referral:	ELECTIONS AND ETHICS LAW
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Kidwell



HB **495** Prohibit Municipal Regs/Offsite Easements.

Draft Number:	H495-PCS40327-BD-12
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Cleveland

TOTAL REPORTED: 6



HOUSE BILL 55:
Alexander County/Sheriff Vacancies.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 10, 2019
Introduced by:	Rep. Elmore	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 55 would provide that vacancies in the office of sheriff in Alexander County be filled by the Alexander County Board of County Commissioners (BOC) without consultation with the executive committee of the political party of the vacating sheriff.

The provisions in House Bill 55 were included in Senate Bill 12, which became law on March 19, 2019.

CURRENT LAW: Sheriffs in all 100 North Carolina counties are elected in partisan elections. Vacancies are filled by one of two methods:

- **G.S. 162-5:** The county coroner is to execute all process directed to the sheriff until the board of county commissioners fills the vacancy by electing a sheriff to finish the term of office. If the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, the senior deputy in years of service, is to perform all the duties of the sheriff until the county commissioners appoint an individual to fill the unexpired term. In all counties, the regular deputy sheriffs, during the interim of the vacancy, continue to perform their duties with full authority.

- **G.S. 162-5.1:** The process is the same, except that if the sheriff was elected as a nominee of a political party, the board of commissioners must consult with the county executive committee of that political party before filling the vacancy, and must elect the person recommended by that executive committee, if the recommendation is made within 30 days of the vacancy occurring. This statute applies in the following counties: Alamance, **Alexander**, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, Stokes, Surry, Transylvania, Wake, Wayne, and Yancey.

Currently, in Alexander County, if the office of sheriff is vacated, G.S. 162-5.1 controls, and the BOC must consult the county executive committee of the political party of the vacating sheriff before filling the vacancy, and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy.

BILL ANALYSIS: House Bill 55 would place Alexander County under G.S. 162-5, and enable the BOC to elect a sheriff to fill the vacancy for the remainder of the term without consulting the county executive committee of the political party of the vacating sheriff.

The provisions in House Bill 55 were included in Senate Bill 12, which became law on March 19, 2019.

aren Cochrane-Brown
Director

H55-SMBA-5 E1 -V-4

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

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

Staff Attorneys Billy Godwin and Shawn Middlebrooks substantially contributed to this summary.

H 1

HOUSE BILL 55*

Short Title:	Alexander County/Sheriff Vacancies.	(Local)
Sponsors:	Representative Elmore. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

February 13, 2019

A BILL TO BE ENTITLED

AN ACT RELATING TO VACANCIES IN THE OFFICE OF SHERIFF OF ALEXANDER COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162-5.1 reads as rewritten:

"**§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief deputy.**

If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a political party, the board of commissioners shall consult the county executive committee of that political party before filling the vacancy, and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled.

In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

This section shall apply only in the following counties: Alamance, ~~Alexander,~~ Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, Stokes, Surry, Transylvania, Wake, Washington, Wayne, and Yancey."

SECTION 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 63

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H63-ABD-5 [v.1]

Amends Title [NO]
First Edition

Date APRIL 10 ,2019

Representative Cleveland

moves to amend the bill on page 1, lines 31-32, by rewriting those lines to read:

"Christmas trees, and other agricultural crops.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

H63-ABD-5-V-1

HOUSE BILL 63:
Protect North Carolina Workers Act.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Commerce. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 10, 2019
Introduced by:	Reps. Cleveland, Conrad, D. Hall, Speciale	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 63 would expand the number of employers in this State required to verify the work authorization of their employees through the federal E-Verify program, would remove the existing exclusion for temporary employees, and would add an exclusion for farm workers, independent contractors, and certain domestic service employees.

CURRENT LAW: Article 2 of Chapter 64 of the General Statutes requires employers with 25 or more employees in this State to use the federal E-Verify system to verify that their employees are authorized to work in the United States. Employees whose terms of employment are less than nine months are excluded from the E-Verify requirement. Copies of e-verification must be maintained while the employee is employed and for one year thereafter. The Commissioner of Labor is authorized to investigate complaints alleging violations of the law, conduct hearings, order employer compliance, and impose civil penalties if appropriate. The Commissioner is also required to notify the US Immigration and Customs Enforcement agency and local law enforcement agencies where the Commissioner concludes there is a reasonable likelihood an employee is an unauthorized alien.

BILL ANALYSIS: House Bill 63 would do all of the following:

- Eliminate the E-Verify exclusion for employees employed less than nine months.
- Exclude from E-Verify requirements:
  - Farm workers.
  - Independent contractors.
  - Domestic services in private residences.
- Require employers with five or more employees to E-Verify work authorization.
- Define the terms "farm worker" and "independent contractor".

EFFECTIVE DATE: The act would become effective October 1, 2019.

ɔren Cochrane-Brown
Director

H63-SMBD-15-E1-V-3

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 63

Short Title:	Protect North Carolina Workers Act.	(Public)
Sponsors:	Representatives Cleveland, Conrad, D. Hall, and Speciale (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Agriculture, if favorable, Commerce, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House	

February 14, 2019

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE NUMBER OF EMPLOYERS WHO ARE REQUIRED TO PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM; TO REPEAL THE E-VERIFY EXEMPTION FOR TEMPORARY EMPLOYEES; AND TO EXCLUDE FARM WORKERS FROM THE DEFINITION OF EMPLOYEE UNDER ARTICLE 2 OF CHAPTER 64 OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 64-25 reads as rewritten:

"**§ 64-25. Definitions.**

The following definitions apply in this Article:

(1) Commissioner. – The North Carolina Commissioner of Labor.

(2) Employ. – Hire an employee.

(3) Employee. – Any individual who provides services or labor for an employer in this State for wages or other remuneration. ~~The term does not include an individual whose term of employment is less than nine months in a calendar year.~~The term does not include a farm worker, an independent contractor, or an individual who provides domestic service in a private home that is sporadic, irregular, or intermittent.

(4) Employer. – Any person, business entity, or other organization that transacts business in this State and that employs ~~25~~ five or more employees in this State. This term does not include State agencies, counties, municipalities, or other governmental bodies.

(5) E-Verify. – The federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.

(5a) Farm worker. – An individual who maintains farms, crops, or livestock by doing physical labor or operating machinery under the supervision of a farmer, rancher, or other agricultural manager. The term includes those who perform tasks related to growing and harvesting grains, fruits, vegetables, nuts, Christmas trees, and other agricultural crops but does not include those who merely plant, transplant, or transport trees.

(5b) Independent contractor. – Any individual or entity who carries on independent business, contracts to do a piece of work according to the individual or entity's

own means and methods, and is subject to control only as to results. Whether an individual or entity is an independent contractor, regardless of what the individual or entity calls itself, shall be determined on a case-by-case basis. Factors to be considered in that determination include, but are not limited to, whether the individual or entity supplies the tools or materials, makes services available to the general public, works for a number of clients at the same time, has an opportunity for profit or loss as a result of labor or services provided, invests in the facilities for work, directs the order or sequence in which the work is to be done, and determines the hours during which the work is to be done.

(6) Unauthorized alien. – As defined in 8 U.S.C. § 1324a(h)(3)."

SECTION 2. This act becomes effective October 1, 2019.

HOUSE BILL 151: Katelyn's Law.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 10, 2019
Introduced by:	Rep. Lambeth	**Prepared by:**	Jessica Sammons* Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: House Bill 151 would require the State Board of Education to adopt rules excusing absences for students attending a legislative event or serving as a Governor's page, and would ensure that certain excused absences do not affect a student's participation in an approved attendance recognition program.

CURRENT LAW: G.S. 115C-378 requires every parent, guardian, or custodian having charge or control of a child between the ages of seven and 16 to ensure that the child attends school. G.S. 115C-379 authorizes the State Board of Education to determine what is considered an unlawful absence, and what causes might constitute legitimate excuses for temporary nonattendance, such as service as a legislative page or a Governor's page. Additionally, a minimum of two excused absences each academic year must be allowed for religious observances required by the faith of a student or the student's parents. Students can be required to give advance notice of absences for religious observances, but the students must be given the opportunity to make up any tests or other work missed.

G.S. 115C-382.5 encourages local boards of education to adopt student attendance recognition programs. If the local board adopts such a program, a student's absence due to service as a legislative page or a Governor's page must not be part of the student's record of attendance for the purpose of the program.

BILL ANALYSIS: House Bill 151 would do the following:

- Require the State Board of Education to adopt rules that would treat student attendance at a legislative event and service as a Governor's page as an excused absence.

  A *legislative event* is defined as an event sanctioned by at least one chamber of the North Carolina General Assembly that a student attends for an educational, civic, or familial purpose, including, but not limited to:

  - Service as a legislative page.
  - Attendance at the legislative swearing-in ceremony of a parent or grandparent.
  - Attendance at an event in which the student's relative is receiving special recognition by the General Assembly.

- For excused absences due to attendance at legislative events or service as a Governor's page, authorize the State Board to adopt rules requiring advance notice of requests for excused absences. Students must be given the opportunity to make up any tests of other work missed due to an excused absence.

ɹren Cochrane-Brown
Director

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Include attendance at a legislative event as an absence that would be prohibited from being part of a student's record of attendance for the purpose of any attendance recognition program adopted by the local board of education.

EFFECTIVE DATE: The act would be effective when it becomes law and would apply beginning with the 2019-2020 school year.

**Brian Gwyn, counsel to House Education – K-12, substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 2

HOUSE BILL 151
Committee Substitute Favorable 3/5/19

Short Title: Katelyn's Law. (Public)

Sponsors:

Referred to:

February 25, 2019

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT RULES EXCUSING ABSENCES FOR STUDENTS ATTENDING A LEGISLATIVE EVENT AND ENSURING THAT CERTAIN EXCUSED ABSENCES DO NOT AFFECT A STUDENT'S PARTICIPATION IN AN APPROVED ATTENDANCE RECOGNITION PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as "Katelyn's Law" and may be cited by that name.

SECTION 2. G.S. 115C-379 reads as rewritten:

"**§ 115C-379. Method of enforcement.**

(a) Rules. – It shall be the duty of the State Board of Education to formulate the rules that may be necessary for the proper enforcement of the provisions of this Part. The Board shall prescribe (i) what shall constitute unlawful absence, (ii) what causes may constitute legitimate excuses for temporary nonattendance due to a student's physical or mental inability to attend or a student's participation in a valid educational ~~opportunity such as service as a legislative page or a Governor's page,~~ opportunity, and (iii) under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State.

(b) Excused Absences. – The rules shall at least require school principals to authorize excused absences as follows:

(1) ~~a~~ A minimum of two excused absences each academic year for religious observances required by the faith of a student or the student's parents.

(2) Attendance at a legislative event. A legislative event is an event sanctioned by at least one chamber of the North Carolina General Assembly that a student attends for an educational, civic, or familial purpose, including, but not limited to, (i) service as a legislative page, (ii) attendance at the legislative swearing-in ceremony of a parent or grandparent, and (iii) attendance at an event in which the student's relative is receiving special recognition by the General Assembly.

(3) Service as a Governor's page.

(c) Advance Notice and Missed Work. – The rules may require that the student's parents give the principal written notice of the request for an excused absence a reasonable time prior to ~~the religious observance.~~ the absence. The student shall be given the opportunity to make up any tests or other work missed due to an excused ~~absence for a religious observance.~~absence.

(d) Duties of School Officials. – It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a Class 3 misdemeanor: Provided, that the compulsory attendance law herein prescribed shall not be in force in any local school administrative unit that has a higher compulsory attendance feature than that provided herein."

SECTION 3. G.S. 115C-382.5 reads as rewritten:

"**§ 115C-382.5. Student attendance recognition programs.**

Local boards of education are encouraged to adopt a student attendance recognition program within the local school administrative unit to promote student attendance in school and participation in class as an integral part of academic achievement and the learning process. If the local board of education adopts a student attendance recognition program, a student with an absence resulting from service as ~~a legislative page or a~~ Governor's page or because of an excused absence identified in G.S. 115C-379(b)(2) shall be eligible for participation in the program and the student's absence shall not be included as part of the student's record of attendance for the purposes of the program."

SECTION 4. This act is effective when it becomes law and applies beginning with the 2019-2020 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 299
PROPOSED COMMITTEE SUBSTITUTE H299-CSBA-7 [v.1]
04/05/2019 10:01:44 AM

Short Title: Henderson Cty/Build Community College Bldgs. (Local)

Sponsors:

Referred to:

March 11, 2019

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT HENDERSON COUNTY IS AUTHORIZED TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE HENDERSON COUNTY CAMPUS OF BLUE RIDGE COMMUNITY COLLEGE TO BE USED FOR ARTS, SCIENCES, AND GENERAL STUDIES AND POLICE PHYSICAL ABILITIES TEST TRAINING AND TO AUTHORIZE THE COUNTY TO MAKE SUBSTANTIAL RENOVATIONS TO EXISTING CAMPUS BUILDINGS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 115D-9, 115D-15.1, 143-341(3), or any other provision of law, Henderson County is hereby authorized to (i) construct or renovate community college buildings, as that term is defined in G.S. 143-336, on the main campus of Blue Ridge Community College located within Henderson County, to be used for a new arts, sciences, and general studies center and for a new police officers physical abilities test training center and (ii) make substantial renovations to existing buildings on campus. In exercising the authority granted in this Section, Henderson County shall comply with all of the following:

(1) Article 3D of Chapter 143 of the General Statutes (Procurement of Architectural, Engineering, and Surveying Services).
(2) Article 8 of Chapter 143 of the General Statutes (Public Contracts).
(3) Article 8 of Chapter 159 of the General Statutes (Financing Agreements and Other Financing Arrangements).
(4) G.S. 160A-20 (Security interests).
(5) Henderson County shall consult with the Board of Trustees of Blue Ridge Community College about programming requirements for the buildings and shall keep the Board of Trustees informed as to the construction process and progress.
(6) Henderson County shall fund all projects entirely with County funds.

SECTION 2. Henderson County and the Board of Trustees of Blue Ridge Community College may enter into a memorandum of understanding to allow for the construction of community college buildings authorized by Section 1 of this act in a timely fashion and cost-efficient manner if deemed appropriate by the parties.

SECTION 3.(a) Within 120 days of the effective date of this act, the Board of Trustees of Blue Ridge Community College shall identify, in writing, to Henderson County (i) the real property upon which it intends the new buildings described in Section 1 of this act to be constructed and (ii) any other real property needed for the financing of the construction and renovations authorized by Section 1 of this act. The real property identified by the Board of

Trustees shall be a portion of the real property described in Book 490, Page 373 of the Henderson County Registry.

SECTION 3.(b) Within 30 days of the identification of the real property as provided in subsection (a) of this Section, the Board of Trustees of Blue Ridge Community College shall transfer title to the identified property to Henderson County for the life of any debt incurred against the property by Henderson County for the construction or renovation of community college buildings as authorized by Section 1 of this act.

SECTION 3.(c) Upon the satisfaction of any debt incurred against the property referred to in subsection (a) of this Section, Henderson County shall transfer title to the property back to the Board of Trustees of Blue Ridge Community College. If no debt is incurred against the property referred to in subsection (a) of this Section by Henderson County for the construction or renovation of community college buildings on or before December 31, 2023, Henderson County shall transfer title to the property back to the Board of Trustees of Blue Ridge Community College.

SECTION 4. Henderson County and the Board of Trustees of Blue Ridge Community College may enter into a lease agreement in accordance with G.S. 160A-274 for any space in county-owned buildings located within Henderson County if deemed appropriate by the parties.

SECTION 5. Sections 1 through 3 of this act are effective when they become law and apply only to construction and renovation projects by Henderson County on the Henderson County campus of Blue Ridge Community College between January 1, 2019, and December 31, 2023. The remainder of this act is effective when it becomes law.

HOUSE BILL 299:
Henderson Cty/Build Community College Bldgs.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 10, 2019
Introduced by:	Reps. McGrady, Henson	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	PCS to First Edition H299-CSBA-7		

OVERVIEW: House Bill 299 would allow Henderson County to construct and renovate community college buildings on the Henderson County campus of Blue Ridge Community College, provided the County funds the construction entirely with County funds.

The PCS would change the deadline for Henderson County to incur debt against the land transferred to it under this act from December 31, 2022 to December 31, 2023. If this deadline is not met, Henderson County must transfer title to the land back to Blue Ridge Community College. This is a conforming change to match the dates outlined in the effective date section.

CURRENT LAW: G.S. 115D-9 requires approval by the State Board of Community Colleges before the expenditure of any State funds on capital improvements of existing community college institutions. G.S. 115D-15.1 requires approval by the State Board of Community Colleges before a community college may dispose, transfer, or acquire property. Chapter 143 gives the Department of Administration control of real property owned or leased by the State. G.S. 143-341(3) gives the Department of Administration control over the architecture and engineering of community college buildings.

BILL ANALYSIS:

Section 1 would authorize Henderson County to do the following:

- Construct or renovate community college buildings located on the campus of Blue Ridge Community College in Henderson County to be used for (i) a new arts, sciences, and general studies center and (ii) a new police officers physical abilities test training center.
- Make substantial renovations to existing buildings on campus.

Section 1 also sets forth requirements that Henderson County would have to meet in order to construct or renovate community college buildings located within Henderson County.

Section 2 would allow Henderson County and the Board of Trustees of Blue Ridge Community College (BOT) to enter into a memorandum of understanding to allow Henderson County to construct community college buildings in a timely fashion and cost-efficient manner.

Section 3(a) would set a deadline of within 120 days of the effective date of this act for the BOT to identify to Henderson County (i) the real property upon which it intends the new buildings to be constructed and (ii) any other real property needed for the financing of the construction and renovations authorized by this

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

act. The real property identified by the BOT must be a portion of the real property described in Book 490, Page 373 of the Henderson County Registry.

Section 3(b) would set a deadline of within 30 days of the identification of the real property, as provided in Section 3(a), for the BOT to transfer title to the identified property to Henderson County for the life of the debt incurred against the property for the construction or renovation authorized in Section 1.

Section 3(c) would require Henderson County to transfer the property back to the BOT upon satisfaction of the debt incurred in the construction or renovation of the buildings. If no debt is incurred against the property by December 31, 2023, Henderson County would be required to transfer title back to the BOT.

Section 4 would allow Henderson County and the BOT to enter into a lease agreement for any space in county-owned buildings located within Henderson County.

EFFECTIVE DATE: Sections 1, 2, and 3 would be effective when they become law and apply only to construction and renovation projects by Henderson County on the Henderson County campus of Blue Ridge Community College between January 1, 2019, and December 31, 2023. The remainder of this act would be effective when it becomes law.

BACKGROUND: Similar acts affecting Henderson County and Blue Ridge Community College were enacted in 2016 (S.L. 2016-22) and 2017 (S.L. 2017-21).

Samantha Yarborough, counsel to House Education - Community Colleges, substantially contributed to this summary.

HOUSE BILL 299

Short Title:	Henderson Cty/Build Community College Bldgs.	(Local)
Sponsors:	Representatives McGrady and Henson (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Education - Community Colleges, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 11, 2019

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT HENDERSON COUNTY IS AUTHORIZED TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE HENDERSON COUNTY CAMPUS OF BLUE RIDGE COMMUNITY COLLEGE TO BE USED FOR ARTS, SCIENCES, AND GENERAL STUDIES AND POLICE PHYSICAL ABILITIES TEST TRAINING AND TO AUTHORIZE THE COUNTY TO MAKE SUBSTANTIAL RENOVATIONS TO EXISTING CAMPUS BUILDINGS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 115D-9, 115D-15.1, 143-341(3), or any other provision of law, Henderson County is hereby authorized to (i) construct or renovate community college buildings, as that term is defined in G.S. 143-336, on the main campus of Blue Ridge Community College located within Henderson County, to be used for a new arts, sciences, and general studies center and for a new police officers physical abilities test training center and (ii) make substantial renovations to existing buildings on campus. In exercising the authority granted in this Section, Henderson County shall comply with all of the following:

(1) Article 3D of Chapter 143 of the General Statutes (Procurement of Architectural, Engineering, and Surveying Services).
(2) Article 8 of Chapter 143 of the General Statutes (Public Contracts).
(3) Article 8 of Chapter 159 of the General Statutes (Financing Agreements and Other Financing Arrangements).
(4) G.S. 160A-20 (Security interests).
(5) Henderson County shall consult with the Board of Trustees of Blue Ridge Community College about programming requirements for the buildings and shall keep the Board of Trustees informed as to the construction process and progress.
(6) Henderson County shall fund all projects entirely with County funds.

SECTION 2. Henderson County and the Board of Trustees of Blue Ridge Community College may enter into a memorandum of understanding to allow for the construction of community college buildings authorized by Section 1 of this act in a timely fashion and cost-efficient manner if deemed appropriate by the parties.

SECTION 3.(a) Within 120 days of the effective date of this act, the Board of Trustees of Blue Ridge Community College shall identify, in writing, to Henderson County (i) the real property upon which it intends the new buildings described in Section 1 of this act to be constructed and (ii) any other real property needed for the financing of the construction and

renovations authorized by Section 1 of this act. The real property identified by the Board of Trustees shall be a portion of the real property described in Book 490, Page 373 of the Henderson County Registry.

SECTION 3.(b) Within 30 days of the identification of the real property as provided in subsection (a) of this Section, the Board of Trustees of Blue Ridge Community College shall transfer title to the identified property to Henderson County for the life of any debt incurred against the property by Henderson County for the construction or renovation of community college buildings as authorized by Section 1 of this act.

SECTION 3.(c) Upon the satisfaction of any debt incurred against the property referred to in subsection (a) of this Section, Henderson County shall transfer title to the property back to the Board of Trustees of Blue Ridge Community College. If no debt is incurred against the property referred to in subsection (a) of this Section by Henderson County for the construction or renovation of community college buildings on or before December 31, 2022, Henderson County shall transfer title to the property back to the Board of Trustees of Blue Ridge Community College.

SECTION 4. Henderson County and the Board of Trustees of Blue Ridge Community College may enter into a lease agreement in accordance with G.S. 160A-274 for any space in county-owned buildings located within Henderson County if deemed appropriate by the parties.

SECTION 5. Sections 1 through 3 of this act are effective when they become law and apply only to construction and renovation projects by Henderson County on the Henderson County campus of Blue Ridge Community College between January 1, 2019, and December 31, 2023. The remainder of this act is effective when it becomes law.

HOUSE BILL 336:
Extend Suspension of Spencer Mountain.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 10, 2019
Introduced by:	Rep. Torbett	**Prepared by:**	Jessica Sammons Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 336 would extend the temporary suspension of the charter of the Town of Spencer Mountain through June 30, 2023.

CURRENT LAW: Spencer Mountain, located in Gaston County, was incorporated in 1963. According to the 2010 Census, the population was 37. According to the 2014 population estimates of the NC Office of Budget and Management, the population was 0.

In 2016, the General Assembly temporarily suspended the applicability of the Charter of the Town of Spencer Mountain for three fiscal years, from July 1, 2016 until June 30, 2019. S.L. 2016-45. During this time, compliance with the Local Government Budget and Fiscal Control Act is not required, no audit is required for any fiscal year, or portion thereof, and no elections for mayor or commissioner are to be conducted. The individuals elected in 2015 are permitted to continue to use their public titles and participate as elected officials in organizations dedicated to serving municipalities during the period of suspension.

During this time, the monies and assets held by the Town of Spencer Mountain are placed under the control of the State Treasurer, to be held for the Town of Spencer Mountain. Any monies due to the Town from the State are to be delivered to the Gaston County Board of Commissioners for use by the County. All other monies due and payable to the Town are to be collected by the State Treasurer to be held for the Town. The State Treasurer is authorized to determine how the monies and assets are held and accounted for.

BILL ANALYSIS: House Bill 336 would extend the temporary suspension of the applicability of the Charter of the Town of Spencer Mountain for an additional four fiscal years, through June 30, 2023.

EFFECTIVE DATE: Effective when it becomes law, and expires June 30, 2023.

ıren Cochrane-Brown
Director

H336-SMBK-19-E1-V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

HOUSE BILL 336

Short Title:	Extend Suspension of Spencer Mountain.	(Local)
Sponsors:	Representative Torbett. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 13, 2019

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE SUNSET ON THE SUSPENSION OF THE CHARTER OF THE TOWN OF SPENCER MOUNTAIN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2016-45 reads as rewritten:

"**SECTION 3.** This act becomes effective July 1, 2016, and expires ~~June 30, 2019.~~June 30, 2023."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 349:
Wilkes County Fire Tax-Procedure.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 10, 2019
Introduced by:	Reps. Elmore, Stevens	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 349 would allow Wilkes County to alter the boundaries of all authorized fire tax districts in the County to align with any fire insurance districts adopted by the Department of Insurance.

[As introduced, this bill was identical to S228, as introduced by Sen. Ballard, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: Article 3A of Chapter 69 of the General Statutes addresses the creation of rural fire protection districts. G.S. 69-25.11 governs changes in the boundary lines of a fire protection district and dictates different procedures depending on whether the boundary lines of a fire protection district are increasing, decreasing, being relocated with an adjoining fire protection district with the same tax rate, or being relocated with an adjoining fire protection districted with a different tax rate. Generally, changing the boundary of a fire protection district requires some combination of the following:

- An application or petition by property owners in the district.
- The approval of, or a petition from, the fire protection commissioners of the district.
- The approval of, or a petition from, the board of directors of the corporation providing fire protection to the district.
- The approval of the board of county commissioners.
- A public hearing.

BILL ANALYSIS: Section 1 of House Bill 349 would allow Wilkes County to alter the boundaries of all authorized fire tax districts in the County, notwithstanding Article 3A of Chapter 69 of the General Statutes, if all of the following requirements are met:

1. The proposed boundary changes align the fire tax districts and any fire insurance districts adopted by the Department of Insurance.
2. The County notifies the owners of any property proposed to be realigned, in writing.
3. The County notifies the board of directors of any corporations furnishing fire protection in the fire tax districts proposed to be realigned.
4. The County conducts a public hearing on the proposed alterations to the boundaries of the fire tax districts. The hearing shall be noticed at least 30 days prior to the date of the hearing, in a newspaper of general circulation in the jurisdiction. The hearing may be conducted concurrently with any budget hearing required under G.S. 159-12.
5. The County votes to approve the proposed fire tax districts.

ɹren Cochrane-Brown
Director

H349-SMBA-35 E1 -V-4

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 2 would provide that all prior collections of fire tax revenues by Wilkes County in areas affected by the realignment of boundaries are valid and lawful.

Section 3 would provide that any change to parcel boundaries or parcel identification numbers used in maps depicting the fire tax districts approved by Wilkes County in accordance with Section 1 does not alter those approved fire tax district boundaries and clarifies that this act would not prohibit subsequent changes to any fire tax districts in the county.

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

HOUSE BILL 349*

Short Title:	Wilkes County Fire Tax-Procedure.	(Local)
Sponsors:	Representatives Elmore and Stevens (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 14, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE COUNTY OF WILKES TO REALIGN THE COUNTY FOR THE PURPOSES OF COUNTY FIRE TAX DISTRICTS UNDER CHAPTER 69 OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 3A of Chapter 69 of the General Statutes, Wilkes County may simultaneously alter the boundaries of all authorized fire tax districts in the County, provided the County does all of the following:

(1) The County proposes changes to the boundaries of the authorized fire tax districts that align the authorized fire tax districts and any fire insurance districts adopted by the Department of Insurance.

(2) The County notifies the owners of any property proposed to be realigned to a different fire tax district, or no district, in writing.

(3) The County notifies each board of directors of the corporation furnishing fire protection in the County of proposed changes to the fire tax districts.

(4) After notification to all affected property owners and each corporation furnishing fire protection in the County, the County conducts a public hearing on the proposed alterations to the boundaries of the authorized fire tax districts. Such public hearing shall be noticed at least 30 days prior to the public hearing, in a newspaper of general circulation in the jurisdiction and shall include the location or locations at which the proposed maps may be viewed. The public hearing may be conducted concurrently with any public hearing required under G.S. 159-12.

(5) After all notifications and the hearing required by this section, the County votes to approve the proposed fire tax districts.

SECTION 2. All prior collections of fire tax revenues by Wilkes County in the areas affected by the realignment of boundaries are valid and lawful, without regard to which fire tax district and corresponding fire tax rate, those revenues were collected from and without regard to which volunteer fire department those revenues were allocated.

SECTION 3. Any change to parcel boundaries or parcel identification numbers used in maps depicting the fire tax districts approved by the County under Section 1 of this act shall not alter those approved fire tax district boundaries. No provision of this act shall be construed to prohibit a subsequent change in any fire tax district, including any portion of the fire tax district

boundary established hereunder, pursuant to Chapter 69 of the North Carolina General Statutes or other applicable law.

SECTION 4. This act is effective when it becomes law.

HOUSE BILL 350:
Designate NC Time Zone/Observe DST All Year.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 10, 2019
Introduced by:	Reps. Saine, Hastings, Szoka	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 350 would designate the standard time of the State and would institute a year-round daylight saving time if authorized by the United States Congress.

CURRENT LAW: Currently, the Uniform Time Act of 1966 is the federal law which:

- structures time zones for standard time;
- sets the standard times within zones; and
- includes the temporary advancement of standard time 1-hour, commonly known as Daylight Saving Time.

Federal law supersedes any law of the States regarding change over dates and advances in time related to Daylight Saving Time.

Currently, North Carolina does not have any statutes related to the standard time applicable to this State.

BILL ANALYSIS: House Bill 350 would create an Article 8 within Chapter 81A, Weights and Measures Act of 1975, and:

- Specify that the standard time within this State and its political subdivisions to be the standard time designated by the United States Department of Transportation pursuant to the Uniform Time Act of 1966.
- Specify that North Carolina would observe Daylight Saving Time year-round if authorized by Congress.
- Require the Commissioner of Agriculture to notify the Governor of Congress' authorization to observe year-round Daylight Saving Time within 60 days.
- Require the Governor to implement G.S. 81A-100 as enacted by this act.

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

ɹren Cochrane-Brown
Director

H350-SMBG-61 E1 -V-5

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

HOUSE BILL 350

Short Title:	Designate NC Time Zone/Observe DST All Year.	(Public)
Sponsors:	Representatives Saine, Hastings, and Szoka (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 14, 2019

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE TIME ZONE OF NORTH CAROLINA AND TO ADOPT DAYLIGHT SAVING TIME YEAR-ROUND IF AUTHORIZED BY CONGRESS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 81A of the General Statutes is amended by adding a new Article to read:

"Article 8.

"Standard Time.

"**§ 81A-100. Designation of time.**

The standard time of the State and its political subdivisions is the time designated by the United States Department of Transportation pursuant to the Uniform Time Act of 1966 (15 U.S.C. §§ 260-267). If authorized by Congress, the State and its political subdivisions shall observe Daylight Saving Time, as provided in 15 U.S.C. § 260a, at all times throughout the year."

SECTION 2. Within 60 days of Congress authorizing the states to observe Daylight Saving Time throughout the year, the Commissioner of Agriculture shall notify the Governor, who, by executive order or otherwise, shall implement G.S. 81A-100, as enacted by this act.

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 365
PROPOSED COMMITTEE SUBSTITUTE H365-CSST-5 [v.5]

04/09/2019 07:19:35 PM

Short Title: State Board Construction Contract Claim. (Public)

Sponsors:

Referred to:

March 18, 2019

A BILL TO BE ENTITLED

AN ACT PROVIDING THE TIME PERIOD IN WHICH THE DIRECTOR OF THE OFFICE OF STATE CONSTRUCTION SHALL ISSUE A FINAL ORDER ALLOWING OR DENYING A CONTRACTOR'S VERIFIED WRITTEN CLAIM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-135.3 reads as rewritten:

"**§ 143-135.3. Adjustment and resolution of State board construction contract claim.**

(a) For purposes of this section, the following shall apply:

(1) ~~The word "board" as used in this section~~ "Board" shall mean the State of North Carolina or any board, bureau, commission, institution, or other agency of the State, as distinguished from a board or governing body of a subdivision of the State.

(2) "A contract for construction or repair ~~work," as used in this section, is defined~~ work" shall mean ~~as~~ any contract for the construction of buildings and appurtenances thereto, including, but not by way of limitation, utilities, plumbing, heating, electrical, air conditioning, elevator, excavation, grading, paving, roofing, masonry work, tile work and painting, and repair work as well as any contract for the construction of airport runways, taxiways and parking aprons, sewer and water mains, power lines, docks, wharves, dams, drainage canals, telephone lines, streets, site preparation, parking areas and other types of construction on which the Department of Administration or The University of North Carolina enters into contracts.

(3) "Contractor" ~~as used in this section includes~~shall include any person, firm, association or corporation which has contracted with a State board for architectural, engineering or other professional services in connection with construction or repair work as well as those persons who have contracted to perform such construction or repair work.

(b) A contractor who has not completed a contract with a board for construction or repair work and who has not received the amount ~~he~~ that contractor claims is due under the contract may submit a verified written claim to the Director of the Office of State Construction of the Department of Administration for the amount the contractor claims is due. The Director may deny, allow, or compromise the claim, in whole or in part. A claim under this subsection is not a contested case under Chapter 150B of the General Statutes.

(c) A contractor who has completed a contract with a board for construction or repair work and who has not received the amount ~~he~~ that contractor claims is due under the contract may submit a verified written claim to the Director of the Office of State Construction of the

Department of Administration for the amount the contractor claims is due. The verified written claim shall be submitted within 60 days after the contractor receives a final statement of the board's disposition of ~~his~~ the claim and shall state the factual basis for the claim.

~~The Director shall investigate a submitted claim within 90 days of receiving the claim, or within any longer time period upon which the Director and the contractor agree.~~ The contractor may appear before the Director, either in person or through counsel, to present facts and arguments in support of ~~his~~ the verified written claim. The Director may allow, deny, or compromise the verified written claim, in whole or in part. The Director shall give the contractor a ~~written statement of the Director's decision on the contractor's claim.~~ final written decision, as provided in subsection (c2) of this section, allowing or denying those portions of the contractor's claim that have not been previously compromised.

~~A contractor who is dissatisfied with the Director's decision on a claim submitted under this subsection may commence a contested case on the claim under Chapter 150B of the General Statutes. The contested case shall be commenced within 60 days of receiving the Director's written statement of the decision.~~

(c1) A contractor who is dissatisfied with the Director's final written decision on a ~~claim~~verified written claim, or any portion of a verified written claim, submitted under subsection (c) of this section may commence a contested case on the claim under Chapter 150B of the General Statutes. The contested case shall be commenced within 60 days of receiving the Director's written statement of the decision.

(c2) The verified written claim submitted under subsection (c) of this sections shall be disposed of as follows:

(1) If the verified written claim was originally for an amount less than one hundred thousand dollars ($100,000), the Director shall investigate and issue a final written decision allowing or denying the verified written claim, in whole or in part, within 120 days of receipt of the contractor's verified written claim.

(2) If the verified written claim was originally for an amount of at least one hundred thousand dollars ($100,000) but less than five million dollars ($5,000,000), the Director shall investigate and issue a final written decision allowing or denying the verified claim, in whole or in part, within 180 days of receipt of the contractor's verified written claim.

(3) If the verified written claim was originally for an amount of five million dollars ($5,000,000) or more, the Director shall investigate and issue a final written decision allowing or denying the verified written claim, in whole or in part, within 270 days of receipt of the contractor's verified written claim.

(c3) Prior to the expiration of the time periods provided for in subsection (c2) of this subsection, the Director and contractor may, in writing, extend the time in which the Director shall issue a final written decision. The Director's failure to issue a final written decision as provided in subsection (c2) of this subsection, or at the expiration of the agreed upon extended time, shall be deemed a denial of the portions of the verified written claim not previously compromised, and the contractor may seek relief on those portions of the verified written claim as provided in subsections (c1) or (d) of this section.

(d) As to any portion of a verified written claim that is denied by the ~~Director,~~ Director under subsection (c) of this section, the contractor may, in lieu of the procedures set forth in ~~the preceding~~ subsection (c1) of this section, within six months of receipt of the Director's final written decision, institute a civil action for the sum ~~he~~ the contractor claims to be entitled to under the contract by filing a verified complaint and the issuance of a summons in the Superior Court of Wake County or in the superior court of any county where the work under the contract was performed. The procedure shall be the same as in all civil actions except that all issues shall be tried by the judge, without a jury.

(e) The provisions of this section are part of every contract for construction or repair work made by a board and a contractor. A provision in a contract that conflicts with this section is invalid."

SECTION 2. G.S. 143-135.6 reads as rewritten:

"**§ 143-135.6. Adjustment and resolution of community college board construction contract claim.**

(a) A contractor who has not completed a contract with a board of a community college for construction or repair work and who has not received the amount ~~he~~ that contractor claims is due under the contract may follow the claims procedure in G.S. 143-135.3(b) that is available to a contractor who has contracted with a State board.

(b) A contractor who has completed a contract with a board of a community college for construction or repair work and who has not received the amount ~~he~~ that contractor claims is due under the contract may follow the same claims procedure in G.S. 143-135.3(c) through (d) that is available to a contractor who has contracted with a State board.

~~(c) A contractor who is dissatisfied with the Director's decision on any portion of a claim submitted pursuant to subsection (b) of this section may, within six months of receipt of the Director's final decision, institute a civil action for the sum he claims to be entitled to under the contract in the Superior Court of Wake County or in the superior court of any county where the work under the contract was performed. The procedure shall be the same as in all civil actions except that all issues shall be tried by the judge, without a jury. A contractor may not commence an action under Chapter 150B of the General Statutes.~~

..."

SECTION 3. This act becomes effective January 1, 2020, and applies to verified claims submitted on or after that date.

HOUSE BILL 365:
State Board Construction Contract Claim.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 9, 2019
Introduced by:	Reps. Arp, Brody, Bell, Reives	**Prepared by:**	Erika Churchill Staff Attorney
Analysis of:	PCS to First Edition H365-CSST-5		

OVERVIEW: The proposed committee substitute for House Bill 365 would impose deadlines for issuance of a final written decision by the Director of the Office of State Construction in all of the following:

- ***A contractor's verified written claim for amounts due under a completed building construction or repair contract with the State, a State board or commission, a State institution, or a State agency.***
- ***A contractor's verified written claim for amounts due under a completed building construction or repair contract with a community college board of trustees.***
- ***Guaranteed energy savings contracts.***

Effective with verified written claims filed on or after January 1, 2020.

[As introduced, this bill was identical to S255, as introduced by Sen. Rabon, which is currently in Senate Judiciary.]

CURRENT LAW: A contractor who has completed a contract with a State agency or a State board for construction or repair of a building, and who has not received the amount the contractor contends is due, may submit a verified written claim to the Director of the Office of State Construction of the Department of Administration stating the factual basis for the claim within 60 days of receiving the final statement of the State agency's or State board's disposition of the claim.

Upon receipt of a verified written claim, the Director is required to investigate the claim within 90 days, or any longer period agreed to by the Director and the contractor. The Director can allow, deny, or compromise the claim, in whole or in part, and is required to give the contractor a written statement of the decision. There currently is no statutorily-imposed deadline by which the Director must give the written statement.

Upon receipt of the written statement of the Director's decision, a contractor who is dissatisfied with it must either commence a contested case under Chapter 150B of the General Statutes within 60 days or bring a civil action in superior court within six months. If the contractor opts for the civil action, that civil action may be brought in Wake County or any county where the work was performed, and all issues are tried by the judge without a jury.

The same process, by statute, is applied to contracts with a community college board for construction and repair work (G.S. 143-135.6) and to guaranteed energy savings contracts (G.S. 143-129.4).

BILL ANALYSIS:

Section 1 of the bill would provide that, after receiving a contractor's verified written claim, the Director is required to issue a final written decision as follows:

- Within 120 days of receipt for an original claim less than $100,000.
- Within 180 days of receipt for an original claim equal to $100,000 but less than $5,000,000.
- Within 270 days of receipt for an original claim equal to or greater than $5,000,000.

Before expiration of the time permitted for issuance of the final written decision, the Director and contractor may agree in writing to an extension of time. If dissatisfied with the final written decision of the Director, the contractor would have the same options as under current law to either file a contested case commenced within 60 days or file a civil action within six months.

Section 2 of the bill would make conforming changes to the statute applying the same process to construction and repair contracts with a community college board.

EFFECTIVE DATE: January 1, 2020 and applies to verified claims submitted on or after that date.

HOUSE BILL 365

Short Title:	State Board Construction Contract Claim.	(Public)
Sponsors:	Representatives Arp, Brody, Bell, and Reives (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House	

March 18, 2019

A BILL TO BE ENTITLED

AN ACT PROVIDING THE TIME PERIOD IN WHICH THE DIRECTOR OF THE OFFICE OF STATE CONSTRUCTION SHALL ISSUE A FINAL ORDER ALLOWING OR DENYING A CONTRACTOR'S VERIFIED WRITTEN CLAIM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-135.3 reads as rewritten:

"**§ 143-135.3. Adjustment and resolution of State board construction contract claim.**

...

(c) A contractor who has completed a contract with a board for construction or repair work and who has not received the amount he claims is due under the contract may submit a verified written claim to the Director of the Office of State Construction of the Department of Administration for the amount the contractor claims is due. The claim shall be submitted within 60 days after the contractor receives a final statement of the board's disposition of his claim and shall state the factual basis for the claim.

~~The Director shall investigate a submitted claim within 90 days of receiving the claim, or within any longer time period upon which the Director and the contractor agree.~~ The contractor may appear before the Director, either in person or through counsel, to present facts and arguments in support of his claim. The Director may allow, deny, or compromise the claim, in whole or in part. The Director shall give the contractor a ~~written statement of the Director's decision on the contractor's claim.~~final written decision allowing or denying those portions of the contractor's claim that have not been previously compromised.

~~A contractor who is dissatisfied with the Director's decision on a claim submitted under this subsection may commence a contested case on the claim under Chapter 150B of the General Statutes. The contested case shall be commenced within 60 days of receiving the Director's written statement of the decision.~~

~~(c1) A contractor who is dissatisfied with the Director's decision on a claim submitted under subsection (c) of this section may commence a contested case on the claim under Chapter 150B of the General Statutes. The contested case shall be commenced within 60 days of receiving the Director's written statement of the decision.~~

(c2) If the verified claim under subsection (c) of this section was originally for an amount less than one hundred thousand dollars ($100,000), the Director shall investigate and issue a final written decision allowing or denying the claim, in whole or in part, within 120 days of receipt of the contractor's verified claim. If the verified claim under subsection (c) of this section was originally for an amount of one hundred thousand dollars ($100,000) but less than five million

dollars ($5,000,000), the Director shall investigate and issue a final written decision allowing or denying the claim, in whole or in part, within 180 days of receipt of the contractor's verified claim. If the verified claim under subsection (c) of this section was originally for an amount of five million dollars ($5,000,000) or more, the Director shall investigate and issue a final written decision allowing or denying the claim, in whole or in part, within 270 days of receipt of the contractor's verified claim. Prior to the expiration of the time periods provided for in this subsection, the Director and contractor may, in writing, extend the time in which the Director shall issue a final written decision. The Director's failure to issue a final written decision as provided in this subsection shall be deemed a denial of the portions of the claim not previously compromised, and the contractor may seek relief on those portions of the claim as provided in subsections (c3) and (d) of this section.

(c3) A contractor who is dissatisfied with the Director's final written decision on a claim, or any portion of a claim, submitted under subsection (c) of this section may commence a contested case on the claim under Chapter 150B of the General Statutes. The contested case shall be commenced within 60 days of receiving the Director's final written decision.

(d) As to any portion of a claim that is denied by the ~~Director,~~ Director under subsection (b) or (c) of this section, the contractor may, in lieu of the procedures set forth in ~~the preceding~~ subsection (c3) of this section, within six months of receipt of the Director's final written decision, institute a civil action for the sum he claims to be entitled to under the contract by filing a verified complaint and the issuance of a summons in the Superior Court of Wake County or in the superior court of any county where the work under the contract was performed. The procedure shall be the same as in all civil actions except that all issues shall be tried by the judge, without a jury.

...."

SECTION 2. G.S. 143-135.6 reads as rewritten:

"**§ 143-135.6. Adjustment and resolution of community college board construction contract claim.**

...

(b) A contractor who has completed a contract with a board of a community college for construction or repair work and who has not received the amount he claims is due under the contract may follow the same claims procedure in G.S. 143-135.3(c) through (d) that is available to a contractor who has contracted with a State board.

~~(c) A contractor who is dissatisfied with the Director's decision on any portion of a claim submitted pursuant to subsection (b) of this section may, within six months of receipt of the Director's final decision, institute a civil action for the sum he claims to be entitled to under the contract in the Superior Court of Wake County or in the superior court of any county where the work under the contract was performed. The procedure shall be the same as in all civil actions except that all issues shall be tried by the judge, without a jury. A contractor may not commence an action under Chapter 150B of the General Statutes.~~

...."

SECTION 3. This act becomes effective January 1, 2020, and applies to verified claims submitted on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 368
PROPOSED COMMITTEE SUBSTITUTE H368-CSBG-30 [v.1]

04/09/2019 12:20:37 PM

Short Title: Bermuda Run/Speed Restrictions. (Local)

Sponsors:

Referred to:

March 18, 2019

A BILL TO BE ENTITLED

AN ACT TO IMPOSE A 25 MILE PER HOUR SPEED RESTRICTION ON PUBLIC VEHICULAR AREAS IN THE TOWN OF BERMUDA RUN.

The General Assembly of North Carolina enacts:

SECTION 1. It shall be unlawful to operate a vehicle in excess of 25 miles per hour on a public vehicular area in the Town of Bermuda Run.

SECTION 2. A violation of Section 1 of this act is a violation of G.S. 20-141(a).

SECTION 3. Speed restrictions under this act are not effective until signs giving notice of the speed restrictions are erected upon the public vehicular areas affected. All signs designed, manufactured, and erected as authorized in this act shall conform with the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the United States Department of Transportation, and any supplement to that Manual adopted by the North Carolina Department of Transportation.

SECTION 4. For purposes of this act, the term "public vehicular area" is as defined in G.S. 20-4.01(32).

SECTION 5. This act only applies to the Town of Bermuda Run.

SECTION 6. This act becomes effective December 1, 2019, and applies to offenses committed on or after that date.

HOUSE BILL 368:
Bermuda Run/Speed Restrictions.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 10, 2019
Introduced by:	Rep. Howard	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	PCS to First Edition H368-CSBG-30		

OVERVIEW: The Proposed Committee Substitute to House Bill 368 would impose a 25 mile per hour speed restriction for the public vehicular areas within the Town of Bermuda Run.

The Proposed Committee Substitute makes two cross-reference changes.

[As introduced, this bill was identical to S283, as introduced by Sen. Krawiec, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: Current law outlines criminal and traffic offenses related to speeding on public streets and highways, however, these offenses are not enforceable on public vehicular areas. Currently, the offense of travelling at a speed greater than is reasonable and prudent is applicable to public vehicular areas under G.S. 20-141(a).

The penalty for this offense is an infraction, with a maximum fine of $100.

BILL ANALYSIS: The bill would make it unlawful to operate a vehicle in excess of 25 miles per hour on a public vehicular area in the Town of Bermuda Run, and specifies that a violation of this restriction is a violation of the offense of travelling at a speed greater than is reasonable and prudent under G.S. 20-141(a).

The bill would also condition the ability to issue citations under this prohibition on the Town erecting conforming signs giving notice of the speed restriction.

EFFECTIVE DATE: This act would become effective on December 1, 2019 and would apply to offenses committed on or after that date.

aren Cochrane-Brown
Director

H368-SMBG-60 CSBG-30 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

HOUSE BILL 368*

Short Title:	Bermuda Run/Speed Restrictions.	(Local)
Sponsors:	Representative Howard. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 18, 2019

A BILL TO BE ENTITLED

AN ACT TO IMPOSE A 25 MILE PER HOUR SPEED RESTRICTION ON PUBLIC VEHICULAR AREAS IN THE TOWN OF BERMUDA RUN.

The General Assembly of North Carolina enacts:

SECTION 1. It shall be unlawful to operate a vehicle in excess of 25 miles per hour on a public vehicular area in the Town of Bermuda Run.

SECTION 2. A violation of Section 1 of this act is a violation of G.S. 20-141.

SECTION 3. Speed restrictions under this act are not effective until signs giving notice of the speed restrictions are erected upon the public vehicular areas affected. All signs designed, manufactured, and erected as authorized in this act shall conform with the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the United States Department of Transportation, and any supplement to that Manual adopted by the North Carolina Department of Transportation.

SECTION 4. For purposes of this act, the term "public vehicular area" is as defined in G.S. 20-4.01.

SECTION 5. This act only applies to the Town of Bermuda Run.

SECTION 6. This act becomes effective December 1, 2019, and applies to offenses committed on or after that date.

HOUSE BILL 477:
Four-Year Terms/Town of Bethel.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Elections and Ethics Law. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 10, 2019
Introduced by:	Rep. K. Smith	**Prepared by:**	Jessica Sammons Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***House Bill 477 would increase the Town of Bethel's term of office for mayor and commissioners from two years to four years, beginning in 2021.***

[As introduced, this bill was identical to S198, as introduced by Sen. D. Davis, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: The Charter of the Town of Bethel provides that officers for the town consist of a mayor and five commissioners, elected at-large for two-year terms.

Municipal elections in the Town are conducted in odd-numbered years on a nonpartisan basis, and the results are determined using the plurality method in G.S. 163A-1616. Election for mayor and commissioners must be held on the Tuesday after the first Monday in November. G.S. 163A-1585. Terms of office for both the mayor and commissioners begin on the first Monday in December following their election.

BILL ANALYSIS: House Bill 477 would increase the terms of the mayor and commissioners from two years to four years, effective with the 2021 election.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: The Town of Bethel is located in Pitt County, and has a population of 1,577.

aren Cochrane-Brown
Director

H477-SMBK-20 E1 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 1

HOUSE BILL 477*

Short Title:	Four-Year Terms/Town of Bethel.	(Local)
Sponsors:	Representative K. Smith. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Elections and Ethics Law, if favorable, Rules, Calendar, and Operations of the House	

March 28, 2019

A BILL TO BE ENTITLED

AN ACT EXTENDING THE TERMS OF OFFICE FROM TWO TO FOUR YEARS FOR MUNICIPAL ELECTIONS IN THE TOWN OF BETHEL BEGINNING IN 2021.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of the Charter of the Town of Bethel, being Chapter 20 of the Private Laws of 1873-1874, as amended by Section 3 of Chapter 97 of the Private Laws of 1927, and Section 2 of Chapter 609 of the 1953 Session Laws reads as rewritten:

"Sec. 2. The ~~Charter of the Town of Bethel is amended so as to provide that the~~ officers of ~~said town~~ the Town shall consist of a mayor and five ~~commissioners who~~ commissioners. Beginning in 2021, a mayor and five commissioners shall hold office for terms of ~~two~~ four years each and until their successors are elected and qualified. On the first Monday in May, ~~1953,~~ 2021 and ~~biennially~~ quadrennially thereafter, there shall be held a general municipal election for the election of the mayor and commissioners of ~~said town.~~the Town."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 481
PROPOSED COMMITTEE SUBSTITUTE H481-CSBD-11 [v.1]

04/09/2019 10:17:28 AM

Short Title: Voter Initiative for Beaufort County. (Local)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THE VOTERS OF BEAUFORT COUNTY A RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BEAUFORT COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 4 of Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-60.1. Alteration by voter initiative.**

(a) The people may initiate a referendum on proposed alterations authorized by this Part. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the county equal to at least fifteen percent (15%) of the whole number of voters who are registered to vote in the county according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall, with reference to the pertinent provisions of G.S. 153A-58, contain the precise text of the resolution necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of alterations. Upon receipt of a valid initiative petition, the county board of elections shall call a special election on the question of adopting the alterations proposed therein and shall give public notice of the special election in accordance with G.S. 163A-1592. The date of the special election shall be the date of the next countywide election, whether primary, general, or special, held more than 90 days after receipt of the petition. If a majority of the votes cast in the special election are in favor of the proposed changes, the resolution is adopted. Alterations adopted under this section shall continue in force for at least two years after the beginning of the term of office of the officers elected under the new manner of election. No initiative petition may be filed (i) within one year and six months following the effective date of a resolution adopting alterations pursuant to this Part, nor (ii) within one year and six months following the date of any election on alterations that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for alterations on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot.

(b) Notwithstanding G.S. 120-30.9E, the Attorney General shall make any submissions under this section."

SECTION 2. This act applies to Beaufort County only.

SECTION 3. This act is effective when it becomes law.

HOUSE BILL 481:
Voter Initiative for Beaufort County.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Elections and Ethics Law. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 10, 2019
Introduced by:	Rep. Kidwell	**Prepared by:**	Billy R. Godwin
Analysis of:	PCS to First Edition H481-CSBD-11		Staff Attorney

OVERVIEW: House Bill 481 (proposed committee substitute) would establish a procedure for the people of Beaufort County to initiate a referendum on whether to make changes to the structure of the Beaufort County Board of Commissioners.

The PCS would make a correction to the long title and renumber the bill sections.

CURRENT LAW: Part 4 of Article 4 of Chapter 153A authorizes a county board of commissioners (BOC) to initiate a referendum to be submitted to the people on whether to make any of the following changes to the structure of the BOC:

- The number of board members.
- Their terms of office.
- Their mode of election.
- The method of selecting a chair.

To initiate any structural changes, the BOC must adopt a resolution describing the proposal, setting forth the method of board transition, defining any electoral districts, and calling for a referendum. If the referendum is successful, the changed structure would be the basis for electing new BOC members at the first primary and general election for county offices conducted after the changes are approved and the changes would take effect on the first Monday in December following that general election.

BILL ANALYSIS: The PCS to House Bill 481 would establish a procedure for the people of Beaufort County to initiate a referendum on changes to the structure of the Beaufort County BOC that would require:

- Submission of a petition to the county board of elections signed by the lesser of 5,000 registered voters or 15% of the registered voters of the county calling for a special election on a resolution detailing the specific changes sought.
- Upon receipt of a valid petition, the country board of elections shall call for a referendum on adopting the resolution. This special election would be conducted at the next countywide election occurring at least 90 days after receipt of the petition.

If approved, the changes would remain in force for at least two years. Any submissions required under the Voting Rights Act of 1965 due to changes would be made by the North Carolina Attorney General.

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

BACKGROUND: G.S. 160A-104 contains a procedure for the people to initiate proposed amendments to municipal charters.

aren Cochrane-Brown
Director

H481-SMBD-42 CSBD-11 -V-5

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 1

HOUSE BILL 481

Short Title:	Voter Initiative for Beaufort County.	(Local)
Sponsors:	Representative Kidwell. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Elections and Ethics Law, if favorable, Rules, Calendar, and Operations of the House	

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THE VOTERS OF BEAUFORT COUNTY A SIMILAR RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BOARD OF COUNTY COMMISSIONERS AS TO THEIR CITY COUNCIL.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Part 4 of Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-60.1. Alteration by voter initiative.**

(a) The people may initiate a referendum on proposed alterations authorized by this Part. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the county equal to at least fifteen percent (15%) of the whole number of voters who are registered to vote in the county according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall, with reference to the pertinent provisions of G.S. 153A-58, contain the precise text of the resolution necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of alterations. Upon receipt of a valid initiative petition, the county board of elections shall call a special election on the question of adopting the alterations proposed therein and shall give public notice of the special election in accordance with G.S. 163A-1592. The date of the special election shall be the date of the next countywide election, whether primary, general, or special, held more than 90 days after receipt of the petition. If a majority of the votes cast in the special election are in favor of the proposed changes, the resolution is adopted. Alterations adopted under this section shall continue in force for at least two years after the beginning of the term of office of the officers elected under the new manner of election. No initiative petition may be filed (i) within one year and six months following the effective date of a resolution adopting alterations pursuant to this Part, nor (ii) within one year and six months following the date of any election on alterations that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for alterations on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot.

(b) Notwithstanding G.S. 120-30.9E, the Attorney General shall make any submissions under this section."

SECTION 1.(b) This section applies to Beaufort County only.

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 489:
Lincolnton-Lincoln County Airport Authority.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 10, 2019
Introduced by:	Rep. Saine	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 489 renames the Lincolnton-Lincoln County Airport Authority and clarifies that it is the governing body of the Lincolnton-Lincoln County Airport, and authorizes the Lincolnton-Lincoln County Airport Authority to unilaterally apply for and accept certain federal grants on behalf of Lincoln County and the City of Lincolnton.

CURRENT LAW: The Lincolnton-Lincoln County Airport Authority (Authority) is a five member public body created under a Charter enacted by the General Assembly to operate the Lincolnton-Lincoln County Airport.[1] Four members of the Authority are appointed to staggered three-year terms by the Lincoln County Board of Commissioners. One member is appointed to a staggered three-year term by the Lincolnton City Council. The Authority administers the operation, development, regulation, and control of the Lincolnton-Lincoln County Airport.

BILL ANALYSIS: House Bill 489 would amend the Charter of the Lincolnton-Lincoln County Airport Authority to do all of the following:

- Change the name of the Authority to the Lincolnton-Lincoln County Regional Airport Authority.
- Clarify that the governing body is the airport Authority.
- Authorize the Authority to unilaterally apply for and accept, on behalf of Lincoln County and the City of Lincolnton, federal grants requiring matching funds of $50,000 or less from the County and City.
- Limit the amount of matching funds the Authority may obligate on behalf of Lincoln County and the City of Lincolnton to $100,000 per fiscal year.
- Place the name of the airport operated by the Authority - the Lincolnton-Lincoln County Airport - in the Charter.
- Place the name of the Lincolnton-Lincoln County Airport airfield – the *David E. Lowe Airfield* – in the Charter.

EFFECTIVE DATE: The act would be effective when the bill becomes law.

[1] Chapter 10 of the Session Laws of 1996 Second Extra Session, as amended by Section 1 of S.L. 2016 12 and Section 3 of S.L. 2017 104

Karen Cochrane-Brown
Director

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 489

Short Title:	Lincolnton-Lincoln County Airport Authority.	(Local)
Sponsors:	Representative Saine. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 28, 2019

A BILL TO BE ENTITLED

AN ACT RENAMING THE LINCOLNTON-LINCOLN COUNTY AIRPORT AUTHORITY AS THE LINCOLNTON-LINCOLN COUNTY REGIONAL AIRPORT AUTHORITY, AUTHORIZING THE AIRPORT AUTHORITY TO APPLY FOR AND ACCEPT GRANTS FROM THE STATE AND FEDERAL GOVERNMENT, AND MAKING OTHER CHANGES TO THE ENACTING LEGISLATION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 10 of the Session Laws of 1996 Second Extra Session, as amended by Section 1 of S.L. 2016-12 and Section 3 of S.L. 2017-104, reads as rewritten:

"Section 1. There is hereby created the "Lincolnton-Lincoln County Regional Airport Authority"(for brevity hereinafter referred to as the "Airport Authority"), which shall be a body both corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by general law and future acts of the General Assembly.

"Sec. 2. The Airport Authority shall consist of five members, four of whom shall be appointed to staggered three-year terms by the Lincoln County Board of Commissioners and one of whom shall be appointed to a staggered three-year term by the Lincolnton City Council. The member appointed by the Lincolnton City Council shall be a qualified voter of the City of Lincolnton. At least one member appointed by the Lincoln County Board of Commissioners shall be a qualified voter of the City of Lincolnton. All four members appointed by the Lincoln County Board of Commissioners shall be qualified voters of the County of Lincoln. Each member shall take and subscribe before the Clerk of Superior Court of Lincoln County an oath of office and file the same with the Lincoln County Board of Commissioners and the Lincolnton City Council. No member of the Airport Authority ~~Board~~ shall serve more than two consecutive term limits. The ~~Chairman~~ chair of the ~~Board~~ Airport Authority shall be annually designated by Lincoln County.

"Sec. 3. The Airport Authority may adopt suitable bylaws for its management. The members of the Airport Authority shall receive compensation, per diem, or otherwise as the Lincolnton City Council or the Lincoln County Board of Commissioners from time to time determines and shall be paid their actual traveling expenses incurred in transacting the business and at the instance of the Airport Authority.

"Sec. 4. (a) The Airport Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

(1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports and landing fields for the use of airplanes and other aircraft within the limits of the County and for this purpose to purchase, improve, own, hold, lease, or operate real or personal property. ~~The Airport Authority may exercise these powers alone or in conjunction with the City of Lincolnton or the County of Lincoln.~~

...

(15) On behalf of Lincoln County and the City of Lincolnton, to apply for federal and State grants and to accept offers made pursuant to 14 C.F.R. 151.29, et seq. The Airport Authority may unilaterally accept on behalf of Lincoln County and the City of Lincolnton any grant that requires a matching contribution of fifty thousand dollars ($50,000) or less from the County and City. In no case shall the Airport Authority agree or commit to provide matching contributions that exceed one hundred thousand dollars ($100,000) in any one fiscal year. The dollar limitations in this subdivision may be increased upon the express approval of both the Lincoln County Board of Commissioners and the Lincolnton City Council.

...

"Sec. 8. The Airport Authority shall make an annual report to the Lincoln County Board of Commissioners and the Lincolnton City Council setting forth in detail the operations and transactions conducted by it pursuant to this act. The Airport Authority shall not have the power to pledge the credit of Lincoln County or the City of Lincolnton, or any subdivision thereof, or to impose any obligation on Lincoln County or the City of Lincolnton, or any of their subdivisions, except ~~when that power is expressly granted by statute.~~as authorized under subdivision (15) of subsection (a) of Section 4 of this act.

...

Sec. 14. The Airport Authority shall elect officers from among its members ~~a chair and other officers~~ at its initial meeting and then annually thereafter. A majority of the Airport Authority shall control its decisions. Each member of the Airport Authority, including the chair, shall have one vote. The Airport Authority shall meet at the places and times designated by the chair.

"Sec. 14.1. The airport operated by the Lincolnton-Lincoln County Regional Airport Authority shall be hereafter known as the "Lincolnton-Lincoln County Airport."

"Sec. 14.2. The airfield of the Lincolnton-Lincoln County Airport shall be hereafter known as the "David E. Lowe Airfield."

~~"Sec. 15. The powers granted to the Airport Authority shall not be effective until the members of the Airport Authority have been appointed by the Lincoln County Board of Commissioners and the Lincolnton City Council, and nothing in this act shall require the Board of Commissioners or City Council to make the initial appointments. It is the intent of this act to enable but not to require the formation of the Lincolnton-Lincoln County Airport Authority.~~

...."

SECTION 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 490

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

H490-AST-3 [v.1]

Amends Title [NO]
H490-CSST-4v.3

Date April 10 ,2019

Representative Warren

moves to amend the bill on page 1, line 11, by deleting "~~four-year~~" and substituting "four-year";

and on page 1, lines 13-20, by rewriting those lines to read:

"In ~~2014:~~2022, to implement staggering of the terms, all members shall be elected and serve as follows:

(1) Two persons shall be elected from District 1. The person receiving the highest number of votes shall serve a four-year term, and such seat shall be up for election in 2026 and every four years thereafter. The person receiving the second highest number of votes shall serve a two-year term, and such seat shall be up for election in 2024 and every four years thereafter.

(2) Four persons shall be elected from District 2. The two persons receiving the highest and second highest number of votes shall serve a four-year term, and such seats shall be up for election in 2026 and every four years thereafter. The persons receiving the third and fourth highest number of votes shall serve a two-year term, and such seats shall be up for election in 2024 and every four years thereafter.

(3) Three members shall be elected at large from all of Forsyth County. The persons receiving the highest and second highest number of votes shall serve a four-year term, and such seats shall be up for election in 2026 and every four years thereafter. The person receiving the third highest number of votes shall serve a two-year term, and such seat shall be up for election in 2024 and every four years thereafter.";

and on page 2, lines 4-7, by deleting those lines;

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 490

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H490-AST-3 [v.1]

and renumbering the remaining sections accordingly.

SIGNED Harry J. Harrison
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 490
PROPOSED COMMITTEE SUBSTITUTE H490-CSST-4 [v.3]

04/09/2019 06:40:09 PM

Short Title: Winston-Salem/Forsyth Bd. of Ed/Stagger Terms. (Local)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO CREATE A STAGGER OF THE TERMS OF MEMBERS OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Chapter 112, Session Laws of 1961, as rewritten by Chapter 466, Session Laws of 1985, and as amended by Chapter 696 of the 1991 Session Laws, S.L. 2009-72, and Section 2(b) of S.L. 2011-141, reads as rewritten:

"(ii) Effective on the first Monday in December 1986, the Winston-Salem/Forsyth County Board of Education shall be composed of nine ~~members. In the 2010 election, nine persons shall be elected to the Winston-Salem/Forsyth County Board of Education for~~ members, serving ~~four-year~~ staggered terms. The terms of those elected ~~in 2010 for two-year terms~~ shall ~~instead~~ expire on the first Monday in ~~December of 2014.~~December.

In ~~2014:~~2022, and every four years thereafter,:

(1) ~~Two persons~~One shall be elected from District 1.

(2) ~~Four~~ Two persons shall be elected from District 2.

(3) ~~Three~~ Two members shall be elected at large from all of Forsyth County.

In 2022, and every two years thereafter,:

(1) One shall be elected from District 1.

(2) Two persons shall be elected from District 2.

(3) One member shall be elected at large from all of Forsyth County.

~~Successors to those elected in 2014 shall serve four-year terms.~~

For an at-large seat, any qualified voter of Forsyth County is eligible to vote. For the district seats, only residents of the district shall be eligible to be candidates and only qualified voters of the district shall be eligible to vote.

The districts as established for the purpose of this subparagraph ~~are for the 2010 election those established under G.S. 115C-37(i), which~~ are subject to change ~~for the election in 2014 after the return of the 2010 census.~~under G.S. 115C-37(i)."

SECTION 1.(b) This act does not affect the terms of office of any person elected in 2018 to the Winston-Salem/Forsyth County Board of Education. Each member of the Winston-Salem/Forsyth County Board of Education elected in 2018, or any member appointed to fill a vacancy for a member elected in 2018, shall serve until a successor has been elected and qualified.

SECTION 2. Section 2(a)(5)(i) of Chapter 112, Session Laws of 1961, reads as rewritten:

"(i) The board shall ~~continue to~~ be composed of ~~eight~~ nine persons and the ~~then~~ members of the board shall continue in office (regardless of the terms for which they were originally appointed) until their successors are elected and qualified, as hereinafter provided."

SECTION 3. Section 2(a)(5)(v) of Chapter 112, Session Laws of 1961, reads as rewritten:

"(v) No person shall be eligible to serve more than three successive ~~four-year~~ elective terms."

SECTION 4. This act is effective when it becomes law.

HOUSE BILL 490: Winston-Salem/Forsyth Bd. of Ed/Stagger Terms.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Elections and Ethics Law. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 5, 2019
Introduced by:	Reps. Lambeth, Conrad	**Prepared by:**	Erika Churchill Staff Attorney
Analysis of:	PCS to First Edition H490-CSST-4		

OVERVIEW: The proposed committee substitute for House Bill 490 would stagger the terms of office of the nine members of the Winston-Salem/Forsyth County Board of Education, effective with the 2022 elections.

CURRENT LAW: The Winston-Salem/Forsyth County Board of Education consists of nine members. Beginning with the 2010 elections, the nine members are all elected at the same time in partisan elections. The term of office is four years. Three of the members are elected at-large, two are elected from District 1 by the voters of that district, and four are elected from District 2 by the voters of that district.

BILL ANALYSIS: The proposed committee substitute would stagger the terms of office for the nine members. The current members were all elected to four year terms in 2018, whose terms expire in 2022. The staggering would be implemented as follows:

- 2022, and every four years thereafter – elect five members to four-year terms from the following districts:
  - One from District 1
  - Two from District 2
  - Two at-large
- 2022, and every two years thereafter – elect four members to two-year terms from the following districts:
  - One from District 1
  - Two from District 2
  - One at-large

EFFECTIVE DATE: Effective when it becomes law, applying to elections held in 2022 and thereafter.

ɹren Cochrane-Brown
Director

H490-SMST-4 CSST-4 -V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 490

Short Title:	Winston-Salem/Forsyth Bd. of Ed/Stagger Terms.	(Local)
Sponsors:	Representatives Lambeth and Conrad (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Elections and Ethics Law, if favorable, Rules, Calendar, and Operations of the House	

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO CREATE A STAGGER OF THE TERMS OF MEMBERS OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2(a)(5)(ii) of Chapter 112, Session Laws of 1961, as rewritten by Chapter 466, Session Laws of 1985, and as amended by Chapter 696 of the 1991 Session Laws, S.L. 2009-72, and Section 2(b) of S.L. 2011-141, reads as rewritten:

"(ii) Effective on the first Monday in December 1986, the Winston-Salem/Forsyth County Board of Education shall be composed of nine members. In the ~~2010~~ 2022 election, ~~nine~~ four persons shall be elected from District 2 to the Winston-Salem/Forsyth County Board of Education for two-year terms. In the 2024 election, and quadrennially thereafter, four persons shall be elected from District 2 to the Winston-Salem/Forsyth County Board of Education for four-year terms. ~~The terms of those elected in 2010 for two-year terms shall instead expire on the first Monday in December of 2014.~~

In ~~2014:~~the 2022 election, and quadrennially thereafter, five members shall be elected to the Winston-Salem/Forsyth County Board of Education for four-year terms as follows:

(1) Two persons shall be elected from District 1.

(2) ~~Four persons shall be elected from District 2.~~

~~(3)~~ Three members shall be elected at large from all of Forsyth County.

~~Successors to those elected in 2014 shall serve four-year terms.~~

For an at-large seat, any qualified voter of Forsyth County is eligible to vote. For the district seats, only residents of the district shall be eligible to be candidates and only qualified voters of the district shall be eligible to vote.

The districts as established for the purpose of this subparagraph ~~are for the 2010 election those established under G.S. 115C-37(i), which~~ are subject to change ~~for the election in 2014 after the return of the 2010 census.~~under G.S. 115C-37(i)."

SECTION 2. This act does not affect the terms of office of any person elected in 2018 to the Winston-Salem/Forsyth County Board of Education. Each member of the Winston-Salem/Forsyth County Board of Education elected in 2018, or any member appointed to fill a vacancy for a member elected in 2018, shall serve until a successor has been elected and qualified.

SECTION 3. This act is effective when it becomes law.

490

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barbara Hanes Burke	Vice Chair WSFCS Board of Education
Ronda Mays	President of Forsyth Co. Ass of Ed.

WS FCS Winston-Salem Forsyth County Schools (336) 413-4069

P.O. Box 2513, Winston-Salem, NC 27102-2513

Barbara Burke
Vice Chair, WS/FCS Board of Education
o: 336.727.2292
bburke@wsfcs.k12.nc.us

Forsyth County Association of Educators
We love public schools
1399 Ashleybrook Lane, Suite 130
Winston-Salem, NC 27103

FCAE Forsyth County Association of Educators

Ronda J. Mays
FCAE President

Office: 336-794-3123 **Fax:** 336-659-6843
Cell: 336-403-4302
Email: msrondagordon@gmail.com

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 495
PROPOSED COMMITTEE SUBSTITUTE H495-CSBD-12 [v.1]
04/09/2019 06:35:01 PM

Short Title: Prohibit Municipal Regs/Offsite Easements. (Public)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT MUNICIPALITIES FROM REGULATING OFF-SITE SEPTIC EASEMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-335 is amended by adding a new subsection to read:

"(c2) Notwithstanding any other provision of law, a municipality shall not prohibit or regulate by ordinance or enforce an existing ordinance regulating the use of off-site wastewater systems or other systems approved by the Department under rules adopted by the Commission when the proposed system meets the specific conditions of the approval."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 495:
Prohibit Municipal Regs/Offsite Easements.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 9, 2019
Introduced by:	Rep. McElraft	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	PCS to First Edition H495-CSBD-12		

OVERVIEW: ***House Bill 495 (proposed committee substitute) would prohibit a municipality from enacting or enforcing an existing ordinance regulating use of off-site wastewater systems approved by the Department of Health and Human Services.***

The PCS would remove the retroactive application of the act.

CURRENT LAW: Article 11 of Chapter 130A of the General Statutes provides for regulation, by the Department of Health and Human Services, of wastewater collection, treatment, and disposal systems, under rules adopted by the Public Health Commission or a local public health commission. A wastewater system is a system of wastewater collection, treatment, and disposal in single or multiple components, including a ground absorption system, privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste.

BILL ANALYSIS: The PCS to House Bill 495 would prohibit a municipality from enacting an ordinance or enforcing an existing ordinance that regulates the use of off-site wastewater systems that have been approved by the Department of Health and Human Services under rules adopted by the Public Health Commission as long as the system is in compliance with the approved conditions.

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

Karen Cochrane-Brown
Director

H495-SMBD-44 CSBD-12 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 1

HOUSE BILL 495

Short Title:	Prohibit Municipal Regs/Offsite Easements.	(Public)
Sponsors:	Representative McElraft. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT MUNICIPALITIES FROM REGULATING OFF-SITE SEPTIC EASEMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-335 is amended by adding a new subsection to read:

"(c2) Notwithstanding any other provision of law, a municipality shall not prohibit or regulate by ordinance or enforce an existing ordinance regulating the use of off-site wastewater systems or other systems approved by the Department under rules adopted by the Commission when the proposed system meets the specific conditions of the approval."

SECTION 2. This act becomes effective retroactively to October 15, 2018, and applies to municipal ordinances enacted on or after that date. Any municipal ordinance that is inconsistent with this act is void and unenforceable.

HOUSE BILL 528:
Indian Trail/Stallings Occupancy Tax Auth.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 10, 2019
Introduced by:	Reps. Arp, Horn	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 528 would create a taxing district consisting of the part of the Town of Stallings located within Union County and authorize that district and the Town of Indian Trail to levy an occupancy tax of up to 5%, if approved by a majority of voters in a referendum in each respective jurisdiction.

This bill conforms to the Guidelines for Occupancy Tax adhered to by the House Finance Committee.

CURRENT LAW: The Guidelines for Occupancy Tax adhered to by the House Finance Committee limits the levy of room occupancy taxes at 6%. Mecklenburg County currently levies an 8% room occupancy tax and is the only unit of local government that has been authorized to levy a room occupancy tax greater than 6%.[1] The Town of Stallings lies partially in Mecklenburg and Union Counties. Under the House guidelines, the portion of the Town that lies in Mecklenburg County cannot be provided authority to levy an occupancy tax. Currently, Union County does not have the authority to levy a room occupancy tax.

BILL ANALYSIS: **Section 1** of the bill would authorize the Town of Indian Trail to levy a room occupancy tax of up to 5% if approved by the majority of the voters in a referendum. If approved by a majority of voters, the town council must pass a resolution, after 10 days' public notice, in order to levy the tax. The proceeds of the tax must be distributed to the Indian Trail Tourism development authority. At least two-thirds of the funds must be used for tourism promotion and the remainder must be used for tourism-related expenditures.

Section 2 of the bill would create a special taxing district consisting of that part of the Town of Stallings located within Union County. The Union County Board of Commissioners would serve as the officers of the governing body for the district and would be authorized to levy a 5% room occupancy tax in the district if approved by the majority of the voters in a referendum. If approved by a majority of voters, the county board of commissioners must pass a resolution, after 10 days' public notice, in order to levy the tax. The proceeds of the tax must be remitted to the Stallings District S Tourism Development Authority. At least two-thirds of the funds must be used for tourism promotion and the remainder must be used for tourism-related expenditures.

EFFECTIVE DATE: This act would be effective when it becomes law.

[1] S.L. 2005-68 authorized Mecklenburg County to exceed the 6% occupancy tax rate limit established under House guidelines so that an additional 2% occupancy tax could be levied for the acquisition, construction, repair, maintenance, and financing of the NASCAR Hall of Fame Museum and an adjacent NASCAR convention center ballroom facility.

Aren Cochrane-Brown
Director

H528-SMBA-34 E1 -V-3

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

BACKGROUND: In 1997, the General Assembly enacted uniform municipal and county administrative provisions for occupancy tax,[2] which provide uniformity among counties and cities with respect to the levy, administration, collection, repeal, and imposition of penalties. In 1993, the House Finance Committee established the Occupancy Tax Guidelines, which address the rate of tax, the use of the tax proceeds, the administration of the tax, and the body with authority to determine how the proceeds will be spent. A summary of these provisions is detailed in the chart below.

UNIFORM OCCUPANCY TAX PROVISIONS
Rate – The county tax rate cannot exceed 6% and the city tax rate, when combined with the county rate, cannot exceed 6%.
Use – Two-thirds of the proceeds must be used to promote travel and tourism and the remainder must be used for tourism related expenditures.
Definitions The term "net proceeds", "promote travel and tourism", and "tourism related expenditures" are defined terms.
Administration – The net revenues must be administered by a local tourism development authority that has the authority to determine how the tax proceeds will be used, is created by a local ordinance, and at least 1/2 of the members must be currently active in the promotion of travel and tourism in the county and 1/3 of the members must be affiliated with organizations that collect the tax.
Costs of Collection – The taxing authority may retain from the revenues its actual costs of collection, not to exceed 3% of the first $500,000 collected each year plus 1% of the remainder collected each year.

[2] G.S. 153A-155 and G.S. 160A-215.

HOUSE BILL 528

Short Title:	Indian Trail/Stallings Occupancy Tax Auth.	(Local)
Sponsors:	Representatives Arp and Horn (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

April 1, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF INDIAN TRAIL AND A PORTION OF THE TOWN OF STALLINGS TO LEVY AN OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

PART I. INDIAN TRAIL OCCUPANCY TAX

SECTION 1. Occupancy tax. – (a) Authorization and Scope. – The Town Council of the Town of Indian Trail may levy a room occupancy tax of up to five percent (5%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax.

SECTION 1.(b) Applicable to the Town of Indian Trail only, G.S. 160A-215(b) reads as rewritten:

"(b) Levy. – A room occupancy tax may be levied only ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto.~~as provided in this subsection only if all of the following conditions are met:

(1) The town council directs the county board of elections to conduct an advisory referendum on the question of whether to levy the room occupancy tax authorized in this subsection.

(2) The election is held in accordance with the procedures of G.S. 163A-1592, and the form of the question to be presented on the ballot concerning the room occupancy tax authorized by this subsection is as follows:

"[ ] FOR [ ] AGAINST

The levy of a room occupancy tax in the amount of up to five percent (5%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by hotel, motel, or similar place."

(3) A majority of those voting in the referendum vote for the levy of the room occupancy tax authorized in this subsection.

(4) The town council, by resolution and after 10 days' public notice, levies the room occupancy tax authorized in this subsection.

A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted."

SECTION 1.(b1) Administration. – A tax levied under this section shall be administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 1.(c) Distribution and Use of Tax Revenue. – The Town of Indian Trail shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Indian Trail Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the Town of Indian Trail and shall use the remainder for tourism-related expenditures.

The following definitions apply in this section:

(1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars ($500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.

(2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.

(3) Tourism-related expenditures. – Expenditures that, in the judgment of the Indian Trail Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 1.(d) Tourism Development Authority. – Appointment and Membership. – When the Town Council adopts a resolution levying a room occupancy tax under this section, it shall also adopt a resolution creating the Indian Trail Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Town Council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for the Town of Indian Trail shall be the ex officio finance officer of the Authority.

SECTION 1.(e) Duties. – The Authority shall expend the net proceeds of the tax levied under this section for the purposes provided in subsection (c) of this section. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 1.(f) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Indian Trail Town Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the Town Council may require.

PART II. STALLINGS OCCUPANCY TAX

SECTION 2.1. Stallings District S created. – Stallings District S is created as a taxing district. Its jurisdiction consists of only that part of the Town of Stallings that is located within Union County. Stallings District S is a body politic and corporate and has the power to carry out the provisions of this Part. The Stallings Town Council shall serve ex officio as the governing body of the district, and the officers of the County shall serve as the officers of the governing

body of the district. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

SECTION 2.2. Occupancy tax. – (a) Authorization and Scope. – The governing body of Stallings District S may levy a room occupancy tax of up to five percent (5%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the district that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax.

SECTION 2.2.(b) Applicable to the Stallings District S only, G.S. 153A-155(b) reads as rewritten:

"(b) Levy. – A room occupancy tax may be levied ~~only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto.~~as provided in this subsection only if all of the following conditions are met:

(1) The board of county commissioners directs the county board of elections to conduct an advisory referendum on the question of whether to levy the room occupancy tax authorized in this subsection.

(2) The election is held in accordance with the procedures of G.S. 163A-1592, and the form of the question to be presented on the ballot concerning the room occupancy tax authorized by this subsection is as follows:

"[ ] FOR [ ] AGAINST

The levy of a room occupancy tax in the amount of up to five percent (5%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by hotel, motel, or similar place."

(3) A majority of those voting in the referendum vote for the levy of the room occupancy tax authorized in this subsection.

(4) The board of county commissioners, by resolution and after 10 days' public notice, levies the room occupancy tax authorized in this subsection.

A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted."

SECTION 2.2.(b1) Administration. – A tax levied under this section shall be administered, collected, and repealed as provided in G.S. 160A-215 as if Stallings District S were a city. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 2.2.(c) Definitions. – The following definitions apply in this section:

(1) Net proceeds. – Gross proceeds less the cost to the district of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars ($500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.

(2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.

(3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the district or to attract tourists or business travelers to the district. The term includes tourism-related capital expenditures.

SECTION 2.2.(d) Distribution and Use of Tax Revenue. – Stallings District S shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Stallings District S

Tourism Development Authority. The Authority shall use at least two-thirds of the proceeds remitted to it to promote travel and tourism in Stallings District S and shall use the remainder for tourism-related expenditures. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the jurisdiction of Stallings District S. None of the proceeds may be used to promote travel or tourism in areas within Stallings that are outside of the district or for tourism-related expenditures in the county that are outside of the district.

SECTION 2.2. Stallings District S Tourism Development Authority. – (e) Appointment and Membership. – When the governing body of the district adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating the Stallings District S Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals affiliated with businesses that collect the tax in the district, and at least one-half of the members must be individuals currently active in the promotion of travel and tourism in the district. The board of commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for the Town of Stallings shall be the ex officio finance officer of the Authority.

SECTION 2.2.(f) Duties. – The Authority shall expend the net proceeds of the tax levied under this section for the purposes provided in subsection (d) of this section. The Authority shall promote travel, tourism, and conventions in the district, sponsor tourist-related events and activities in the district, and finance tourist-related capital projects in the district.

SECTION 2.2.(g) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the governing body of the district on its receipts and expenditures for the preceding quarter and for the year in such detail as the governing body of the district may require.

PART III. APPLICABILITY AND EFFECTIVE DATE

SECTION 3. G.S. 160A-215(g) reads as rewritten:

"(g) Applicability. – Subsection (c) of this section applies to all cities that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of a local act, subsection (c) supersedes that provision. The remainder of this section applies only to Beech Mountain District W, to the Cities of Belmont, Conover, Eden, Elizabeth City, Gastonia, Goldsboro, Greensboro, Hickory, High Point, Indian Trail, Jacksonville, Kings Mountain, Lake Santeetlah, Lenoir, Lexington, Lincolnton, Lowell, Lumberton, Monroe, Mount Airy, Mount Holly, Reidsville, Roanoke Rapids, Salisbury, Sanford, Shelby, Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson, Bermuda Run, Blowing Rock, Boiling Springs, Boone, Burgaw, Carolina Beach, Carrboro, Cooleemee, Cramerton, Dallas, Dobson, Elkin, Fontana Dam, Franklin, Grover, Hillsborough, Jonesville, Kenly, Kure Beach, Leland, McAdenville, Mocksville, Mooresville, Murfreesboro, North Topsail Beach, Pembroke, Pilot Mountain, Ranlo, Robbinsville, Selma, Smithfield, St. Pauls, Swansboro, Troutman, Tryon, West Jefferson, Wilkesboro, Wrightsville Beach, Yadkinville, Yanceyville, to the municipalities in Avery and Brunswick Counties, and to Saluda District ~~D.~~D and Stallings District S."

SECTION 4. This act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE HC on State and Local Government

DATE: 4/10/2019 Room: 1228/1327

House Sgt-At Arms:

1. Name: Ken Gilbert
2. Name: Rex Foster
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Wednesday, April 10, 2019
Session: 2:00 PM

Committee	Room	Time	Staff	Comments	Member
Judiciary I	544	10:00 AM	Chloe Schubert		Rep. Bobby Hanig
			Dalton Snipes		Rep. John A. Torbett
			Natalie Stone		Rep. Lisa Stone Barnes
State and Local Government I	1228/1327	10:00 AM	Erin Bembridge		Rep. Bobby Hanig
			Fabian Horton		Rep. Elmer Floyd
Elections	1228/1327	1:00 PM	Erin Bembridge		Rep. Bobby Hanig
			Fabian Horton		Rep. Elmer Floyd
			Chloe Schubert		Rep. Bobby Hanig
			Dalton Snipes		Rep. John A. Torbett
			Natalie Stone		Rep. Lisa Stone Barnes

VISITOR REGISTRATION SHEET

House State and Local Government
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joe Bost	CRBA
Leo John	Secretary of State
Amber Harris	NCACC
Brad Young	OSA
Joe Stewart	NANC
Mary Shuping	NCCCS
Matthew Dockham	Appalachia State
Rudolf Badini	RBLaw
David Crawford	NANC
Betsy Bailey	CAGC
Jennifer Haywood	NCDOT

VISITOR REGISTRATION SHEET

House Committee on State and Local Government — 4/10/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Carter Lemmon	NCDOL
Jill Cramer	NCDOL
Demetrius Dobath	NCLM
Ed Hanes	THC
Barbara Hanes Burke	Vice Chair WSFCS Board of Education
Brenda Ledd	1720 N Gray Ave, W-S, NC 27105
Ronda Mays	6391 Bishops Ridge Lane Rural Hall 27045
Chasidy Phelps	1103 Southlake Ct Lexington, NC 27295
BRIAN LEWIS	New Frame
Dirk Walton	La off g
DAN BARRY	8207 Lake Providence Dr Walkertown NC

VISITOR REGISTRATION SHEET

House State and Local Government
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kory Kiger	NCRMA
Elizabeth Robinson	NCRMA
Scott Mullins	PFFPNC
JZ	MWG
Beth Cordon	Rep. Kevin's office
Julian Abreu	ADONA-NC (Asociacion Dominicana
Bob Phillips	Common Cause
Viviana Jimenez	CAP
Mario B. Jimenez	CAP
Sandra Gomez	Colectivo

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 4/10/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DAVID WILLIS	SELF
Sarah Collins	NCLM
LARRY CLINE	AMERICAN LEGION
LARRY TOWNSEND	NC VETERANS COMM.
Lisa Martin	Cap-Adv., Inc
LC Pagan	CSS
Greg Thomas	NFIB

NO MEETING ON WEDNESDAY APRIL 17, 2019

House Committee on State and Local Government
Thursday, April 25, 2019 at 10:00 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on April 25, 2019 in Room 1228/1327 of the Legislative Building. Representatives Warren and Corbin, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Batch, Boles, Carter, Fisher, Graham, Lofton, Logan, McElraft, Sasser, Setzer, von Haefen, and Willingham attended. Ex-Officio Members, Reps. John Bell and David Lewis were also in attendance.

Representative Harry Warren, Chair, presided.

The following bills were considered:

HB 217 - DIT Changes.-AB (Representatives Saine, Jones, K. Hall)
Chairman Warren recognized Rep. Saine to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Corbin was recognized and moved that the PCS for HB 217 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 240 - Albemarle/City Labor for Business Ctr. (Representatives Sasser, Goodman)
Upon the request of Rep. Sasser, the bill was displaced to be heard at a later date.

HB 244 - Contractor/Subcontractor Compliance. (Representatives Cleveland, Conrad, D. Hall, Henson)
Chairman Warren recognized Rep. Cleveland to explain the bill. The Chairman opened the floor for discussion. Rep. Autry asked a question. Rep. Speciale was recognized and moved that the PCS for HB 244 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Commerce. The Chairman opened the floor for a vote and the motion passed.

HB 375 - Authorize Teacher-Gov't Emp'ee Housing/Bertie. (Representative Goodwin)
Chairman Warren recognized Rep. Goodwin to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Setzer was recognized and moved that HB 375 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 383 - Topsail Beach Charter/Board Vacancies. (Representative C. Smith)
Chairman Warren recognized Rep. Carson Smith to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Setzer was recognized and moved that HB 383 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 429 - Manteo Navigable Waters. (Representative Hanig)
Chairman Warren recognized Rep. Hanig to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Setzer was recognized and moved that the PCS for HB 429 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 445 - Special Sep. Allowance/Alamance Cty DOs. (Representatives Riddell, Ross)
Chairman Warren recognized Rep. Riddell to explain the bill. The Chairman opened the floor for discussion. Reps. Boles, Graham, and Speciale asked questions. Nicholas Giddings of Legislative Analysis and David Vanderweide of Fiscal Research assisted in answering the questions. Rep. Setzer was recognized and moved that the PCS for HB 445 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Pensions and Retirement. The Chairman opened the floor for a vote and the motion passed. Rep. Lofton recused himself from voting.

HB 561 - Strengthen Dangerous Dog Laws. (Representative Torbett)
Chairman Warren recognized Rep. Torbett to explain the bill. The Chairman opened the floor for discussion. Reps. Fisher and Ager asked questions. Rep. Setzer was recognized and moved that HB 561 receive a Favorable Report with a referral to Judiciary. The Chairman opened the floor for a vote and the motion passed.

HB 675 - 2019 Building Code Regulatory Reform. (Representatives Brody, Riddell, Hardister, Richardson)
Chairman Warren recognized Rep. Brody and Riddell to explain the bill. The Chairman opened the floor for discussion. Reps. Fisher and von Haefen asked questions. Alfred Ripley of the NC Justice Center and Tim Minton, Director of Government Affairs, NC Home Builders Association addressed the committee. Rep. Autry was recognized and moved that the PCS for HB 675 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Regulatory Reform. The Chairman opened the floor for a vote and the motion passed.

HB 697 - State Surplus Prop. Computers for Nonprofits. (Representatives Horn, Saine, Elmore)
Chairman Warren recognized Rep. Cleveland to bring forth an amendment to HB 697. Reps. Cleveland and Saine explained the amendment. The Chairman opened the floor for discussion. Reps. Autry, Boles, Graham, von Haefen, Speciale, and Cleveland asked questions. The Chairman opened the floor for a vote on the amendment and the motion failed. The Chairman recognized Rep. Horn to explain the original bill. The Chairman opened the floor for discussion. Michael Abensour, Executive Director, Kramden Institute and Paul Millen, Founder/President, E2D addressed the committee. Rep. Graham was recognized and moved that HB 697 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed. Amendment #1 - cleveland adopted.
The meeting adjourned at 11:14.

Representative Harry Warren, Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB 217, PCS, Summary, and Committee Report
4. HB 240 and Summary
5. HB 244, PCS, Summary, and Committee Report
6. HB 375, Summary, and Committee Report
7. HB 383, Summary, and Committee Report
8. HB 429, PCS, Summary, and Committee Report
9. HB 445, PCS, Summary, and Committee Report
10. HB 561, Summary, and Committee Report
11. HB 675, PCS, Summary, and Committee Report, Guest Speaker
12. HB 697, Amendment, Summary, and Committee Report
13. Sergeant-at-Arms
14. Pages (none in attendance)
15. Visitor Registration Forms

Updated #4: Remove HB635

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Thursday, April 25, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall
HB 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 244	Contractor/Subcontractor Compliance.	Representative Cleveland Representative Conrad Representative D. Hall Representative Henson
HB 375	Authorize Teacher-Gov't Emp'ee Housing/Bertie.	Representative Goodwin
HB 383	Topsail Beach Charter/Board Vacancies.	Representative C. Smith
HB 429	Manteo Navigable Waters.	Representative Hanig
HB 445	Special Sep. Allowance/Alamance Cty DOs.	Representative Riddell Representative Ross
HB 561	Strengthen Dangerous Dog Laws.	Representative Torbett
HB 675	2019 Building Code Regulatory Reform.	Representative Brody Representative Riddell Representative Hardister Representative Richardson
HB 697	State Surplus Prop. Computers for Nonprofits.	Representative Horn Representative Saine Representative Elmore
HB 641	Modifications to Various DPS Provisions.	Representative Boles Representative Pierce Representative Speciale

Representative R. Turner

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:42 AM on Thursday, April 25, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #2: Remove HB414, HB431 & HB532

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Thursday, April 25, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall
HB 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 244	Contractor/Subcontractor Compliance.	Representative Cleveland Representative Conrad Representative D. Hall Representative Henson
HB 375	Authorize Teacher-Gov't Emp'ee Housing/Bertie.	Representative Goodwin
HB 383	Topsail Beach Charter/Board Vacancies.	Representative C. Smith
HB 429	Manteo Navigable Waters.	Representative Hanig
HB 445	Special Sep. Allowance/Alamance Cty DOs.	Representative Riddell Representative Ross
HB 561	Strengthen Dangerous Dog Laws.	Representative Torbett
HB 635	Purchase & Contracts Benchmarks/Property.	Representative Ross Representative Holley
HB 675	2019 Building Code Regulatory Reform.	Representative Brody Representative Riddell Representative Hardister Representative Richardson
HB 697	State Surplus Prop. Computers for Nonprofits.	Representative Horn Representative Saine Representative Elmore

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:43 AM on Wednesday, April 24, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #1: Remove SB63 and Add HB244

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Thursday, April 25, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **Please note that bills scheduled to be heard are tentative. The meeting day is Thursday, not our regularly scheduled Wednesday for next week only.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall
HB 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 244	Contractor/Subcontractor Compliance.	Representative Cleveland Representative Conrad Representative D. Hall Representative Henson
HB 375	Authorize Teacher-Gov't Emp'ee Housing/Bertie.	Representative Goodwin
HB 383	Topsail Beach Charter/Board Vacancies.	Representative C. Smith
HB 414	Regional Water Systems and State Grants.	Representative Barnes
HB 429	Manteo Navigable Waters.	Representative Hanig
HB 431	FIBER NC Act.	Representative Dobson Representative Lewis Representative Szoka Representative Corbin
HB 445	Special Sep. Allowance/Alamance Cty DOs.	Representative Riddell Representative Ross
HB 532	DNCR Add New Trails & Various Changes.	Representative Blackwell Representative Setzer Representative McGrady

		Representative Dobson
HB 561	Strengthen Dangerous Dog Laws.	Representative Torbett
HB 635	Purchase & Contracts Benchmarks/Property.	Representative Ross
		Representative Holley
HB 675	2019 Building Code Regulatory Reform.	Representative Brody
		Representative Riddell
		Representative Hardister
		Representative Richardson
HB 697	State Surplus Prop. Computers for Nonprofits.	Representative Horn
		Representative Saine
		Representative Elmore

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:05 AM on Thursday, April 18, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Thursday, April 25, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **Please note that bills scheduled to be heard are tentative. The meeting day is Thursday, not our regularly scheduled Wednesday for next week only.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 63	City of Kannapolis/Annexation.	Senator Ford
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall
HB 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 375	Authorize Teacher-Gov't Emp'ee Housing/Bertie.	Representative Goodwin
HB 383	Topsail Beach Charter/Board Vacancies.	Representative C. Smith
HB 414	Regional Water Systems and State Grants.	Representative Barnes
HB 429	Manteo Navigable Waters.	Representative Hanig
HB 431	FIBER NC Act.	Representative Dobson Representative Lewis Representative Szoka Representative Corbin
HB 445	Special Sep. Allowance/Alamance Cty DOs.	Representative Riddell Representative Ross
HB 532	DNCR Add New Trails & Various Changes.	Representative Blackwell Representative Setzer Representative McGrady Representative Dobson
HB 561	Strengthen Dangerous Dog Laws.	Representative Torbett
HB 635	Purchase & Contracts Benchmarks/Property.	Representative Ross Representative Holley

HB 675	2019 Building Code Regulatory Reform.	Representative Brody Representative Riddell Representative Hardister Representative Richardson
HB 697	State Surplus Prop. Computers for Nonprofits.	Representative Horn Representative Saine Representative Elmore

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:50 AM on Tuesday, April 16, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Thursday, April 25, 2019, 10:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall
HB 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 244	Contractor/Subcontractor Compliance.	Representative Cleveland Representative Conrad Representative D. Hall Representative Henson
HB 375	Authorize Teacher-Gov't Emp'ee Housing/Bertie.	Representative Goodwin
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HB 429	Manteo Navigable Waters.	Representative Hanig
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HB 561	Strengthen Dangerous Dog Laws.	Representative Torbett
HB 675	2019 Building Code Regulatory Reform.	Representative Brody Representative Riddell Representative Hardister Representative Richardson
HB 697	State Surplus Prop. Computers for Nonprofits.	Representative Horn Representative Saine Representative Elmore

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **217** DIT Changes.-AB

Draft Number:	H217-PCS10577-BG-32
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Saine

HB **244** Contractor/Subcontractor Compliance.

Draft Number:	H244-PCS30417-BG-25
Serial Referral:	COMMERCE
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Speciale

HB **429** Manteo Navigable Waters.

Draft Number:	H429-PCS30414-STx-14
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Hanig

HB **445** Special Sep. Allowance/Alamance Cty DOs.

Draft Number:	H445-PCS40422-BAp-11
Serial Referral:	PENSIONS AND RETIREMENT
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Riddell

HB **675** 2019 Building Code Regulatory Reform.

Draft Number:	H675-PCS30419-BD-14
Serial Referral:	REGULATORY REFORM
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Brody

TOTAL REPORTED: 5



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **375** Authorize Teacher-Gov't Emp'ee Housing/Bertie.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Goodwin

HB **383** Topsail Beach Charter/Board Vacancies.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	C. Smith

HB **561** Strengthen Dangerous Dog Laws.

Draft Number:	None
Serial Referral:	**JUDICIARY**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Torbett

HB **697** State Surplus Prop. Computers for Nonprofits.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Horn

TOTAL REPORTED: 4



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 217
PROPOSED COMMITTEE SUBSTITUTE H217-CSBG-32 [v.7]
04/24/2019 04:44:23 PM

Short Title: DIT Changes.-AB (Public)

Sponsors:

Referred to:

February 28, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE MISCELLANEOUS AND TECHNICAL CHANGES TO THE STATUTES RELATING TO THE DEPARTMENT OF INFORMATION TECHNOLOGY; AND AMEND VARIOUS STATUTES RELATING TO STATE AGENCY CYBERSECURITY; AND AMEND VARIOUS STATUTES RELATING TO THE EMERGENCY TELEPHONE SERVICE AND THE 911 BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-1350 reads as rewritten:

"**§ 143B-1350. Procurement of information technology.**

...

(c) The Department shall, subject to the provisions of this Part, do all of the following with respect to State information technology procurement:

...

(3) Establish standardized, consistent processes, specifications, and standards that shall apply to all information technology to be purchased, licensed, or leased by State agencies and relating to information technology personal services contract requirements for State ~~agencies, including, but not limited to, requiring convenience contracts to be rebid prior to termination without extensions.~~agencies.

...

(5) Establish procedures to permit State agencies and local government entities to use multiple award schedule contracts and other cooperative purchasing agreements.

...

(f1) Multiple-Award Schedule Contracts. – The procurement of information technology may be conducted using multiple award schedule contracts. Contracts awarded under this subsection shall be periodically updated as directed by the State CIO to include the addition or deletion of particular vendors, goods, services, or pricing.

...."

SECTION 2. G.S. 143B-1362 reads as rewritten:

"**§ 143B-1362. Personal services contracts subject to Article.**

(a) Requirement. – Notwithstanding any other provision of law, information technology personal services contracts for executive branch agencies shall be subject to the same requirements and procedures as information technology service contracts, except as provided in this section.

(b) Certain Approvals Required. – Notwithstanding any provision of law to the contrary, no information technology personal services contract, nor any contract that provides personnel to perform information technology functions regardless of the cost of the contract, may be established or renewed without written approval from the Department of Information Technology and the Office of State Budget and Management. To facilitate compliance with this requirement, the Department of Information Technology shall develop and document ~~the following:~~

~~(1) Standards for determining whether it is more appropriate for an agency to hire an employee or use the services of a vendor.~~

~~(2)~~ ~~A~~ a process to monitor all State agency information technology personal services contracts, as well as any other State contracts providing personnel to perform information technology ~~functions.~~

~~(3)~~ ~~A~~ functions and a process for obtaining approval of contractor positions.

~~(c) Creation of State Positions in Certain Cases. The Department of Information Technology shall review current information technology personal services contracts on an ongoing basis and determine if each contractor is performing a function that could more appropriately be performed by a State employee. Where the determination is made that a State employee should be performing the function, the Department of Information Technology shall work with the impacted agency and the Office of State Human Resources to identify or create the position.~~

~~(d) Compliance Audits Required. The Department of Information Technology shall conduct periodic audits of State agencies that are subject to this Article to determine the degree to which those agencies are complying with the rules and procedures that govern information technology personal services contracts.~~

(e) Reporting Required. – The Department of Information Technology shall report biennially to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division on ~~all of the following:~~

~~(1) Its progress toward standardizing information technology personal services contracts.~~

~~(2)~~ ~~The~~ the number of information technology service contractors in each State agency, the cost for each, and the comparable cost, including benefits, of a State employee serving in that capacity rather than a contractor.

~~(3) The results of the compliance audits conducted pursuant to subsection (d) of this section.~~

(f) Information Technology Personal Services Contract Defined. – For purposes of this section, the term "personal services contract" means a contract for services provided by a professional individual as an independent contractor on a temporary or occasional basis.

~~(g) Rules Required. The Department of Information Technology shall adopt rules consistent with this section.~~"

SECTION 3. G.S. 143-787(d) reads as rewritten:

"(d) The ~~Office of the~~ State Chief Information Officer shall ensure that the Section is provided with all necessary access to the Government Data Analytics Center and all other information technology services."

SECTION 4. G.S. 143B-1420(a) reads as rewritten:

"(a) Council Established. – The North Carolina Geographic Information Coordinating Council ("Council") is established to develop policies regarding the utilization of geographic information, GIS systems, and other related technologies. The Council shall be responsible for the following:

(1) Strategic planning.

(2) Resolution of policy and technology issues.

(3) Coordination, direction, and oversight of State, local, and private GIS efforts.

(4) Advising the Governor, the General Assembly, and the State Chief Information Officer as to needed directions, responsibilities, and funding regarding geographic information.

The purpose of this statewide geographic information coordination effort shall be to further cooperation among State, federal, and local government agencies; academic institutions; and the private sector to improve the quality, access, cost-effectiveness, and utility of North Carolina's geographic information and to promote geographic information as a strategic resource in the State. The Council shall be located in the ~~Office of the Governor~~ Department of Information Technology for organizational, budgetary, and administrative purposes."

SECTION 5. G.S. 143B-1353 reads as rewritten:

"**§ 143B-1353. ~~Financial interest of officers in sources of supply; acceptance of bribes.~~Gifts and favors regulated.**

~~Neither the State CIO, any deputy State CIO, or any other policy-making or managerially exempt personnel shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in the purchase of, or contract for, any information technology, nor in any firm, corporation, partnership, or association furnishing any information technology to the State government or any of its departments, institutions, or agencies, nor shall any of these persons or any other Department employee accept or receive, directly or indirectly, from any person, firm, or corporation to whom any contract may be awarded, by rebate, gifts, or otherwise, any money or anything of value whatsoever, or any promise, obligation, or contract for future reward or compensation. Violation of this section is a Class F felony, and any person found guilty of a violation of this section shall, upon conviction, be removed from State office or employment.~~The provisions of G.S. 133-32 shall apply to all Department employees."

SECTION 6.(a) G.S. 143B-1322(c) is amended by adding a new subdivision to read:

"(22) Coordinate with the Department of Public Safety to manage statewide response to cybersecurity incidents and significant cybersecurity incidents as defined by G.S. 143B-1320."

SECTION 6.(b) G.S. 166A-19.12 is amended by adding a new subdivision to read:

"(23) Coordination with the State Chief Information Officer and the Adjutant General to manage statewide response to cybersecurity incidents and significant cyber incidents as defined by G.S. 143B-1320. This includes, but is not limited to:

a. Development and promulgation of necessary policies, plans, and procedures for cybersecurity and critical infrastructure protection; and

b. Annual review, update, and testing of cyber incident response plans and procedures."

SECTION 6.(c) G.S. 143B-1321 is amended by adding a new subsection to read:

"(c) Such information technology information protected from public disclosure under G.S. 132-6.1(c), including, but not limited to security features of critical infrastructure, information technology systems, telecommunications networks, or electronic security systems, including hardware or software security, passwords, or security standards, procedures, processes, configurations, software, and codes, shall be kept confidential."

SECTION 6.(d) G.S. 143B-1320 reads as rewritten:

"**§ 143B-1320. Definitions; scope; exemptions.**

(a) Definitions. – The following definitions apply in this Article:

…

(12) ~~Information technology security~~Cybersecurity incident. – ~~A computer-, network-, or paper-based activity that results directly or indirectly in misuse, damage, denial of service, compromise of integrity, or loss of confidentiality of a network, computer, application, or data.~~ An occurrence that:

a. Actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information or an information system; or

b. Constitutes a violation or imminent threat of violation of law, security policies, privacy policies, security procedures, or acceptable use policies.

...

(15) ~~Security~~ Significant cybersecurity ~~incident.~~ incident. ~~– A warning or indication of a threat to or breach of information or computer security. The term also includes threats that have already occurred.~~ A cybersecurity incident that is likely to result in demonstrable harm to the State's security interests, economy, critical infrastructure, or to the public confidence, civil liberties, or public health and safety of the residents of North Carolina. A significant cybersecurity incident is determined by the following factors:

a. Incidents that meet thresholds identified by the Department jointly with the Department of Public Safety that involve information:

1. That is not releasable to the public and that is restricted or highly restricted according to Statewide Data Classification and Handling Policy; or

2. That involves the exfiltration, modification, deletion, or unauthorized access, or lack of availability to information or systems within certain parameters to include (i) a specific threshold of number of records or users affected as defined in G.S. 75-65; or (ii) any additional data types with required security controls.

b. Incidents that involve information that is not recoverable or cannot be recovered within defined timelines required to meet operational commitments defined jointly by the State agency and the Department, or can be recovered only through additional measures; and has a high or medium functional impact to the mission of an agency.

...."

SECTION 6.(e) G.S. 143B-1379 reads as rewritten:

"**§ 143B-1379. State agency ~~cooperation; liaisons.~~cooperation and training; liaisons; county and municipal government reporting.**

(a) The head of each principal department and Council of State agency shall cooperate with the State CIO in the discharge of the State CIO's duties by providing the following information to the Department:

(1) The full details of the State agency's information technology and operational requirements and of all the agency's ~~information technology security~~significant cybersecurity incidents within 24 hours of confirmation.

(2) Comprehensive information concerning the information technology security employed to protect the agency's ~~information technology.~~data, including documentation and reporting of remedial or corrective action plans to address any deficiencies in the information security policies, procedures, and practices of the State agency.

(3) A forecast of the parameters of the agency's projected future ~~information technology security~~cybersecurity and privacy needs and capabilities.

(4) Designating an agency liaison in the information technology area to coordinate with the State CIO. The liaison shall be subject to a criminal background report from the State Repository of Criminal Histories, which shall be provided by the State Bureau of Investigation upon its receiving

fingerprints from the liaison. If the liaison has been a resident of this State for less than five years, the background report shall include a review of criminal information from both the State and National Repositories of Criminal Histories. The criminal background report shall be provided to the State CIO and the head of the agency. In addition, all personnel in the Office of the State Auditor who are responsible for information technology security reviews shall be subject to a criminal background report from the State Repository of Criminal Histories, which shall be provided by the State Bureau of Investigation upon receiving fingerprints from the personnel designated by the State Auditor. For designated personnel who have been residents of this State for less than five years, the background report shall include a review of criminal information from both the State and National Repositories of Criminal Histories. The criminal background reports shall be provided to the State Auditor. Criminal histories provided pursuant to this subdivision are not public records under Chapter 132 of the General Statutes.

(5) Completing mandatory annual security awareness training and reporting compliance for all personnel, including contractors and other users of state information technology systems.

(b) The information provided by State agencies to the State CIO under this section is protected from public disclosure pursuant to G.S. 132-6.1(c).

(c) County and municipal government agencies shall report cybersecurity incidents to the Department. Information shared as part of this process will be protected from public disclosure under G.S. 132-6.1(c). Private sector entities are encouraged to report cybersecurity incidents to the Department."

SECTION 6.(f) G.S. 143B-1376 reads as rewritten:

"**§ 143B-1376. Statewide security and privacy standards.**

(a) The State CIO shall be responsible for the security and privacy of all State information technology systems and associated data. The State CIO shall manage all executive branch information technology security and shall establish a statewide standard for information technology security and privacy to maximize the functionality, security, and interoperability of the State's distributed information technology assets, including, but not limited to, data classification and management, communications, and encryption technologies. The State CIO shall review and revise the security standards annually. As part of this function, the State CIO shall review periodically existing security and privacy standards and practices in place among the various State agencies to determine whether those standards and practices meet statewide ~~security~~ security, privacy, and encryption requirements. The State CIO shall ensure that State agencies are periodically testing and evaluating information security controls and techniques for effective implementation, and that all agency and contracted personnel are held accountable for complying with the Statewide information security program. The State CIO may assume the direct responsibility of providing for the information technology security of any State agency that fails to adhere to security and privacy standards adopted under this Article.

...."

SECTION 6.(g) G.S. 143B-1378 reads as rewritten:

"**§ 143B-1378. Assessment of agency compliance with ~~security~~ cybersecurity standards.**

At a minimum, the State CIO shall annually assess the ability of each State agency, and each agency's contracted vendors, to comply with the current ~~security~~ cybersecurity enterprise-wide set of standards established pursuant to this section. The assessment shall include, at a minimum, the rate of compliance with the enterprise-wide security standards and an assessment of security organization, security practices, security information standards, network security architecture, and current expenditures of State funds for information technology security. The assessment of a State agency shall also estimate the initial cost to implement the security measures needed for

agencies to fully comply with the ~~standards.~~standards as well as the costs over the lifecycle of the State agency information system. Each State agency shall submit information required by the State CIO for purposes of this assessment. The State CIO shall include the information obtained from the assessment in the State Information Technology Plan."

SECTION 7.(a) G.S. 143B-1400 reads as rewritten:

"**§ 143B-1400. Definitions.**

The following definitions apply in this Part.

(1) 911 Board. – The 911 Board established in G.S. 143B-1401.

(2) 911 Fund. – The North Carolina 911 Fund established in G.S. 143B-1403.

(3) 911 State Plan. – A document prepared, maintained, and updated by the 911 Board that provides a comprehensive plan for communicating 911 call information across networks and among PSAPs, addresses all aspects of the State's 911 system, and describes the allowable uses of ~~revenue in~~ the 911 ~~Fund.~~Fund, including but not limited to transfer of 911 calls between geographically dispersed PSAPs, increased aggregation and sharing of data, resources, procedures, standards, and requirements to improve emergency response and implementation of a NG911 network.

(4) 911 system. – An emergency communications system using any available technology that does all of the following:

a. Enables the user of a communications service connection to reach a PSAP by dialing the digits 911.

b. Provides enhanced 911 service.

c. Delivers 911 calls to the State ESInet as provided by G.S. 143B-1406(e1) or a Next Generation 911 Network.

(5) 911 system provider. – An entity that provides ~~a~~ an Enhanced 911 or NG911 system to a PSAP.

(5a) Agent. – An Agent is an authorized person including an employee, contractor or volunteer, who has one or more roles in a PSAP. An Agent can also be an automaton in some circumstances.

(6) Back-up PSAP. – The capability to operate as part of the 911 System and all other features of its associated primary PSAP. The term includes a back-up PSAP that receives 911 calls only when they are transferred from the primary PSAP or on an alternate routing basis when calls cannot be completed to the primary PSAP.

(7) Call taking. – The act of processing a 911 call for emergency assistance by a primary PSAP, including the use of 911 system equipment, call classification, location of a caller, determination of the appropriate response level for emergency responders, and dispatching 911 call information to the appropriate responder.

(8) Commercial Mobile Radio Service (CMRS). – Defined in 47 C.F.R. § 20.3.

(9) Communications service. – Any of the following:

a. The transmission, conveyance, or routing of real-time communications to a point or between or among points by or through any electronic, radio, satellite, cable, optical, microwave, wireline, wireless, Internet protocol, or other medium or method, regardless of the protocol used.

b. The ability to receive and terminate voice calls, text-to-911, Short Message Service (SMS) or other messages, videos, data, or other forms of communication to, from, and between the public switched telephone network, wireless networks, IP-enabled networks, or any other communications network.

c. Interconnected VoIP service.

(10) Communications service connection. – Each telephone number or trunk assigned to a residential or commercial subscriber by a communications service provider, without regard to technology deployed.

(11) Communications service provider. – An entity that provides communications service to a subscriber.

(12) CMRS connection. – Each mobile handset telephone number assigned to a CMRS subscriber with a place of primary use in North Carolina.

(13) CMRS provider. ~~An entity,~~ A service provider, whether facilities-based or nonfacilities-based, that is licensed by the Federal Communications Commission to provide CMRS or that resells CMRS within North Carolina.

(13a) Emergency medical dispatch. – The management of requests for emergency medical assistance by utilizing a system of:

a. A tiered response or priority dispatching of emergency medical resources based on the level of medical assistance appropriate for the victim; and

b. Pre-arrival first aid or other medical instructions given by trained Telecommunicators responsible for receiving 911 calls and dispatching emergency response services.

(14) Enhanced 911 service. – Directing a 911 call to an appropriate PSAP by selective routing or other means based on the geographical location from which the call originated and providing information defining the approximate geographic location and the telephone number of a 911 caller, in accordance with the FCC Order.

(15) Exchange access facility. – The access from a subscriber's premises to the telephone system of a service supplier. The term includes service supplier provided access lines, private branch exchange trunks, and centrex network access registers, as defined by applicable tariffs approved by the North Carolina Utilities Commission. The term does not include service supplier owned and operated telephone pay station lines, Wide Area Telecommunications Service (WATS), Foreign Exchange (FX), or incoming only lines.

(16) FCC Order. – FCC order means all orders or final rules issued by the ~~The Order of the~~ Federal Communications ~~Commission~~Commission, pursuant to the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" ~~FCC~~ (FCC Docket No. ~~94-102,~~94-102) ~~adopted on December 1, 1997, and any consent decrees, rules, and regulations adopted by the Federal Communications Commission pursuant to the Order.~~ codified at 47 C.F.R § 20.18, "Wireless E-911 Location Accuracy Requirements" codified at 47 C.F.R Part 20, relating to commercial mobile services, and any successor proceeding.

(17) ~~GIS mapping.~~GIS – Computerized geographical information that can be used to assist in locating a person who calls emergency assistance, including mapping elements such as street centerlines, ortho photography, ~~and oblique~~or other ~~imaging.~~ imaging, and geospatial call routing to deliver 911 calls to an appropriate PSAP.

(18) Interconnected VoIP service. – Defined in 47 C.F.R. § 9.3.

(19) Local exchange carrier. – An entity that is authorized to provide telephone exchange service or exchange access in North Carolina.

(19a) Next generation 911 network. – Managed internet protocol based networks, gateways, functional elements and databases that augment E911 features and

functions enabling the public to transmit digital information to public safety answering points replacing Enhanced 911, that maintains P.01 for Basic 911 or Enhanced 911 services or NENA i3 Solution standard for NG911 services, and that includes Emergency Service IP Network (ESInet), GIS, cybersecurity, and other system components.

(20) Next generation 911 system. – An ~~IP-enabled~~internet protocol-enabled emergency communications system ~~using Internet Protocol, or any other available technology, to enable~~enabling the ~~user~~ public or subscriber of a communications service to reach an appropriate PSAP by sending the digits 911 via dialing, text, or short message service (SMS), or any other technological means.

(21) Next generation 911 system provider. – An entity that provides a next generation or IP-enabled 911 system to a PSAP.

(22) Prepaid wireless telecommunications service. – A wireless telecommunications service that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount.

(23) Primary PSAP. – The first point of reception of a 911 call by a public safety answering point.

(24) Proprietary information. – Subscriber lists, technology descriptions, technical information, or trade secrets that are developed, produced, or received internally by a communications service provider or by a communications service provider's employees, directors, officers, or agents.

(25) Public safety answering point (PSAP). – The public safety agency that receives an incoming 911 call and dispatches appropriate public safety agencies to respond to the call.

(25a) Regional PSAP. - A primary PSAP operated by or on behalf of two or more counties and any number of municipalities, approved by the Board, for 911 call taking.

(26) Retail transaction. – The sale of prepaid wireless telecommunications service for any purpose other than resale.

(27) Service supplier. – An entity that provides exchange telephone service or communications service to the public or a ~~telephone~~ subscriber.

(27a) State Emergency Services IP Network (ESInet) Network. – A NG911 network contracted by the 911 Board to one or more communications service providers for the purpose of securely receiving 911 calls, transferring 911 calls and all associated data, providing centralized network management and security monitoring, and enabling GIS call routing.

(28) Subscriber. – A person who purchases a communications service and is able to receive it or use it periodically over time.

(28a) Telecommunicator. – A person qualified to provide 911 call taking employed by a PSAP. The term applies to 911 call takers, dispatchers, radio operators, data terminal operators, or any combination of such call taking functions in a PSAP.

...."

SECTION 7.(b) G.S. 143B-1402 reads as rewritten:

"**§ 143B-1402. Powers and duties of the 911 Board.**

(a) Duties. – The 911 Board has the following powers and duties:

(1) To develop the 911 State Plan. In developing and updating the plan, the 911 Board must monitor trends in communications service technology utilized for

the 911 system and in enhanced 911 service technology, investigate and incorporate GIS ~~mapping and other~~ resources into the plan, ensure individual PSAP plans incorporate a back-up ~~PSAP,~~PSAP and 911 call routing in an emergency, coordination with State emergency operations including Telecommunicator Emergency Response Taskforce (TERT), and formulate strategies for the efficient and effective delivery of enhanced 911 service.

(2) To administer the 911 Fund and the monthly 911 service charge authorized by G.S. 143B-1403. To execute the powers and duties provided in this Part, the Board shall determine its policies, procedures and rules by majority vote of the members of the Board, a quorum having been established. Once a policy or procedure is determined or a rule is adopted, the Board shall communicate it to the Executive Director, who shall have the authority to execute the policy, procedure or rule of the Board. No individual member of the Board shall have the responsibility or authority to give operational directives to any employee of the Board other than the Executive Director.

(3) To distribute revenue in the 911 Fund ~~to CMRS providers and PSAPs~~ in accordance with this Part and advise CMRS providers and PSAPs of the requirements for receiving a distribution from the 911 Fund.

(4) To establish cooperative purchasing agreements or other contracts for the procurement of goods and services, to establish policies and procedures to fund advisory services and training programs including, but not limited to, Emergency Medical Dispatch and quality assurance of Emergency Medical Dispatch programs for PSAPs, to set operating standards for PSAPs and back-up ~~PSAPs,~~PSAPs, including minimum staffing, mandatory Telecommunicator training and certification requirements for 911 call taking, and to provide funds in accordance with these policies, procedures, and ~~standards.~~standards subject to the limitations of 143B-1406(d).

(5) To investigate the revenues and expenditures associated with the operation of a PSAP to ensure compliance with restrictions on the use of amounts distributed from the 911 Fund.

(6) To make and enter into contracts and agreements necessary or incidental to the performance of its powers and duties under this Part and to use revenue available to the 911 Board under G.S. 143B-1404 for administrative expenses to pay its obligations under the contracts and agreements.

(7) To use funds available to the 911 Board under ~~G.S. 62-47 [143B-1407]~~G.S. 143B-1407 to pay its obligations incurred for statewide 911 projects.

(8) To accept gifts, grants, or other money for the 911 Fund.

(9) To undertake its duties in a manner that is competitively and technologically neutral as to all communications service providers.

(10) To design, create, or acquire printed or Web-based public education materials regarding the proper use of 911.

(11) To adopt rules to implement this Part. This authority does not include the regulation of any ~~enhanced 911~~communications service, such as the establishment of technical standards for ~~telecommunications~~ communications service providers to ~~deliver~~ process 911 voice and data.

(12) To take other necessary and proper action to implement the provisions of this Part.

(13) To collect and distribute data from and to PSAPs and communications service providers, provided that distribution of such data shall be subject to the limitations of the G.S. 132-1 et seq., and applicable federal privacy laws or regulations.

(14) To coordinate, adopt, and communicate all necessary technical and operational standards, and requirements to ensure an effective statewide interconnected NG911 network, the State ESInet, including the following:
a. NG911 network design specifications;
b. 911 call processing standards and requirements including system networks, PSAP equipment, GIS caller location routing and database requirements;
c. Performance measures for data services necessary for the purposes of this Part;
(15) To establish and operate a network management center for the State ESInet staffed by the Board. The center shall monitor PSAP and communications service provider compliance with technical and operational standards, requirements, and practices. The center shall monitor the State ESInet performance and security testing protocols in coordination with the Department of Information Technology.

(b) Prohibition. – In no event shall the 911 Board or any other State agency construct, operate, or own a communications network for the purpose of providing 911 service. The 911 Board may pay private sector vendors for provisioning a communications network for the purpose of providing citizens access to 911 services and completing call-taking processes through one or more PSAPs.

(c) The Secretary of the Department of Information Technology shall, with the advice of the 911 Board, select an Executive Director of the 911 Board. The Executive Director shall be the Board's chief administrative officer. The Executive Director shall have appropriate training and experience to assist the Board in the performance of its duties. The executive director shall be considered the State 911 coordinator for purposes of relevant State and Federal law and program requirements.

The Executive Director shall be responsible for managing the work of the Board including but not limited to:

(1) Preparing and submitting reports of the Board to the NC General Assembly, Governor, and Federal Communications Commission;
(2) Drafting suggested legislation incorporating the Board's findings for submission to the General Assembly;
(3) Administering, directing, and managing the affairs and business of the 911 Board, and for the supervision of all personnel serving the Board;
(4) Contracting with such other persons, including subject matter experts and consultants, as deemed necessary; and
(5) Executing the Board's policies, powers and duties subject to appropriations, available funds, and State employment and procurement laws.

(d) The Board may meet in the offices of the Department of Information Technology or in facilities satisfactory for the Board's needs and Public Meeting laws. The Department of Information Technology shall provide office space for the Board's staff."

SECTION 7.(c) G.S. 143B-1403 reads as rewritten:

"**§ 143B-1403. Service charge for 911 service.**

(a) Charge Imposed. – A monthly 911 service charge is imposed on each active communications service connection that provides access to the 911 system through a ~~voice~~ communications ~~service.~~provider The service charge for service other than prepaid wireless telecommunications service is seventy cents (70¢) or a lower amount set by the 911 Board under subsection (d) of this section. The service charge is payable by the subscriber to the service provider of the ~~voice~~ communications service. The provider may list the service charge separately from other charges on the bill. Partial payments made by a subscriber are applied first to the amount the subscriber owes the provider for the ~~voice~~ communications service. If a subscriber is

capable of making more than one simultaneous outbound 911 call though its communications service connections, then the total number of 911 service charges billed to the subscriber shall be (i) for CMRS providers, an amount equal to the number of CMRS connections and (ii) for all other communications service providers, an amount equal to the total number of simultaneous outbound 911 calls the subscriber can make using the North Carolina telephone numbers or trunks billed to their account.

(a1) For any services for which a bill is or has been rendered at any time prior to 180 days following the effective date of this section, whether under G.S. 143B-1403 or its predecessors as previously codified, no subscriber or communications service provider shall be liable to any person or entity for billing or remitting a different number of 911 service charges than is required by Part 10 of Article 15 of Chapter 143B of the General Statutes, as clarified by subsection (a) of this section. Subsection (a) of this section is intended as a clarification of existing law.

(b) Prepaid Wireless. – A 911 service charge is imposed on each retail purchase of prepaid wireless telecommunications service occurring in this State of seventy cents (70¢) for each retail transaction of prepaid wireless telecommunications service or a lower amount set as provided by subsection (d) of this section. The service charge is collected and remitted as provided in G.S. 143B-1414.

(c) Remittance to 911 Board. – A communications service provider must remit the service charges collected by it under subsection (a) of this section to the 911 Board. The provider must remit the collected service charges by the end of the calendar month following the month the provider received the charges from its subscribers. A provider may deduct and retain from the service charges it receives from its subscribers and remits to the 911 Board an administrative allowance equal to the greater of one percent (1%) of the amount of service charges remitted or fifty dollars ($50.00) a month.

(d) Adjustment of Charge. – The 911 Board must monitor the revenues generated by the service charges imposed by this section. If the 911 Board determines that the ~~rates~~ charge imposed ~~produce~~ produces revenue that exceeds or is less than the amount needed, the 911 Board may adjust the ~~rates.~~service charge. The ~~rates~~ charge imposed must ensure full cost recovery for communications service providers over a reasonable period of time, ~~and~~ for monthly distributions to primary ~~PSAPs over a reasonable period of time.~~PSAPs, and for the State ESInet. The 911 Board must set the service charge for prepaid wireless telecommunications service at the same rate as the monthly service charge for nonprepaid service. A change in the ~~rate~~ service charge becomes effective only on July 1. The 911 Board must notify providers of a change in the ~~rates~~ service charge at least 90 days before the change becomes effective. The 911 Board must notify the Department of Revenue of a change in the ~~rate~~ service charge for prepaid wireless telecommunications service at least 90 days before the change becomes effective. The Department of Revenue must provide notice of a change in the ~~rate~~ service charge for prepaid wireless telecommunications service at least 45 days before the change becomes effective only on the Department's Web site.

...."

SECTION 7.(d) G.S. 143B-1404 reads as rewritten:

"**§ 143B-1404. 911 Fund.**

(a) Fund. – The 911 Fund is created as an interest-bearing special revenue fund within the State treasury. The 911 Board administers the Fund. The 911 Board must credit to the 911 Fund all revenues remitted to it from the service charge imposed by ~~G.S. 143B-1403 on communications service connections in the State.~~ G.S. 143B-1403. Revenue in the Fund may only be used as provided in this Part.

(b) Allocation of Revenues. – The 911 Board may deduct and retain for its administrative expenses a percentage of the total service charges remitted to it under G.S. 143B-1403 for deposit in the 911 Fund. The percentage may not exceed ~~two~~ three and one-half percent ~~(2%)~~(3.5%). The percentage is one percent (1%) unless the 911 Board sets the percentage at a different amount.

The 911 Board must monitor the amount of funds required to meet its ~~financial commitment to provide technical assistance to primary PSAPs~~duties under this Part and set the ~~rate~~ service charge at an amount that enables the 911 Board to meet this commitment. The 911 Board must allocate ~~ten percent (10%)~~a minimum of fifteen percent (15%) of the total service charges to the Next Generation 911 Reserve Fund to be administered as provided in G.S. 143B-1407. The 911 Board must allocate a minimum of five percent (5%) of the total service charges to the PSAP Grant and Statewide Projects Account to be administered as provided in G.S. 143B-1407. The remaining revenues remitted to the 911 Board for deposit in the 911 Fund are allocated ~~as follows:~~ for distribution to the primary PSAPs, CMRS providers or the Accounts established in G.S. 143B-1407.

~~(1) A percentage of the funds remitted by CMRS providers, other than the funds remitted by the Department of Revenue from prepaid wireless telecommunications service, to the 911 Fund are allocated for reimbursements to CMRS providers pursuant to G.S. 143B-1405.~~

~~(2) A percentage of the funds remitted by CMRS providers, all funds remitted by the Department of Revenue from prepaid wireless telecommunications service, and all funds remitted by all other communications service providers are allocated for monthly distributions to primary PSAPs pursuant to G.S. 143B-1406 and grants to PSAPs pursuant to G.S. 143B-1407.~~

~~(3) The percentage of the funds remitted by CMRS providers allocated to CMRS providers and PSAPs shall be set by the 911 Board and may be adjusted by the 911 Board as necessary to ensure full cost recovery for CMRS providers and, to the extent there are excess funds, for distributions to primary PSAPs.~~

...."

SECTION 7.(e) G.S. 143B-1405 reads as rewritten:

"**§ 143B-1405. Fund distribution to CMRS providers.**

(a) Distribution. – CMRS providers are eligible for reimbursement from the 911 Fund for the actual costs incurred by the CMRS providers in complying with the requirements of ~~enhanced 911 service.~~this Part. Costs of complying may include costs incurred for designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide 911 communications service as well as the recurring and nonrecurring costs of providing ~~the~~ such service. To obtain reimbursement, a CMRS provider must comply with all of the following:

(1) Invoices must be sworn.

(2) All costs and expenses must be commercially reasonable.

(3) All invoices for reimbursement must be related to compliance with the requirements of ~~enhanced~~ 911 ~~service.~~service in this Part.

(4) Prior approval must be obtained from the 911 Board for all invoices for payment of costs that exceed the lesser of:

a. One hundred percent (100%) of the eligible costs allowed under this section.

b. One hundred twenty-five percent (125%) of the service charges remitted to the 911 Board by the CMRS provider.

(5) A CMRS provider may request reimbursement by presenting a request to the Board not later than six (6) months prior to the end of the Board's fiscal year, and identifying the provider's anticipated qualified expenses for reimbursement during the Board's next fiscal year.

(b) Payment Carryforward. – If the total amount of invoices submitted to the 911 Board and approved for payment in a month exceeds the amount available from the 911 Fund for reimbursements to CMRS providers, the amount payable to each CMRS provider is reduced proportionately so that the amount paid does not exceed the amount available for payment. The

balance of the payment is deferred to the following month. ~~A deferred payment accrues interest at a rate equal to the rate earned by the 911 Fund until it is paid.~~

(c) PSAP Grant and Statewide Project Reallocation. – If the amount of reimbursements to CMRS providers ~~approved~~ budgeted by the 911 Board for a fiscal year ~~is less than~~exceeds the amount of funds ~~allocated~~ disbursed for reimbursements to CMRS providers for that fiscal year, the 911 Board may reallocate ~~part of~~ the excess amount to the ~~PSAP Grant and Statewide 911 Projects Account~~ Accounts established under G.S. 143B-1407. The 911 Board may reallocate funds under this subsection only once each calendar year and may do so only within the three-month period that follows the end of the fiscal year. ~~If the 911 Board reallocates more than a total of three million dollars ($3,000,000) to the PSAP Grant and Statewide 911 Projects Account in a calendar year, it must consider reducing the amount of the service charge in G.S. 143B-1404 to reflect more accurately the underlying costs of providing 911 system services.~~

The 911 Board must make the following findings before it reallocates funds to the PSAP ~~Grant and Statewide 911 Projects Account:~~Accounts established under G.S. 143B-1407:

(1) There is a critical need for additional funding for PSAPs in rural or high-cost areas ~~to~~ and ensure that ~~enhanced 911~~NG911 service is deployed throughout the State.

(2) The reallocation will not impair cost recovery by CMRS providers.

(3) The reallocation will not result in the insolvency of the 911 Fund."

SECTION 7.(f) G.S. 143B-1406 reads as rewritten:

"**§ 143B-1406. Fund distribution to PSAPs.**

(a) Monthly Distribution. – The 911 Board must make monthly distributions to primary PSAPs from the ~~amount allocated to the~~ 911 ~~Fund for PSAPs.~~Fund. A PSAP is not eligible for a distribution under this section unless it complies with the requirements of this Part, provides enhanced 911 service, and received distributions from the 911 Board in the 2008-2009 fiscal year. The Board may reduce, suspend, or terminate distributions under this subsection if a PSAP does not comply with the requirements of this Part. The Board must comply with all of the following:

...

(3) Formula. – The funding formula established by the Board must consider all of the following:

a. The population of the area served by a PSAP.

b. PSAP reports and budgets, disbursement histories, and historical costs.

c. PSAP operations, 911 technologies used by the PSAP, compliance with operating standards of the 911 Board, level of service a PSAP delivers dispatching fire, emergency medical services, law enforcement, and Emergency Medical Dispatch.

d. The tier designation of the county in which the PSAP is located as designated in G.S. 143B-437.08.

e. Any interlocal government funding agreement to operate a Regional PSAP, or between a primary PSAP and a secondary PSAP, if the secondary PSAP was in existence as of June 1, 2010, receives funding under the agreement, and is within the service area of the primary PSAP.

e1. Any expenditure authorized by the 911 Board for statewide 911 projects or the next generation 911 system.

f. Any other information the Board considers relevant.

...

(b) Percentage Designations. – The 911 Board must determine how revenue that is allocated to the 911 Fund for distribution to primary PSAPs and is not needed to make the base amount distribution required by subdivision (a)(1) of this section is to be used. The 911 Board

must designate a percentage of the remaining funds to be distributed to primary PSAPs on a per capita basis and a percentage to be allocated to the ~~PSAP Grant Account~~Accounts established in G.S. 143B-1407. If the 911 Board does not designate an amount to be allocated to ~~the PSAP Grant Account,~~such Accounts, the 911 Board must distribute all of the remaining funds to regional or primary PSAPs on a per capita basis. The 911 Board may not change the percentage designation more than once each fiscal year.

(c) Carryforward. – A PSAP may carry forward distributions for eligible expenditures for capital outlay, capital improvements, or equipment ~~replacement.~~replacement if shown pursuant to subsection (f) of this section. ~~Amounts carried forward to the next fiscal year from distributions made by the 911 Board may not be used to lower the distributions in subsection (a) of this section unless the amount is greater than twenty percent (20%) of the average yearly amount distributed to the PSAP in the prior two years.~~ The 911 Board may allow a PSAP to carry forward a greater amount without changing the PSAP's distribution. Amounts carried forward to the next fiscal year from distributions made by the 911 Board may not be used to lower the distributions in subsection (a) of this section unless:

(1) the amount is greater than twenty percent (20%) of the average yearly amount distributed to the PSAP in the prior two years; or

(2) the amount in subsection (a) is modified based upon the Board's expenditures for Statewide 911 projects or the PSAP's migration to a next generation 911 network.

(d) Use of Funds. – A PSAP that receives a distribution from the 911 Fund may not use the amount received to pay for the lease or purchase of real estate, cosmetic remodeling of emergency dispatch centers, hiring or compensating telecommunicators, or the purchase of mobile communications vehicles, ambulances, fire engines, or other emergency vehicles. Distributions received by a PSAP may be used only to pay for the following:

(1) The lease, purchase, or maintenance of:

a. Emergency telephone equipment, including necessary computer hardware, software, and database provisioning.

b. ~~Addressing.~~ Addressing, provided that addressing shall not be paid following the earlier of July 1, 2021, or compliance with G.S. 143B-1406(e1).

c. Telecommunicator furniture.

d. Dispatch equipment located exclusively within a building where a PSAP or back-up PSAP is located, excluding the costs of base station transmitters, towers, microwave links, and antennae used to dispatch emergency call information from the PSAP or back-up PSAP.

e. Emergency medical, fire, and law enforcement pre-arrival instruction software.

~~(2) The nonrecurring costs of establishing a 911 system.~~

(3) Expenditures for in-State training of 911 personnel regarding the maintenance and operation of the 911 system. Allowable training expenses include the cost of transportation, lodging, instructors, certifications, improvement programs, quality assurance training, training associated with call taking, and emergency medical, fire, or law enforcement procedures, and training specific to managing a PSAP or supervising PSAP staff. Training outside the State is not an eligible expenditure unless the training is unavailable in the State or the PSAP documents that the training costs are less if received out-of-state. Training specific to the receipt of 911 calls is allowed only for intake and related call taking quality assurance and improvement. Instructor certification costs and course required prerequisites, including physicals, psychological exams, and drug testing, are not allowable expenditures.

(4) Charges associated with the service supplier's 911 service and other service supplier recurring charges. The PSAP providing 911 service is responsible to the communications service provider for all 911 installation, service, equipment, operation, and maintenance charges owed to the communications service provider. A PSAP may contract with a communications service provider on terms agreed to by the PSAP and the provider. Service supplier 911 service and other recurring charges supplanted by the State ESInet costs paid by the Board shall not be paid from distributions to PSAPs following the earlier of July 1, 2021 or compliance with G.S. 143B-1406(e1).

(e) Local Fund. – The fiscal officer of a PSAP to whom a distribution is made under this section must deposit the funds in a special revenue fund, as defined in G.S. 159-26(b)(2), designated as the Emergency Telephone System Fund. The fiscal officer may invest money in the Fund in the same manner that other money of the local government may be invested. Income earned from the invested money in the Emergency Telephone System Fund must be credited to the Fund. Revenue deposited into the Fund must be used only as permitted in this section.

(e1) State NG911 Emergency Service IP Network (ESInet). -

(1) No later than July 1, 2021, the Board and local governments operating primary PSAPs shall develop and fully implement NG911 transition plans to migrate PSAPs to the State ESInet. To the extent practicable, the migration of PSAPs will be implemented on a sequential region-by-region basis for those PSAPs served by each legacy 911 selective router. The Board may extend the implementation date for a primary PSAP for good cause. For purposes of this section, "good cause" means an event or events reasonably beyond the ability of the Board to anticipate or control.

(2) All communications service providers required to provide access to 911 service shall route the 911 calls of their subscribers to ESInet points of interconnection designated by the Board. The Board shall identify points of interconnection no later than July 1, 2019. The Board shall establish ESInet points of interconnection in a manner that minimizes cost to the communications service providers to the extent practicable while still achieving necessary 911 service and ESInet objectives.

(3) The State ESInet service provider shall receive the 911 calls delivered by the communications service provider at the designated ESInet points of interconnection and deliver the calls to the appropriate PSAP. The State ESInet service provider shall not charge a communication service provider to connect to the State ESInet point of interconnection nor for the delivery of the 911 calls to the PSAP.

(f) Compliance. – A PSAP, or the governing entity of a PSAP, must comply with all of the following in order to receive a distribution under this section:

...

(4a) On or before July 1, 2019, each primary PSAP dispatching emergency medical services shall develop policies and procedures for implementing an Emergency Medical Dispatch program approved by the Office of Emergency Medical Services. Emergency Medical Dispatch instructions must be offered by a Telecommunicator who has completed an emergency medical dispatch course approved by the Office of Emergency Medical Services.

(5) ~~By July 1, 2016, a~~A primary PSAP must have a plan and means for 911 call-taking in the event 911 calls cannot be received and processed in the primary PSAP. ~~If a PSAP has made substantial progress toward implementation of the plan and means, the 911 Board may grant the PSAP an extension until July 1, 2017, to complete implementation of the plan and~~

~~means. The plan must identify the alternative capability of taking the redirected 911 calls.~~ This subdivision does not require a PSAP to construct an alternative facility to serve as a back-up PSAP.

(5a) On or before July 1, 2020, each PSAP shall deploy equipment, products, and services necessary or appropriate to enable the PSAP to receive and process calls for emergency assistance sent via text messages in a manner consistent with FCC Order 14-118 and any other FCC order that affects the deployment of text-to-911. Every local government shall participate in a 911 system. The establishment and operation of Regional PSAPs shall be a coordinated effort among local governments and the Board. Nothing in this article shall be construed to prohibit or discourage in any way the formation of Regional PSAPs.

(5b) Persons employed as Telecommunicators shall successfully complete:

a. A minimum of forty-hours in a nationally recognized training course for 911 Telecommunicators or a basic telecommunicator course offered by the North Carolina Sheriffs Standards Commission within one year of the date of their employment for any person beginning employment after July 1, 2019, or a substantially similar minimum training acceptable to the Telecommunicator's employer; and

b. A nationally recognized emergency medical dispatch course or an emergency medical dispatch course approved by the Office of Emergency Medical Services not later than July 1, 2020, or if employed subsequent to July 1, 2020, within six months of the date of employment.

(6) A primary PSAP must comply with the rules, policies, procedures, and operating standards for primary PSAPs adopted by the 911 Board.

...."

SECTION 7.(g) G.S. 143B-1407 reads as rewritten:

"**§ 143B-1407. PSAP Grant and Statewide 911 Projects Account; Next Generation 911 Reserve Fund.**

...

(d) Statewide 911 Projects. – The 911 Board may use funds from the PSAP Grant and Statewide 911 Projects Account and funds from the Next Generation 911 Reserve Fund for a statewide project if the Board determines the project meets all of the following requirements:

(1) The project is consistent with the 911 plan.

(2) The project is cost-effective and efficient when compared to the aggregated costs incurred by primary PSAPs for implementing individual projects.

(3) The project is an eligible expense under G.S. ~~143B-1406(e).~~143B-1406(d)

(4) The project will have statewide benefit for 911 service.

(e) Next Generation 911 Fund. – The 911 Board may use funds from the Next Generation 911 Fund to fund the implementation of next generation 911 systems. Notwithstanding Article 8 of Chapter 143C of the General Statutes, the 911 Board may expend funds from the Next Generation 911 Fund to provide for a single data network to serve PSAPs. The 911 Board may provide funds directly to primary PSAPs to implement next generation 911 systems. By October 1 of each year, the 911 Board must report to the Joint Legislative Commission on Governmental Operations on the expenditures from the Next Generation 911 Fund for the prior fiscal year and on the planned expenditures from the Fund for the current fiscal year.

...."

SECTION 7.(h) G.S. 143B-1408 reads as rewritten:

"**§ 143B-1408. Recovery of unauthorized use of funds.**

The 911 Board must give written notice of violation to any communications service provider or PSAP found by the 911 Board to be using monies from the 911 Fund for purposes not authorized by this Part. Upon receipt of notice, the communications service provider or PSAP must cease making any unauthorized expenditures. The communications service provider or PSAP may petition the 911 Board for a hearing on the question of whether the expenditures were unauthorized, and the 911 Board must grant the request within a reasonable period of time. If, after the hearing, the 911 Board concludes the expenditures were in fact unauthorized, the 911 Board may require the communications service provider or PSAP to refund the monies improperly spent within 90 days. Money received under this ~~section~~ Part must be credited to the 911 Fund. If a communications service provider or PSAP does not cease making unauthorized expenditures or refuses to refund improperly spent money, the 911 Board must suspend funding to the provider or PSAP until corrective action is taken."

SECTION 7.(i) G.S. 143B-1409 reads as rewritten:

"**§ 143B-1409. Conditions for providing enhanced 911 service.**

In accordance with the FCC Order, no CMRS provider is required to provide enhanced 911 service until all of the following conditions are met:

(1) The CMRS provider receives a request for the service from the administrator of a PSAP that is capable of receiving and utilizing the data elements associated with the service.

(2) Funds for reimbursement of the CMRS provider's costs are available pursuant to G.S. 143B-1405.

(3) The local exchange carrier is able to support the requirements of ~~enhanced 911 service.~~this Part."

SECTION 7.(j) G.S. 143B-1413 reads as rewritten:

"**§ 143B-1413. Limitation of liability.**

(a) Except in cases of wanton or willful misconduct, a communications service provider, and a 911 system provider or next generation 911 system provider, and their employees, directors, officers, vendors, and agents are not liable for any damages in a civil action resulting from death or injury to any person or from damage to property incurred by any person in connection with developing, adopting, implementing, maintaining, or operating the 911 system or in complying with emergency-related information requests from State or local government officials. This section does not apply to actions arising out of the operation or ownership of a motor vehicle. The acts and omissions described in this section include, but are not limited to, the following:

(1) The release of subscriber information related to emergency calls or emergency services.

(2) The use or provision of 911 service, E911 service, or next generation 911 service.

(3) Other matters related to 911 service, E911 service, or next generation 911 service.

(4) Text-to-911 service.

(b) In any civil action by a user of 911 services or next generation 911 services arising from an act or an omission by a PSAP, and the officers, directors, employees, vendors, agents, and authorizing government entity of the PSAP, in the performance of any lawful and prescribed actions pertaining to their assigned job duties as a Telecommunicator. ~~911 or public safety telecommunicator or dispatcher at a PSAP or at any public safety agency to which 911 calls are transferred from a primary PSAP for dispatch of appropriate public safety agencies, the~~ The plaintiff's burden of proof shall be by clear and convincing evidence."

SECTION 8. This act is effective when it becomes law.

HOUSE BILL 217: DIT Changes.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 25, 2019
Introduced by:	Reps. Saine, Jones, K. Hall	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	PCS to First Edition H217-CSBG-32		

OVERVIEW: The Proposed Committee Substitute (PCS) to House Bill 217 would:

- ***Make various technical changes to laws related to the Department of Information Technology.***
- ***Amend the laws relating to state agency cybersecurity.***
- ***Amend the laws relating to emergency telephone service and the 911 Board.***

The PCS modifies Section 5, and adds Sections 6, Cybersecurity, and Section 7, Emergency Telephone Service and the 911 Board.

CURRENT LAW/BILL ANALYSIS:

Changes to laws related to the Department of Information Technology. Article 15 of Chapter 143B contains the law related to the Department of Information Technology (DIT). The DIT procures all information technology goods and service for participating agencies and approves procurements for separate agencies, and what is required of DIT in executing procurements is listed in G.S. 143B-1350(c).

Section 1 would remove the requirement that DIT standardize processes and specifications for convenience contracts to be rebid prior to termination. This Section would further authorize DIT to establish procedures, and procure information technology using multiple award contracts.

Section 2 would remove the requirements that DIT do all of the following:

- Develop standards for employee versus vendor determinations.
- Review personal services contracts to determine whether a contractor's duties are more appropriately performed by a State employee.
- Conduct periodic audits of State agency personal service contracts

Section 2 would also modify various DIT reporting requirements.

Section 3 would clarify that the Chief Information Officer not the office has the responsibility to ensure that the Employee Classification Section has necessary access to the Government Data Analytics Center and all other information technology services.

Section 4 would relocate the North Carolina Geographic Information Coordinating Council from the Office of the Governor to DIT for organizational, budgetary, and administrative purposes.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 5 would clarify that the provisions of G.S. 133-32, Gifts and favors regulated, apply to all DIT employees.

Cybersecurity. Current law requires that the State Chief Information Officer (CIO) is charged with various powers and duties related to government information technology support and systems, and to ensure the security of State information technology systems.

Section 6 would amend the laws and clarify the role of DIT in preventing, responding to, and obtaining information about cybersecurity incidents and significant cybersecurity incidents.

E911. The 911 Board is established within DIT, and has various powers and duties such as developing the 911 State Plan, administering the 911 Fund, and distributing revenue in the 911 Fund to Commercial Mobile Radio Service providers and Public Safety Answering Points.

Section 7 would make various changes to the powers and duties of the 911 Board; amend 911 Fund allocations; amend distributions to CMRS providers and PSAPs; and make various other changes relating to the 911 Board and the implementation of enhanced and Next Generation 911 system capability, like SMS and Text-to-911.

EFFECTIVE DATE: This act would be effective when it becomes law.

HOUSE BILL 217

Short Title:	DIT Changes.-AB	(Public)
Sponsors:	Representatives Saine, Jones, and K. Hall (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

February 28, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE MISCELLANEOUS AND TECHNICAL CHANGES TO THE STATUTES RELATING TO THE DEPARTMENT OF INFORMATION TECHNOLOGY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-1350 reads as rewritten:

"**§ 143B-1350. Procurement of information technology.**

...

(c) The Department shall, subject to the provisions of this Part, do all of the following with respect to State information technology procurement:

...

(3) Establish standardized, consistent processes, specifications, and standards that shall apply to all information technology to be purchased, licensed, or leased by State agencies and relating to information technology personal services contract requirements for State ~~agencies, including, but not limited to, requiring convenience contracts to be rebid prior to termination without extensions.~~agencies.

...

(5) Establish procedures to permit State agencies and local government entities to use multiple award schedule contracts and other cooperative purchasing agreements.

...

(f1) Multiple-Award Schedule Contracts. – The procurement of information technology may be conducted using multiple award schedule contracts. Contracts awarded under this subsection shall be periodically updated as directed by the State CIO to include addition or deletion of particular vendors, goods, services, or pricing.

...."

SECTION 2. G.S. 143B-1362 reads as rewritten:

"**§ 143B-1362. Personal services contracts subject to Article.**

(a) Requirement. – Notwithstanding any other provision of law, information technology personal services contracts for executive branch agencies shall be subject to the same requirements and procedures as information technology service contracts, except as provided in this section.

(b) Certain Approvals Required. – Notwithstanding any provision of law to the contrary, no information technology personal services contract, nor any contract that provides personnel

to perform information technology functions regardless of the cost of the contract, may be established or renewed without written approval from the Department of Information Technology and the Office of State Budget and Management. To facilitate compliance with this requirement, the Department of Information Technology shall develop and document ~~the following:~~

~~(1) Standards for determining whether it is more appropriate for an agency to hire an employee or use the services of a vendor.~~

~~(2)~~ ~~A~~ a process to monitor all State agency information technology personal services contracts, as well as any other State contracts providing personnel to perform information technology ~~functions.~~

~~(3)~~ ~~A~~ functions and a process for obtaining approval of contractor positions.

~~(c) Creation of State Positions in Certain Cases. The Department of Information Technology shall review current information technology personal services contracts on an ongoing basis and determine if each contractor is performing a function that could more appropriately be performed by a State employee. Where the determination is made that a State employee should be performing the function, the Department of Information Technology shall work with the impacted agency and the Office of State Human Resources to identify or create the position.~~

~~(d) Compliance Audits Required. The Department of Information Technology shall conduct periodic audits of State agencies that are subject to this Article to determine the degree to which those agencies are complying with the rules and procedures that govern information technology personal services contracts.~~

(e) Reporting Required. – The Department of Information Technology shall report biennially to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division on ~~all of the following:~~

~~(1) Its progress toward standardizing information technology personal services contracts.~~

~~(2)~~ ~~The~~ the number of information technology service contractors in each State agency, the cost for each, and the comparable cost, including benefits, of a State employee serving in that capacity rather than a contractor.

~~(3) The results of the compliance audits conducted pursuant to subsection (d) of this section.~~

(f) Information Technology Personal Services Contract Defined. – For purposes of this section, the term "personal services contract" means a contract for services provided by a professional individual as an independent contractor on a temporary or occasional basis.

~~(g) Rules Required. The Department of Information Technology shall adopt rules consistent with this section.~~"

SECTION 3. G.S. 143-787(d) reads as rewritten:

"(d) The ~~Office of the~~ State Chief Information Officer shall ensure that the Section is provided with all necessary access to the Government Data Analytics Center and all other information technology services."

SECTION 4. G.S. 143B-1420(a) reads as rewritten:

"(a) Council Established. – The North Carolina Geographic Information Coordinating Council ("Council") is established to develop policies regarding the utilization of geographic information, GIS systems, and other related technologies. The Council shall be responsible for the following:

(1) Strategic planning.
(2) Resolution of policy and technology issues.
(3) Coordination, direction, and oversight of State, local, and private GIS efforts.
(4) Advising the Governor, the General Assembly, and the State Chief Information Officer as to needed directions, responsibilities, and funding regarding geographic information.

The purpose of this statewide geographic information coordination effort shall be to further cooperation among State, federal, and local government agencies; academic institutions; and the private sector to improve the quality, access, cost-effectiveness, and utility of North Carolina's geographic information and to promote geographic information as a strategic resource in the State. The Council shall be located in the ~~Office of the Governor~~ Department of Information Technology for organizational, budgetary, and administrative purposes."

SECTION 5. G.S. 143B-1353 reads as rewritten:

"**§ 143B-1353. Financial interest of officers in sources of supply; acceptance of bribes.**

Neither the State CIO, any deputy State CIO, or any other policy-making or managerially exempt personnel shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in the purchase of, or contract for, any information technology, nor in any firm, corporation, partnership, or association furnishing any information technology to the State government or any of its departments, institutions, or ~~agencies, nor shall any~~ agencies. The provisions of G.S. 133-32 apply to all of these persons ~~or any~~ and all other Department ~~employee accept or receive, directly or indirectly, from any person, firm, or corporation to whom any contract may be awarded, by rebate, gifts, or otherwise, any money or anything of value whatsoever, or any promise, obligation, or contract for future reward or compensation.~~ employees. Violation of this section is a Class F felony, and any person found guilty of a violation of this section shall, upon conviction, be removed from State office or employment."

SECTION 6. This act is effective when it becomes law.

Displaced

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 240
PROPOSED COMMITTEE SUBSTITUTE H240-CSBG-33 [v.4]
04/24/2019 08:13:12 PM

Short Title: Albemarle/City Labor for Business Ctr. (Local)

Sponsors:

Referred to:

March 4, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF ALBEMARLE TO USE CITY LABOR FOR WORK RELATED TO THE CONSTRUCTION OF A BUSINESS CENTER WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Albemarle may use qualified labor on the permanent payroll of the City for work related to the construction of a business center without regard to the dollar limitations contained in G.S. 143-135. For purposes of work related to the construction of the business center only, the City shall not be subject to the provisions of Article 8 of Chapter 143 of the General Statutes except for all of the following:

(1) The provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials, or equipment.
(2) The installation of any water or sewer line, other than a trunk line owned and maintained by the City.
(3) G.S. 143-128.2.
(4) G.S. 143-128.3.

SECTION 2. This act is effective when it becomes law and expires December 31, 2028.

HOUSE BILL 240:
Albemarle/City Labor for Business Ctr.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 25, 2019
Introduced by:	Reps. Sasser, Goodman	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	PCS to First Edition H240-CSBG-33		

OVERVIEW: The Proposed Committee Substitute (PCS) for House Bill 240 would authorize the City of Albemarle to use city labor, without regard for the total project cost, for the construction of a business center, except for the installation of any water or sewer line not owned by the City.

CURRENT LAW: Article 8 of Chapter 143 of the General Statutes requires cities (i) undertaking construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than five hundred thousand dollars ($500,000) or (ii) purchasing apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ninety thousand dollars ($90,000) to follow formal bidding procedures.[1] Under formal bidding procedures, bids must be advertised, submitted under seal, opened in public, and require a minimum of three bids. State law exempts cities from using formal bidding procedures for construction or repair work when undertaken with a city's permanent employees and when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed five hundred thousand dollars ($500,000) or the total cost of labor on the project does not exceed two hundred thousand dollars ($200,000).

BILL ANALYSIS: The PCS to House Bill 240 would authorize the City of Albemarle to use its permanent employee labor force, without regard to the project cost, in the construction of a business center. The City would still be required to comply with minority participation goals and to use formal bidding procedures for purchases of $90,000 or more and for the installation of any water or sewer trunk line owned and maintained by the City.

EFFECTIVE DATE: This act is effective when it becomes law and expires December 31, 2028.

[1] G.S. 143-129.

ren Cochrane-Brown
Director

H240-SMBG-69 CSBG-33 -V-4

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 240

Short Title:	Albemarle/City Labor for Business Ctr.	(Local)
Sponsors:	Representatives Sasser and Goodman (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 4, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF ALBEMARLE TO USE CITY LABOR FOR WORK RELATED TO THE CONSTRUCTION OF A BUSINESS CENTER WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Albemarle may use qualified labor on the permanent payroll of the City for work related to the construction of a business center without regard to the dollar limitations contained in G.S. 143-135. For purposes of work related to the construction of the business center only, except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials, or equipment, the City shall not be subject to the provisions of Article 8 of Chapter 143 of the General Statutes.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 244
PROPOSED COMMITTEE SUBSTITUTE H244-CSBG-25 [v.3]
04/04/2019 11:32:35 AM

Short Title: Contractor/Subcontractor Compliance. (Public)

Sponsors:

Referred to:

March 4, 2019

A BILL TO BE ENTITLED

AN ACT REQUIRING ALL CONTRACTORS AND SUBCONTRACTORS DOING BUSINESS WITH THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE TO USE E-VERIFY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-48.5 reads as rewritten:

"**§ 143-48.5. Contractors must use E-Verify.**

(a) No contract subject to the provisions of this Article may be entered into unless the ~~contractor~~ contractor, and the contractor's subcontractors under the contract, comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

(b) A board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, shall be deemed in compliance with this section if the contract includes a term requiring the contractor, and the contractor's subcontractors, to comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

(c) Notwithstanding G.S. 64-25(4), for the purposes of this section, the definition of employer shall be any person, business entity, or other organization that transacts business in this State and that employs one or more employees in this State. For the purposes of this section the definition of employer does not include State agencies, counties, municipalities, or other governmental bodies."

SECTION 2. G.S. 143-129(j) is repealed.

SECTION 3. G.S. 143-133.3 reads as rewritten:

"**§ 143-133.3. ~~E-verify~~E-Verify compliance.**

(a) No board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, may enter into a contract subject to the provisions of this Article unless the contractor, and the contractor's subcontractors under the contract, comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

(b) A board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, shall be deemed in compliance with this section if the contract includes a term requiring the contractor, and the contractor's subcontractors, to comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

(c) This section shall not apply to any of the following:

(1) Expenses related to travel, including transportation and lodging, for employees, officers, agents, or members of State or local boards, commissions, committees, or councils.

(2) Contracts solely for the purchase of goods, apparatus, supplies, materials, or equipment.

(3) Contracts let under G.S. 143-129(e)(1), (9), or (9a).
(4) Contracts let under G.S. 143-129(g).

(d) Notwithstanding G.S. 64-25(4), for the purposes of this section, the definition of employer shall be any person, business entity, or other organization that transacts business in this State and that employs one or more employees in this State. For the purposes of this section the definition of employer does not include State agencies, counties, municipalities, or other governmental bodies."

SECTION 4.(a) G.S. 64-27 reads as rewritten:

"**§ 64-27. Commissioner of Labor to prepare complaint form.**

(a) Preparation of Form. – The Commissioner shall prescribe a complaint form for a person to allege a violation of ~~G.S. 64-26~~G.S. 64-26, G.S. 143-48.5, or G.S. 143-133.3. The form shall clearly state that completed forms may be sent to the Commissioner.

…."

SECTION 4.(b) G.S. 64-28 reads as rewritten:

"**§ 64-28. Reporting of complaints.**

(a) Filing of Complaint. – Any person with a good faith belief that a violation of ~~G.S. 64-26~~G.S. 64-26, G.S. 143-48.5, or G.S. 143-133.3 has occurred may file a complaint with the Commissioner setting forth the basis for that belief. The complaint may be on a form prescribed by the Commissioner pursuant to G.S. 64-27 or may be made in any other form that gives the Commissioner information that is sufficient to proceed with an investigation pursuant to G.S. 64-29. Nothing in this section shall be construed to prohibit the filing of anonymous complaints that are not submitted on a prescribed complaint form.

…."

SECTION 4.(c) G.S. 64-29 reads as rewritten:

"**§ 64-29. Investigation of complaints.**

(a) Investigation. – Upon receipt of a complaint filed in accordance with G.S. 64-28, the Commissioner shall investigate whether a violation of ~~G.S. 64-26~~G.S. 64-26, G.S. 143-48.5, or G.S. 143-133.3 has in fact occurred.

…."

SECTION 4.(d) G.S. 64-30 reads as rewritten:

"**§ 64-30. Actions to be taken; hearing.**

…

(2) If the alleged violation is of G.S. 143-48.5 or G.S. 143-133.3, the Commissioner shall hold a hearing to determine if a violation of the applicable statute has occurred and, if appropriate, shall take action under G.S. 64-33.1."

SECTION 4.(e) G.S. 64-33.1 reads as rewritten:

"**§ 64-33.1. Consequences of violation of G.S. 143-48.5 or G.S. 143-133.3.**

For violation of G.S. 143-48.5 or G.S. 143-133.3, the Commissioner shall notify the board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, found to have committed the violation that the board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, is in violation of the applicable statute. The Department of Labor shall maintain a list of any boards or governing bodies of the State, or of any institutions of the State government, or of any political subdivisions of the State, issued notices pursuant to this section and shall make that list available on its Web site."

SECTION 5. This act becomes effective October 1, 2019, and applies to contracts awarded, renewed, or amended on or after that date.

HOUSE BILL 244:
Contractor/Subcontractor Compliance.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Commerce. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 25, 2019
Introduced by:	Reps. Cleveland, Conrad, D. Hall, Henson	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	PCS to First Edition H244-CSBG-25		

OVERVIEW: The Proposed Committee Substitute for House Bill 244 would require all contractors and subcontractors with one or more employees, doing business with the State or a political subdivision thereof, to comply with the laws relating to verifying work authorization through E-Verify.

CURRENT LAW: Pursuant to Article 2 of Chapter 64 of the General Statutes, employers with 25 or more employees must verify the work authorization of newly hired employees through E-Verify, which is an electronic program through which employers submit information taken from a new hire's Form I-9 (Employment Eligibility Verification Form) and compare that information to records available to the U.S. Department of Homeland Security (DHS) and the Social Security Administration to determine whether the information matches government records and whether the new hire is authorized to work in the United States. North Carolina's verification requirement does not apply with respect to a seasonal temporary employee who is employed for 90 or fewer days during a period of 12 consecutive months.

State agencies, universities, counties, cities, and other political subdivisions of the State are prohibited from entering into a contract unless the contractor, and the contractor's subcontractors, comply with North Carolina's E-Verify hiring requirements of Article 2 of Chapter 64 of the General Statutes.

In entering into those contracts, two main bodies of law apply:

- Article 3 of Chapter 143 of the General Statutes, which generally requires that the Division of Purchase and Contract in the Department of Administration handle all contracts in excess of certain "benchmarks" for the purchase of supplies, materials, equipment, other tangible personal property and service contracts by covered State agencies.
- Article 8 of Chapter 143 of the General Statutes, which sets forth the general law governing when a contract involving a State agency, university, county, city, and other political subdivisions of the State must be bid, and how.

BILL ANALYSIS: Sections 1 and 3 would require all contracts entered into under Article 3 of Chapter 143 or Article 8 of Chapter 143 to require contractors and subcontractors with one or more employees, that are a party to the contract, to use E-Verify. For the purposes of this section, the definition of employer would not include State agencies, counties, municipalities, or other governmental bodies.

Sections 2 and 4 would make a technical corrections and make conforming changes.

EFFECTIVE DATE: This act becomes effective October 1, 2019, and applies to contracts awarded, renewed, or amended on or after that date.

HOUSE BILL 244

Short Title:	Contractor/Subcontractor Compliance.	(Public)
Sponsors:	Representatives Cleveland, Conrad, D. Hall, and Henson (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Commerce, if favorable, Rules, Calendar, and Operations of the House	

March 4, 2019

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL CONTRACTORS AND SUBCONTRACTORS DOING BUSINESS WITH THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE TO USE E-VERIFY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-133.3 reads as rewritten:

"**§ 143-133.3. ~~E-verify~~E-Verify compliance.**

(a) No board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, may enter into a contract unless the contractor, and the contractor's subcontractors under the contract, ~~comply with the requirements of Article 2 of Chapter 64 of the General Statutes.~~verify the work authorization of each employee through E-Verify. For purposes of this section, the term "E-Verify" has the same meaning as in G.S. 64-25(5).

(b) A board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, shall be deemed in compliance with this section if the contract includes a term requiring the contractor, and the contractor's subcontractors, to ~~comply with the requirements of Article 2 of Chapter 64 of the General Statutes.~~verify the work authorization of each employee through E-Verify.

(c) This section shall not apply to any of the following:

(1) Expenses related to travel, including transportation and lodging, for employees, officers, agents, or members of State or local boards, commissions, committees, or councils.

(2) Contracts solely for the purchase of goods, apparatus, supplies, materials, or equipment.

(3) Contracts let under G.S. 143-129(e)(1), (9), or (9a).

(4) Contracts let under G.S. 143-129(g)."

SECTION 2. This act becomes effective October 1, 2019, and applies to contracts awarded on or after that date.

HOUSE BILL 375: Authorize Teacher-Gov't Emp'ee Housing/Bertie.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 24, 2019
Introduced by:	Rep. Goodwin	**Prepared by:**	Erika Churchill
Analysis of:	First Edition		Staff Attorney

OVERVIEW: ***House Bill 375 would authorize the Windsor Township Development Commission to borrow money and incur debt for the purpose of constructing and maintaining affordable rental housing for teachers and other employees of Bertie County Schools, Bertie County employees, Town of Windsor employees and State employees residing in Bertie County.***

[As introduced, this bill was identical to S8, as introduced by Sen. Smith, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: The Windsor Township Development Commission was created by local act of the General Assembly in 1965. The Commission consists of five members, all appointed by the Bertie County Board of Commissioners, for terms of four years each.

According to Chapter 559 of the Session Laws of 1965, Windsor Township in Bertie County owned certain funds in the form of proceeds received from the redemption of the preferred stock held by Windsor Township in The Carolina Southern Railway Company. The original source of the funds was a bond issue approved by the voters of the Windsor Township for the purpose of stimulating industrial development by improvement of the local railroad. The funds, together with interest accrued thereon, were paid over to the Commission. The Commission, in its discretion, is authorized to use the funds to make loans, adequately secured by first or second mortgages upon real estate, for purposes which the Commission finds would promote the industrial growth and development of Windsor Township. The Commission is also empowered, in its discretion, to subordinate any first mortgages taken by it to other mortgages taken by other parties, at any time and in any manner which the Commission determines would promote the industrial growth and development of Windsor Township.

The Commission is authorized to use the interest or other income from the investments and loans of the funds for payment of the necessary expenses incident to its functioning as a public agency and, in its discretion, for advertising the industrial advantages and opportunities of Windsor Township and for other purposes calculated to promote the industrial and economic growth and development of Windsor Township.

Under G.S. 66-58, popularly known as the Umstead Act, governmental units, with the exception of counties and cities, are generally prohibited from engaging in the sale of goods and services in competition with citizens of the State.

BILL ANALYSIS: The bill would authorize the Windsor Township Development Commission, notwithstanding the Umstead Act and the general laws governing counties and cities to do all of the following:

- To acquire and hold title to real and personal property for public purposes, including specifically for the purpose of constructing and maintaining affordable rental housing units for any of the following:
  - Bertie County Schools teachers and employees.
  - Bertie County employees.
  - Town of Windsor employees.
  - State employees residing in Bertie County.
- To borrow money and incur debt under terms the Windsor County Development Commission deems reasonable, whether secured or unsecured, for public purposes, including specifically for the purpose of constructing and maintaining affordable rental housing units for the listed personnel.
- To enter into leases, management agreements, or similar arrangements with Bertie County for Bertie County to manage, lease, and maintain rental housing units constructed by the Commission for the listed personnel.
- To accept grants or donations of money contributed for public purposes.

The bill would also authorize the County of Bertie to enter into leases, management agreements, or similar arrangements with the Windsor Township Development Commission for Bertie County to manage, lease, and maintain rental housing units constructed affordable rental housing units for the listed personnel. The bill would require the County of Bertie to restrict the rental of the affordable housing to Bertie County Public Schools teachers and employees, unless it cannot be filled by Bertie County Public Schools teachers and employees. In that situation, the affordable housing would be rented to Bertie County employees, Town of Windsor employees, or State employees residing in Bertie County.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: Six other boards of education have similar authority to lease housing to teachers within the local school administrative unit: Dare County Board of Education (S.L. 2004-16); Bertie County Board of Education (S.L. 2006-61); Hertford County Board of Education (S.L. 2006-86); Asheville City Board of Education (S.L. 2007-239); Transylvania County Board of Education (S.L. 2009-154); and Edgecombe County Board of Education (S.L. 2009-161). The specific authority granted to each board of education varies.

HOUSE BILL 375*

Short Title:	Authorize Teacher-Gov't Emp'ee Housing/Bertie.	(Local)
Sponsors:	Representative Goodwin. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 19, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE WINDSOR TOWNSHIP DEVELOPMENT COMMISSION AND BERTIE COUNTY TO COLLABORATE TO PROVIDE AFFORDABLE RENTAL HOUSING UNITS TO TEACHERS AND OTHER GOVERNMENT EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 559 of the 1965 Session Laws, as amended by Chapter 456 of the 1969 Session Laws, is amended by adding a new section to read:

"Section 2.1. Notwithstanding G.S. 66-58 and the provisions of Chapter 153A and Chapter 160A of the General Statutes, the Windsor Township Development Commission shall have additional authority as follows:

(1) To acquire and hold title to real and personal property for public purposes, including for the purpose of constructing and maintaining affordable rental housing units for Bertie County Schools teachers and employees, Bertie County employees, Town of Windsor employees, and State employees residing in Bertie County.

(2) To borrow money and incur debt under terms the Windsor County Development Commission deems reasonable, whether secured or unsecured, for public purposes, including for the purpose of constructing and maintaining affordable rental housing units for Bertie County Schools teachers and employees, Bertie County employees, Town of Windsor employees, and State employees residing in Bertie County.

(3) To enter into leases, management agreements, or similar arrangements with Bertie County for the County to manage, lease, and maintain rental housing units constructed pursuant to this section.

(4) To accept grants or donations of money contributed for public purposes."

SECTION 2. Notwithstanding the provisions of Chapter 153A and Chapter 160A of the General Statutes and subject to the restrictions set out in this act, Bertie County may enter into leases, management agreements, or similar arrangements with the Windsor Township Development Commission for the County to manage, lease, and maintain rental housing units constructed pursuant to Section 1 of this act. Bertie County shall restrict the rental of such units to Bertie County Public Schools teachers and employees, unless units cannot be filled by Bertie County Public Schools teachers and employees in which case units shall be rented to Bertie County employees, Town of Windsor employees, or State employees residing in Bertie County.

SECTION 3. This act shall not exempt any affordable rental housing units constructed or leased pursuant to this act from compliance with applicable building codes, zoning ordinances, or other health and safety statutes, rules, or regulations.

SECTION 4. This act is effective when it becomes law.

HOUSE BILL 383:
Topsail Beach Charter/Board Vacancies.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 25, 2019
Introduced by:	Rep. C. Smith	**Prepared by:**	Jessica Sammons Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 383 would amend the charter for the Town of Topsail Beach to provide that when a vacancy occurs on the board of commissioners more than 90 days before the next regular municipal election, the vacancy would be filled by appointment by the remaining members of the board until the next regular municipal election, where an election would be held to fill the remainder of the unexpired term.

CURRENT LAW: Officers for the Town of Topsail Beach consist of a mayor and a five member board of commissioners, all elected at-large for staggered four-year terms.

Municipal elections in the Town are conducted in odd-numbered years on a nonpartisan basis, and the results are determined using the plurality method in G.S. 163A-1616. Election for mayor and commissioners must be held on the Tuesday after the first Monday in November. G.S. 163A-1585. Terms of office for the mayor and commissioners begin at noon on the next business day following the certification of the election results by the Pender County Board of Elections.

If there is a vacancy in the office of mayor or commissioner, it is to be filled for the remainder of the unexpired term by a majority vote of the remaining commissioners.

BILL ANALYSIS: House Bill 383 would amend the process for filling vacancies on the Board of Commissioners. The term of office for the person appointed to the fill the vacancy would depend on when the seat is vacated, as summarized in the following chart:

Time of Vacancy:	*Term of Appointee:*
Departing member vacates office more than 90 days before the next regular municipal election.	The appointee would serve until the next regular municipal election, at which time an election would be held to fill the remainder of the unexpired term.
Departing member vacates office less than 90 days before the next regular municipal election.	The appointee would serve the remainder of the unexpired term.
Departing member's term of office would end upon certification of the election results following the next regular municipal election.	The appointee would serve the remainder of the unexpired term.

Karen Cochrane-Brown
Director

H383-SMBK-43 E1 -V-6

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

House Bill 383 would also remove language in the Town's charter providing that if the mayor or a commissioner is convicted of a crime while in office, he or she must immediately resign from office.

EFFECTIVE DATE: Effective when it becomes law.

HOUSE BILL 383*

Short Title:	Topsail Beach Charter/Board Vacancies.	(Local)
Sponsors:	Representative C. Smith. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 20, 2019

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO PROVIDE FOR THE FILLING OF VACANCIES ON THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of the Charter of the Town of Topsail Beach, being Chapter 67 of the 1963 Session Laws, as amended by Chapter 272 of the 1977 Session Laws, Ordinance No. 03-001, §1, June 11, 2003, and S.L. 2011-77 reads as rewritten:

"Sec. 4. Creation and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this Charter all powers of the town shall be vested in a board of commissioners of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor shall be for four years effective the November 2003 election and until his successor is elected and qualified. Beginning with the election held in November 1977, the commissioners shall serve staggered terms. The three candidates receiving the most votes in the November 1977 election shall be elected to serve four-year terms. The two candidates placing fourth and fifth in the number of votes received in the November 1977 election shall be elected to serve two-year terms. Thereafter, all commissioners elected shall serve four-year terms. The terms of the commissioners and the mayor shall begin at noon on the next business day following the certification of the election results by the Pender County Board of Elections. If a vacancy occurs in the office of the mayor or commissioner, it shall be filled ~~for the remainder of the unexpired term~~ by a majority vote of the remaining members of the board of commissioners. If the term of the office expires immediately following the next regular Town election, or if the next regular Town election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled Town election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. The mayor and members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners or the mayor ceasing to possess any of the qualifications specified in this ~~Section, or convicted of crime while in office~~ Section shall immediately forfeit his office.

Provided, however, that Louis Orr is hereby appointed and named as mayor, and Forrist McCullen, J. A. Godwin, Tom Humphrey, Herbert Williams, and Dewey Justice are hereby appointed and named as commissioners to serve as the first mayor and Board of Commissioners

of the Town of Topsail Beach. Their terms of office shall begin upon ratification of this Act and shall terminate at the time their successors are elected and qualified as provided for in this Charter."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 429
PROPOSED COMMITTEE SUBSTITUTE H429-CSSTx-14 [v.3]
04/23/2019 04:26:07 PM

Short Title: Navigable Waters/Manteo/Hyde. (Local)

Sponsors:

Referred to:

March 25, 2019

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF MANTEO TO REGULATE NAVIGABLE WATERS WITHIN ITS CORPORATE LIMITS AND ADDING CERTAIN DESCRIBED NAVIGABLE WATERS TO THE CORPORATE LIMITS OF THE TOWN OF MANTEO FOR THAT PURPOSE AND AUTHORIZING THE COUNTY OF HYDE TO REGULATE CERTAIN NAVIGABLE WATERS WITHIN THAT COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) A municipality is empowered to make, adopt, and enforce ordinances for the navigable waters within its municipal limits as they presently exist and as the municipal limits may be extended by law in the future as to:

(1) Operation of boats and vessels, including restrictions concerning speed zones, no-wake zones, and types of activities conducted on the navigable waters within the municipal limits of the municipality.

(2) To restrict the anchoring and mooring of boats and vessels as to location and generally to regulate the anchoring and mooring of vessels within the navigable waters within the municipal limits of the municipality.

(3) To place and maintain channel aids and markers, anchoring aids and markers, and navigational aids and markers in conformity with the United States Aids to Navigation System and the rules of the Wildlife Resources Commission as adopted for use on the waters of North Carolina pursuant to G.S. 75A-15(c).

(4) To make all reasonable rules and regulations as it deems necessary for the safe and proper use of the navigable waters within the municipal limits of the municipality for the occupants of boats, vessels, swimmers, and others using said navigable waters.

(5) To provide for the enforcement of ordinances adopted under the authority of this act in accordance with G.S. 160A-175.

SECTION 1.(b) In the event of conflict between any local ordinance adopted under the authority of this act and the rules or regulations of the Wildlife Resources Commission, the Department of Environmental Quality, the United States Coast Guard, or the United States Army Corps of Engineers, the State or federal rule or regulation shall supersede and prevail over the local ordinance to the extent of the conflict.

SECTION 1.(c) Duly sworn law enforcement officers of the municipality shall have the authority to enforce any local ordinances adopted under the authority of this act.

SECTION 1.(d) This section applies to the Town of Manteo only.

SECTION 2.(a) The following described property is added to the corporate limits of the Town of Manteo:

The waters of Shallowbag Bay from the northern tip of Ballast Point, being the northernmost point on the parcel of land identified as Dare County Parcel # 025694382, PIN # 989014226791, and extending along a line northwest to the southern tip of Baum Point, being the easternmost point on the parcel of land identified as Dare County Parcel # 024459002, PIN # 988012865396, and including the waters of Doughs Creek and Scarboro Creek.

SECTION 2.(b) The property described in this section is navigable waters and other property belonging to the State of North Carolina and therefore is exempt from taxation by the Town of Manteo as provided in G.S. 105-278.1.

SECTION 3.(a) Hyde County is empowered to make, adopt, and enforce ordinances for the navigable waters in Silver Lake, as described in this section that are within its jurisdiction, as to:

(1) Operation of boats and vessels, including restrictions concerning speed zones, no-wake zones, and types of activities conducted on the navigable waters within Silver Lake.

(2) To restrict the anchoring and mooring of boats and vessels as to location and generally to regulate the anchoring and mooring of vessels within the navigable waters within Silver Lake.

(3) To place and maintain channel aids and markers, anchoring aids and markers, and navigational aids and markers in conformity with the United States Aids to Navigation System and the rules of the Wildlife Resources Commission as adopted for use on the waters of North Carolina pursuant to G.S. 75A-15(c).

(4) To make all reasonable rules and regulations as it deems necessary for the safe and proper use of the navigable waters within Silver Lake for the occupants of boats, vessels, swimmers, and others using said navigable waters.

(5) To provide for the enforcement of ordinances adopted under the authority of this act in accordance with G.S. 153A-123.

SECTION 3.(b) In the event of conflict between any local ordinance adopted under the authority of this act and the rules or regulations of the Wildlife Resources Commission, the Department of Environmental Quality, the United States Coast Guard, or the United States Army Corps of Engineers, the State or federal rule or regulation shall supersede and prevail over the local ordinance to the extent of the conflict.

SECTION 3.(c) Duly sworn law enforcement officers of the municipality shall have the authority to enforce any local ordinances adopted under the authority of this act.

SECTION 3.(d) This section applies to only to Hyde County with respect to only the following described navigable waters in Hyde County, known as Silver Lake:

The waters of Silver Lake from the tip of Windmill Point, being the parcel of land identified as Hyde County PIN # 9500-09-7854 on Ocracoke Island, to the parcel owned by the United States Coast Guard and facing the Pamlico Sound, being the parcel of land identified as Hyde County PIN # 9501-00-6529 on Ocracoke Island.

SECTION 4. This act becomes effective July 1, 2019.

HOUSE BILL 429:
Navigable Waters/Manteo/Hyde.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 23, 2019
Introduced by:	Rep. Hanig	**Prepared by:**	Erika Churchill Staff Attorney
Analysis of:	PCS to First Edition H429-CSSTx-14		

OVERVIEW: The proposed committee substitute for House Bill 429 would do all of the following:

- ***Add certain navigable waters to the corporate limits of the Town of Manteo and grant the Town the authority to adopt and enforce ordinances for the navigable waters within its corporate boundaries.***
- ***Authorize the County of Hyde to adopt and enforce ordinances for the navigable waters within Silver Lake, located on Ocracoke Island.***

CURRENT LAW: Annexation is a method by which municipalities alter their boundaries. The municipality must follow the statutorily prescribed steps in order to add an area into its boundaries. The municipality must provide, or contract to provide, basic services to the area. These services include police protection, fire protection, solid waste collection and the extension of water and sewer lines to the area.

North Carolina law sets forth four basic ways in which a municipality may annex an area:

- Voluntary Annexation. – The owners of all real property in an area contiguous to the municipality desiring to be annexed sign a petition requesting annexation.
- Voluntary Satellite Annexation. – The owners of all real property in the area desiring to be annexed sign a petition requesting annexation, if it otherwise meets the statutory requirements.
- Municipal Initiated Annexation subject to a referendum. – The municipality initiates an annexation proceeding, pursuant to statutory requirements.
- Legislative Act. – The General Assembly has the authority to extend the boundaries of any municipality.

Counties are authorized to enact ordinances regulating the removal and disposal of junked and abandoned motor vehicles, with notice, hearing, and appeal procedure for the owner as provided in the statutes. Counties within a coastal area, as defined by G.S. 113A-103[1], are also authorized to enact ordinances authorizing removal of abandoned vessels in navigable waters in those counties. The ordinance is required

[1] G.S. 113A-103 lists Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, and Washington as the counties designated as coastal-area counties as of July 1, 2012.

to include the notice, hearing, and appeal procedure for the owner as for junked and abandoned motor vehicles. For this purpose, an abandoned vessel is defined as any of the following:

- A vessel moored, anchored, or otherwise located for more than 30 consecutive days in any 180 consecutive-day period without permission of a dock owner.
- A vessel that is in danger of sinking, has sunk, is resting on the bottom, or is located such that it is a hazard to navigation or is an immediate danger to other vessels. The definition, however, excludes shipwrecks and archeological remains in place more than 10 years.

BILL ANALYSIS: With respect to each jurisdiction:

MANTEO – The PCS would add certain described territory to the corporate limits of the Town of Manteo, which is all navigable waters known as Shallowbag Bay. The PCS also grants to the Town of Manteo the authority to adopt and enforce a local ordinance regulating the navigable waters within the Town limits.

HYDE COUNTY – The PCS would authorize the County of Hyde the authority to adopt and enforce a local ordinance regulating the navigable waters within the area known as Silver Lake, located on Ocracoke Island.

EFFECTIVE DATE: July 1, 2019

HOUSE BILL 429

Short Title:	Manteo Navigable Waters.	(Local)
Sponsors:	Representative Hanig. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Agriculture, if favorable, Rules, Calendar, and Operations of the House	

March 25, 2019

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF MANTEO TO REGULATE NAVIGABLE WATERS WITHIN ITS CORPORATE LIMITS AND ADDING CERTAIN DESCRIBED NAVIGABLE WATERS TO THE CORPORATE LIMITS OF THE TOWN OF MANTEO FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) A municipality is empowered to make, adopt, and enforce ordinances for the navigable waters within its municipal limits as they presently exist and as the municipal limits may be extended by law in the future as to:

(1) Operation of boats and vessels, including restrictions concerning speed zones, no-wake zones, and types of activities conducted on the navigable waters within the municipal limits of the municipality.

(2) To restrict the anchoring and mooring of boats and vessels as to location and generally to regulate the anchoring and mooring of vessels within its navigable waters.

(3) To place and maintain channel aids and markers, anchoring aids and markers, and navigational aids and markers in conformity with the United States Aids to Navigation System and the rules of the Wildlife Resources Commission as adopted for use on the waters of North Carolina pursuant to G.S. 75A-15(c).

(4) To make all reasonable rules and regulations as it deems necessary for the safe and proper use of the navigable waters within the municipal limits of the municipality for the occupants of boats, vessels, swimmers, fisherman, and others using said waters.

(5) To provide for the enforcement of ordinances adopted by the municipality under this act in accordance with G.S. 160A-175.

SECTION 1.(b) In the event of conflict between any ordinance adopted by the municipality under the authority of this act and the rules or regulations of the Wildlife Resources Commission, the Department of Environmental Quality, the United States Coast Guard, or the United States Army Corps of Engineers, the State or federal rule or regulation shall supersede and prevail over the municipal ordinance to the extent of the conflict.

SECTION 1.(c) Duly sworn law enforcement officers of the municipality shall have the authority to enforce ordinances adopted by the city under this act.

SECTION 1.(d) This section applies to the Town of Manteo only.

SECTION 2.(a) The following described property is added to the corporate limits of the Town of Manteo:

The waters of Shallowbag Bay from the northern tip of Ballast Point, being the northernmost point on the parcel of land identified as Dare County Parcel # 025694382, PIN # 989014226791, and extending along a line northwest to the southern tip of Baum Point, being the easternmost point on the parcel of land identified as Dare County Parcel # 024459002, PIN # 988012865396, and including the waters of Doughs Creek and Scarboro Creek.

SECTION 2.(b) The property described in this section is navigable waters and other property belonging to the State of North Carolina and therefore is exempt from taxation by the Town of Manteo as provided in G.S. 105-278.1.

SECTION 3. This act becomes effective July 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 445
PROPOSED COMMITTEE SUBSTITUTE H445-CSBAp-11 [v.2]
04/23/2019 01:55:34 PM

Short Title: Special Sep. Allowance/Alamance Cty DOs. (Local)

Sponsors:

Referred to:

March 26, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW ALAMANCE COUNTY DETENTION OFFICERS TO RECEIVE A SPECIAL SEPARATION ALLOWANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 12D of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-166.44. Special separation allowances for county detention officers.**

(a) The following definitions apply to this section:

(1) County detention officer. – Any individual who meets all of the following criteria:

a. The individual has been appointed as a detention officer as defined by G.S. 17E-2(3)b. for a minimum of 15 years immediately preceding retirement eligibility.

b. The individual's job title and duties are equivalent to a Detention Officer (Munis Job Class 0373), Detention Sergeant (Munis Job Class 0365), Detention Corporal (Munis Job Class 0261), Detention Lieutenant (Munis Job Class 02610), Detention Major (Munis Job Class 0040), or Detention Captain (Munis Job Class 0110).

c. The individual is not receiving a special separation allowance for law enforcement officers under G.S. 143-166.42.

(2) Creditable service. – As defined in G.S. 128-21(8).

(b) Every county detention officer who qualifies under this section shall receive, beginning in the month in which the county detention officer retires on a basic service retirement under the provisions of G.S. 128-27(a), an annual separation allowance equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most recently applicable to the county detention officer for each year of creditable service. The allowance shall be paid in equal installments on the payroll schedule frequency used by the county. To qualify for this allowance, the county detention officer shall meet all of the following criteria:

(1) The county detention officer has either (i) completed 30 or more years of creditable service or (ii) attained 60 years of age and completed 25 or more years of creditable service.

(2) The county detention officer is less than 62 years of age.

(3) The county detention officer has completed at least 15 consecutive years of active service with the county providing the separation allowance as a full-time county detention officer immediately preceding retirement. Any

break in the continuous service required by this subsection due to service in the Uniformed Services, as that term is defined in section 4303(16) of the Uniformed Services Employment and Reemployment Rights Act, Public Law 103-353, shall not adversely affect a county detention officer's qualification to receive the allowance so long as the county detention officer was a county detention officer at the time of the break in service. If the county detention officer does not return immediately after the service in the Uniformed Services to employment as a county detention officer, then the county detention officer shall be deemed to have been "in service" until the date on which that county detention officer was first eligible to be separated or released from his or her involuntary military service.

(4) The county detention officer's date of hire is on or before June 30, 2022.

(c) Payment to a retired county detention officer under this section shall cease at the first of the following circumstances:

(1) The death of the county detention officer.

(2) The last day of the month in which the county detention officer attains 62 years of age.

(3) The first day of reemployment by a local government employer in any capacity requiring participation in the Local Governmental Employees' Retirement System. If payment is terminated due to reemployment under this subdivision, then it shall not be reinstated, even if that employment is discontinued. It shall be the responsibility of the county detention officer receiving the payment to inform the county paying the allowance of any reemployment under this subdivision.

(d) This section does not affect the benefits to which an individual may be entitled from State, local, federal, or private retirement systems. The benefits payable under this section shall not be subject to any increases in salary or retirement allowances that may be authorized by local government employers or for retired employees of local governments.

(e) The Board of County Commissioners shall determine the eligibility of county detention officers in that county for the benefits provided under this section.

(f) The county shall make the payments set forth in subsection (a) of this section to those county detention officers determined to be eligible under subsection (e) of this section from funds available."

SECTION 2. This act applies to Alamance County only.

SECTION 3. This act is effective when it becomes law.

HOUSE BILL 445:
Special Sep. Allowance/Alamance Cty DOs.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Pensions and Retirement. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 25, 2019
Introduced by:	Reps. Riddell, Ross	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	PCS to First Edition H445-CSBAp-11		

OVERVIEW: House Bill 445 would allow qualified Alamance County detention officers to receive a special separation allowance.

The PCS makes a change to the age and creditable service requirements a county detention officer must meet to match the requirements under the Local Government Employees' Retirement System and clarifies that county detention officers may qualify for special separation allowance as long as their date of hire is on or before June 30, 2022.

CURRENT LAW: County detention officers in Alamance County are eligible to receive unreduced retirement benefits as part of the Local Government Employees' Retirement System (LGERS) upon (i) attaining the age of 65 with 5 years of creditable service, (ii) attaining the age of 60 with 25 or more years of creditable service, or (iii) completing 30 or more years of creditable service at any age. A retiree is eligible for reduced benefits under LGERS upon (i) attaining the age of 50 with 20 years of creditable service or (ii) attaining age 60 (age 55 if the retiree is a firefighter or rescue squad worker) with 5 years of creditable service.

Currently, only law enforcement officers are eligible for a special separation allowance in North Carolina. Law enforcement officers are eligible for monthly separation allowance payable until the age of 62 if the officer retires with unreduced benefits, unless the person returns to any employment with local government. A law enforcement officer may receive unreduced benefits if the officer has either (i) 30 years of creditable service at any age, or (ii) attained age 55 with at least 5 years of creditable service.

BILL ANALYSIS: The PCS to House Bill 445 would allow qualified Alamance County detention officers to receive a special separation allowance. The bill defines a "county detention officer" as an individual that has been a detention officer for a minimum of 15 years immediately preceding retirement, whose job title and duties meet specific criteria, and is not receiving a special separation allowance for law enforcement officers.

To be eligible for a special separation allowance, the county detention officer must do all of the following:

1. Either (i) complete 30 or more years of creditable service at any age, or (ii) attain age 60 with 25 or more years of creditable service.
2. Be less than 62 years of age.

3. Complete at least 15 consecutive years of active service in Alamance County as a county detention officer immediately preceding retirement (there are certain exceptions to this requirement for breaks in service due to service in the Uniformed Services).
4. Be hired on or before June 30, 2022.

The special separation allowance would cease to be paid to a retiree if they die, reach the age of 62, or are reemployed by a local government employer participating in LGERS. If a local government employer participating in LGERS reemploys an eligible retiree, the special separation allowance cannot be reinstated. The special separation allowance would not affect other forms of retirement benefits the retiree would otherwise be eligible.

EFFECTIVE DATE: This act would be effective when it becomes law.

HOUSE BILL 445

Short Title:	Special Sep. Allowance/Alamance Cty DOs.	(Local)
Sponsors:	Representatives Riddell and Ross (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Pensions and Retirement, if favorable, Rules, Calendar, and Operations of the House	

March 26, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW ALAMANCE COUNTY DETENTION OFFICERS TO RECEIVE A SPECIAL SEPARATION ALLOWANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 12D of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-166.44. Special separation allowances for county detention officers.**

(a) The following definitions apply to this section:

(1) County detention officer. – Any individual who meets all of the following criteria:

a. The individual has been appointed as a detention officer as defined by G.S. 17E-2(3)b. for a minimum of 15 years immediately preceding retirement eligibility.

b. The individual's job title and duties are equivalent to a Detention Officer (Munis Job Class 0373), Detention Sergeant (Munis Job Class 0365), Detention Corporal (Munis Job Class 0261), Detention Lieutenant (Munis Job Class 02610), Detention Major (Munis Job Class 0040), or Detention Captain (Munis Job Class 0110).

c. The individual is not receiving a special separation allowance for law enforcement officers under G.S. 143-166.42.

(2) Creditable service. – As defined in G.S. 128-21(8).

(b) Every county detention officer who qualifies under this section shall receive, beginning in the month in which the county detention officer retires on a basic service retirement under the provisions of G.S. 128-27(a), an annual separation allowance equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most recently applicable to the county detention officer for each year of creditable service. The allowance shall be paid in equal installments on the payroll schedule frequency used by the county. To qualify for this allowance, the county detention officer shall meet all of the following criteria:

(1) The county detention officers has either (i) completed 30 or more years of creditable service or (ii) attained 55 years of age and completed 15 or more years of creditable service.

(2) The county detention officer is less than 62 years of age.

(3) The county detention officer has completed at least 15 consecutive years of active service with the county providing the separation allowance as a full-time county detention officer immediately preceding retirement. Any break in the continuous service required by this subsection due to service in the Uniformed Services, as that term is defined in section 4303(16) of the Uniformed Services Employment and Reemployment Rights Act, Public Law 103-353, shall not adversely affect a county detention officer's qualification to receive the allowance so long as the county detention officer was a county detention officer at the time of the break in service. If the county detention officer does not return immediately after the service in the Uniformed Services to employment as a county detention officer, then the county detention officer shall be deemed to have been "in service" until the date on which that county detention officer was first eligible to be separated or released from his or her involuntary military service.

(c) Payment to a retired county detention officer under this section shall cease at the first of the following circumstances:

(1) The death of the county detention officer.

(2) The last day of the month in which the county detention officer attains 62 years of age.

(3) The first day of reemployment by a local government employer in any capacity requiring participation in the Local Governmental Employees' Retirement System. If payment is terminated due to reemployment under this subdivision, then it shall not be reinstated, even if that employment is discontinued. It shall be the responsibility of the county detention officer receiving the payment to inform the county paying the allowance of any reemployment under this subdivision.

(d) This section does not affect the benefits to which an individual may be entitled from State, local, federal, or private retirement systems. The benefits payable under this section shall not be subject to any increases in salary or retirement allowances that may be authorized by local government employers or for retired employees of local governments.

(e) The Board of County Commissioners shall determine the eligibility of county detention officers in that county for the benefits provided under this section.

(f) The county shall make the payments set forth in subsection (a) of this section to those county detention officers determined to be eligible under subsection (e) of this section from funds available."

SECTION 2. This act applies to Alamance County only.

SECTION 3. This act is effective when it becomes law and expires June 30, 2022.

HOUSE BILL 561:
Strengthen Dangerous Dog Laws.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 25, 2019
Introduced by:	Rep. Torbett	**Prepared by:**	Jessica Sammons Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 561 would do the following:

- ***Require a dog to be impounded upon a determination that the dog is "potentially dangerous." The dog would be returned to the owner once the owner pays the cost of impoundment and the person or board making the determination finds that the dog will be confined indoors or securely restrained when left unattended on the owner's property.***
- ***Provide that the owner of a dangerous dog that attacks and kills a dog that is on a leash or held in the arms of a person is guilty of a Class 1 misdemeanor.***

CURRENT LAW: Under Article 1A of Chapter 67 of the General Statutes, a dog may be classified as "dangerous" or "potentially dangerous". The local government authority responsible for animal control must designate a person or board to be responsible for these classifications and a separate board to hear any appeal from that initial determination. Before the dog is considered potentially dangerous, the person or board making the determination must give written notice to the owner. The notice must inform the owner that the dog has been found potentially dangerous and the reasons for that determination. The owner has three days to appeal the determination to the appellate board, and if unfavorable, within 10 days to the superior court division.

A "potentially dangerous dog" is a dog that is determined by the designated person or board to have done any of the following:

1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.
2) Killed or inflicted severe injury upon a domestic animal when not on the owner's property.
3) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

A "dangerous dog" is a dog that meets any of the following:

1) Has killed or inflicted severe injury on a person without provocation.
2) Is owned primarily or in part for the purpose of dogfighting, or is trained for dogfighting.
3) Is determined to be potentially dangerous by the designated person or board.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Because the definition for "dangerous dog" includes a "potentially dangerous dog," a dog found to be potentially dangerous by the person or board responsible for such determinations is treated the same as a dangerous dog under the Article.

Therefore, the following applies to both dangerous dogs and potentially dangerous dogs:

- It is a Class 3 misdemeanor for an owner to leave the dog unattended on the owner's property unless the dog is confined indoors or in a securely enclosed and locked pen or structure.
- It is a Class 3 misdemeanor for an owner to allow the dog to leave the owner's property without the dog being leashed and muzzled or otherwise securely restrained and muzzled.
- It is a Class 3 misdemeanor for an owner to sell or give the dog to someone else without giving written notice to both local government about the change and to the person taking possession of the dog about the dog's dangerous behavior and the authority's determination.
- It is a Class 1 misdemeanor for an owner if the dog inflicts physical injuries requiring medical treatment in excess of $100.
- The owner is strictly liable for any injuries or property damage caused by the dog.

Under G.S. 67-4.5, cities and counties are permitted to adopt and enforce its own ordinance for the control of dangerous dogs. Many local governments have adopted ordinances that supplement state law, and these ordinances operate in a variety of ways.

BILL ANALYSIS: House Bill 561 would do the following:

- Require the person or board making the determination that a dog is a potentially dangerous dog to impound the dog. Once the determination is upheld following appeal, or if the owner does not appeal the determination, the dog would be returned to the owner upon all of the following:
  1) The owner pays the cost of the impoundment.
  2) The person or board making the determination finds that the dog will be confined indoors or securely restrained when left unattended on the owner's property.
- Provide that it is a Class 1 misdemeanor for an owner if a dog classified as a dangerous dog or potentially dangerous dog attacks or kills a dog that is on a leash or held in the arms of a person.

EFFECTIVE DATE: October 1, 2019, and applies to acts occurring on or after that date.

HOUSE BILL 561

Short Title:	Strengthen Dangerous Dog Laws.	(Public)
Sponsors:	Representative Torbett. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House	

April 4, 2019

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ADDITIONAL PROTECTIONS FOR VICTIMS OF DANGEROUS DOGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 67-4.1(c) reads as rewritten:

"(c) The county or municipal authority responsible for animal control shall designate a person or a Board to be responsible for determining when a dog is a "potentially dangerous dog" and shall designate a separate Board to hear any appeal. The person or Board making the determination that a dog is a "potentially dangerous dog" must impound the dog and notify the owner in writing, giving the reasons for the determination, before the dog may be considered potentially dangerous under this Article. The owner may appeal the determination by filing written objections with the appellate Board within three days. The appellate Board shall schedule a hearing within 10 days of the filing of the objections. Any appeal from the final decision of such appellate Board shall be taken to the superior court by filing notice of appeal and a petition for review within 10 days of the final decision of the appellate Board. Appeals from rulings of the appellate Board shall be heard in the superior court division. The appeal shall be heard de novo before a superior court judge sitting in the county in which the appellate Board whose ruling is being appealed is located. If the potentially dangerous dog determination is upheld or the owner of the dog does not appeal the determination, the dog shall be returned to the owner only upon (i) the owner paying the costs of the impoundment and (ii) the person or Board that made the "potentially dangerous dog" determination finding that the owner's confinement of the animal meets the requirements of G.S. 67-4.2(a)(1)."

SECTION 2. G.S. 67-4.3 reads as rewritten:

"**§ 67-4.3. Penalty for attacks by dangerous dogs.**

The owner of a dangerous dog that attacks a person and causes physical injuries requiring medical treatment in excess of one hundred dollars ($100.00) or attacks and kills a dog under the immediate control of a person shall be guilty of a Class 1 misdemeanor. For purposes of this section, "under the immediate control of a person" shall mean on a leash or held in the arms of the person."

SECTION 3. This act becomes effective October 1, 2019, and applies to acts occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 675
PROPOSED COMMITTEE SUBSTITUTE H675-CSBD-14 [v.8]

04/24/2019 06:39:44 PM

Short Title: 2019 Building Code Regulatory Reform. (Public)

Sponsors:

Referred to:

April 11, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES AND CLARIFICATIONS TO THE STATUTES GOVERNING THE CREATION AND ENFORCEMENT OF BUILDING CODES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-413.5 reads as rewritten:

"(a) Notwithstanding the requirements of this Article, a city shall accept, without further responsibility to inspect, a design or other proposal for a component or element in the construction of buildings from a licensed architect or licensed engineer provided all of the following apply:

(1) The design or other proposal is completed under valid seal of the licensed architect or licensed engineer.

(2) Field inspection of the installation or completion of the component or element of the building is performed by a licensed architect or licensed engineer or a person under the direct supervisory control of the licensed architect or licensed engineer.

(3) The licensed architect or licensed engineer provides the city with a signed written document ~~stating~~ certifying that the component or element of the building so inspected under subdivision (2) of this subsection is in compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings. The ~~inspection~~ certification required under this subdivision shall be provided by electronic or physical ~~delivery and~~ delivery, its receipt shall be promptly acknowledged by the city through reciprocal ~~means.~~means, and shall be made on a form created by the North Carolina Building Code Council which shall include at least the following:

a. Permit number.
b. Date of inspection.
c. Type of inspection.
d. Contractor's name and license number.
e. Street address of the job location.
f. Name, address, and telephone number of the person responsible for the inspection.

(a1) In accepting certifications of inspections under subsection (a) of this section, a city shall not require information other than that specified in this subsection.

...

(d) As used in this section, the following definitions shall apply:

(1) Component. – Any assembly, subassembly, or combination of elements designed to be combined with other components to form part of a building or structure. Examples of a component include an excavated footing trench containing no ~~concrete.~~concrete, a foundation, and a prepared underslab with slab related materials without concrete.

(2) Element. – A combination of products designed to be combined with other elements to form all or part of a building component.

Components and elements are not systems."

SECTION 2. G.S. 143-151.13(b) reads as rewritten:

"(b) The Board shall issue one or more standard certificates to each Code-enforcement official demonstrating the qualifications set forth in subsection (b1) of this section. Standard certificates are available for each of the following types of qualified Code-enforcement officials:

(1) Building inspector.
(2) Electrical inspector.
(3) Mechanical inspector.
(4) Plumbing inspector.
(5) Fire inspector.
(6) Residential changeout inspector."

SECTION 3.(a) G.S. 160A-372 is amended by adding two new subsections to read:

"(f1) The ordinance shall not require a developer or builder to bury power lines meeting all of the following criteria:

(1) The power lines existed above ground at the time of first approval of a plat or development plan by the city, whether or not the power lines are subsequently relocated during construction of the subdivision or development plan.
(2) The power lines are located outside the boundaries of the parcel of land that contains the subdivision or the property covered by the development plan.

(f2) The ordinance shall not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 3.(b) G.S. 160A-381 reads as rewritten:

"(a) For the purpose of promoting health, safety, morals, or the general welfare of the community, any city may adopt zoning and development regulation ordinances. These ordinances may be adopted as part of a unified development ordinance or as a separate ordinance. Except as provided in subsection (a1) of this section, ~~A~~a zoning ordinance may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land. The ordinance shall provide density credits or severable development rights for dedicated rights of way pursuant to G.S. 136-66.10 or G.S. 136-66.11.

(a1) A zoning ordinance shall not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.

...."

SECTION 3.(c) G.S. 153A-331 is amended by adding two new subdivisions to read:

"(f1) The ordinance shall not require a developer or builder to bury power lines meeting all of the following criteria:

(1) The power lines existed above ground at the time of first approval of a plat or development plan by the city, whether or not the power lines are subsequently relocated during construction of the subdivision or development plan.
(2) The power lines are located outside the boundaries of the parcel of land that contains the subdivision or the property covered by the development plan.

(f2) The ordinance may not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 3.(d) G.S. 153A-340 reads as rewritten:

"(a) For the purpose of promoting health, safety, morals, or the general welfare, a county may adopt zoning and development regulation ordinances. These ordinances may be adopted as part of a unified development ordinance or as a separate ordinance. Except as provided in subsection (a1) of this section, ~~A~~a zoning ordinance may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. The ordinance may provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.

(a1) A zoning ordinance shall not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.

...."

SECTION 3.(e) This section is effective July 1, 2019, and applies to existing municipal or county ordinances. Any municipal or county ordinance inconsistent with this section is void and unenforceable.

SECTION 4. G.S. 143-138 reads as rewritten:

"**§ 143-138. North Carolina State Building Code.**

(a) Preparation and Adoption. – The Building Code Council may prepare and adopt, in accordance with the provisions of this Article, a North Carolina State Building Code. Before the adoption of the Code, or any part of the Code, the Council shall hold at least one public hearing. A notice of the public hearing shall be published in the North Carolina Register at least 15 days before the date of the hearing. Notwithstanding G.S. 150B-2(8a)h., the North Carolina State Building Code as adopted by the Building Code Council is a rule within the meaning of G.S. 150B-2(8a) and shall be adopted in accordance with the procedural requirements of Article 2A of Chapter 150B of the General Statutes.

(a1) Additional Adoption Requirements. –

(1) The Council shall request the Office of State Budget and Management to prepare a fiscal note for a proposed Code change that has a substantial economic impact, as defined in G.S. 150B-21.4(b1), or that increases the cost of residential housing by eighty dollars ($80.00) or more per housing unit. The change can become effective only in accordance with G.S. 143-138(d). Neither the Department of Insurance nor the Council shall be required to expend any monies to pay for the preparation of any fiscal note under this section by any person outside of the Department or Council unless the Department or Council contracts with a third-party vendor to prepare the fiscal note.

(2) The Council shall conduct a cost-benefit analysis for all proposed changes considered after January 1, 2018 to the North Carolina Energy Conservation Code.

...

(b20) Exclusion for Temporary Motion Picture, Television, and Theater Stage Sets and Scenery. – No permit shall be required under the North Carolina State Building Code or any local variant approved under subsection (e) for any construction, installation, repair, replacement, or alteration of temporary motion picture, television, and theater stage sets and scenery that are being used for less than one year in one location and are inspected by the assigned fire code inspector. The Building Code Council shall create a fire code inspection checklist that shall be used for inspections under this subsection.

...."

SECTION 5.(a) G.S. 160A-423 reads as rewritten:

"**§ 160A-423. Certificates of ~~compliance.~~compliance; temporary certificates of occupancy.**

(a) At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection, and if ~~he finds that~~ the completed work complies with all applicable State and local laws and with the terms of the permit, ~~he~~ the inspector shall issue a certificate of compliance. No new building or part thereof may be occupied, and no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied, until the inspection department has issued a certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the inspector finds may safely be occupied prior to final completion of the entire building. Violation of this section shall constitute a Class 1 misdemeanor.

(b) A permit holder may request and be issued a temporary certificate of occupancy if the conditions and requirements of the North Carolina State Building Code are met."

SECTION 5.(b) G.S. 153A-363 reads as rewritten:

"**§ 153A-363. Certificates of ~~compliance.~~compliance; temporary certificates of occupancy.**

(a) At the conclusion of all work done under a permit, the appropriate inspector shall make a final ~~inspection. If he finds that~~inspection, and if the completed work complies with all applicable State and local laws and local ordinances and regulations and with the terms of the permit, ~~he~~the inspector shall issue a certificate of compliance. No new building or part thereof may be occupied, no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or removed may be occupied until the inspection department has issued a certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the inspector finds may safely be occupied before completion of the entire building. Violation of this section constitutes a Class 1 misdemeanor.

(b) A permit holder may request and be issued a temporary certificate of occupancy if the conditions and requirements of the North Carolina State Building Code are met."

SECTION 6. G.S. 87-13 reads as rewritten:

"**§ 87-13. Unauthorized practice of contracting; impersonating contractor; false certificate; giving false evidence to Board; penalties.**

Any person, firm, or corporation not being duly authorized who shall contract for or bid upon the construction of any of the projects or works enumerated in G.S. 87-1, without having first complied with the provisions hereof, or who shall attempt to practice general contracting in the State, except as provided for in this Article, and any person, firm, or corporation presenting or attempting to file as his own the licensed certificate of another or who shall give false or forged evidence of any kind to the Board or to any member thereof in maintaining a certificate of license or who falsely shall impersonate another or who shall use an expired or revoked certificate of license, or who falsely claims or suggests in connection with any business activities regulated by the Board that a person, firm, or corporation is licensed under this Chapter, and any architect or engineer who recommends to any project owner the award of a contract to anyone not properly licensed under this Article, shall be deemed guilty of a Class 2 misdemeanor. And the Board may, in its discretion, use its funds to defray the expense, legal or otherwise, in the prosecution of any violations of this Article. No architect or engineer shall be guilty of a violation of this section if his recommendation to award a contract is made in reliance upon current written information received by him from the appropriate Contractor Licensing Board of this State which information erroneously indicates that the contractor being recommended for contract award is properly licensed."

SECTION 7.(a) G.S. 160A-417(a1) reads as rewritten:

"(a1) A permit shall be in writing and shall contain a provision that the work done shall comply with the North Carolina State Building Code and all other applicable State and local laws. Nothing in this section shall require a city to review and approve residential building plans submitted to the city pursuant to ~~Section R-110 of Volume VII of~~ the North Carolina State

Building Code; provided that the city may review and approve such residential building plans as it deems necessary. If a city chooses to review residential building plans for any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings, all initial reviews must be performed within 15 business days of submission of the plans. A city shall not require residential building plans for One- and Two-Family Dwellings to be sealed by a licensed engineer or licensed architect unless required by the North Carolina State Building Code. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. When any provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor."

SECTION 7.(b) G.S. 153A-357(a1) reads as rewritten:

"(a1) A permit shall be in writing and shall contain a provision that the work done shall comply with the North Carolina State Building Code and all other applicable State and local laws and local ordinances and regulations. Nothing in this section shall require a county to review and approve residential building plans submitted to the county pursuant to ~~Section R-110 of Volume VII of~~ the North Carolina State Building Code; provided that the county may review and approve such residential building plans as it deems necessary. If a county chooses to review residential building plans for any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings, all initial reviews must be performed within 15 business days of submission of the plans. A county shall not require residential building plans for One- and Two-Family Dwellings to be sealed by a licensed engineer or licensed architect unless required by the North Carolina State Building Code. No permit may be issued unless the plans and specifications are identified by the name and address of the author thereof; and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no permit may be issued unless the plans and specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. If a provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work may be issued unless the work is to be performed by such a duly licensed contractor."

SECTION 8.(a) G.S. 143-355.4(a) reads as rewritten:

"(a) Local government water systems and large community water systems shall require separate meters for new in-ground irrigation systems on lots platted and recorded in the office of the register of deeds in the county or counties in which the real property is located after July 1, 2009, that are connected to their systems. If a testable backflow preventer is required as part of the separate meter required by this subsection, the property owner shall select and install any testable backflow preventer that is appropriate for the level of risk associated with the irrigation system and that meets the requirements of the North Carolina Plumbing Code. This section shall not apply to lots with privately owned septic tanks systems or other types of privately owned innovative on-site wastewater systems if a lockable cutoff valve approved by the water system and a testable backflow ~~prevention device approved by the water system~~ preventer selected and installed by the property owner and meeting the requirements of the North Carolina Plumbing Code for the appropriate level of risk associated with the irrigation system or other identified risk are installed on the water supply line for the irrigation system. The lockable cutoff value shall be installed on the water supply line for the irrigation system within 24 inches of the water meter and the testable backflow ~~device~~preventer shall be installed on the water supply line for the irrigation system."

SECTION 8.(b) This section is effective July 1, 2019, and applies to existing municipal or county ordinances. Any municipal or county ordinance inconsistent with this section is void and unenforceable.

SECTION 9. Section 6.(c) of S.L. 2018-29 reads as rewritten:

"**SECTION 6.(c)** This section becomes effective July 1, 2018. G.S. 153A-352(g) and G.S. 160A-412(g), as enacted by this section, expire on October 1, ~~2019.~~2021."

SECTION 10. To promote uniformity in plan review and interpretation of the North Carolina State Building Code among those cities and counties that require review of building plans for structures subject to regulation under North Carolina Residential Code for One and Two Family Dwellings, the North Carolina Department of Insurance shall issue a guidance paper by October 1, 2019.

SECTION 11. The North Carolina Building Code Council shall consult with the Department of Environmental Quality to study options for the use by builders of debris such as dirt, sand, gravel, rock, concrete, or similar nonhazardous material for additional uses at the site of construction, including fill under porches, driveways, and other options that will decrease the volume of demolition debris sent to solid waste disposal facilities. The Council shall report its findings and recommendations, including any proposed legislative changes, to the 2020 Regular Session of the 2019 General Assembly when it convenes.

SECTION 12. Section 1, Section 2, Section 4, Section 5, Section 6, and Section 7, become effective October 1, 2019. Except as otherwise provided, this act is effective when it becomes law.

HOUSE BILL 675:
2019 Building Code Regulatory Reform.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Regulatory Reform. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 25, 2019
Introduced by:	Reps. Brody, Riddell, Hardister, Richardson	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	PCS to First Edition H675-CSBD-14		

OVERVIEW: House Bill 675 (proposed committee substitute) would do all of the following:

- ***Require the North Carolina Building Code Council to:***
  - ***Create a form for inspection certifications by licensed engineers and licensed architects.***
  - ***Conduct a cost-benefit analysis for all proposed changes to the North Carolina Energy Conservation Code.***
  - ***Consult with the Department of Environmental Quality to study options for on-site disposal of demolition debris.***
- ***Require the North Carolina Code Officials Qualification Board to establish a standard certificate for a residential changeout inspector.***
- ***Clarify the definition of building "component."***
- ***Prohibit cities and counties from requiring:***
  - ***Licensed engineers and licensed architects inspecting building components or elements to submit any information other than that required on the inspection certification form.***
  - ***Residential building plans submitted by licensed engineers and licensed architects to be under seal unless required by the North Carolina State Building Code.***
  - ***Developers to bury existing above ground power lines.***
  - ***A minimum square footage for residential structures.***
- ***Require cities and counties to:***
  - ***Complete initial residential plan reviews within 15 business days.***
  - ***Issue temporary certificates of occupancy in certain circumstances.***
- ***Make it a Class 2 misdemeanor to falsely claim or suggest that a person, firm, or corporation is a licensed general contractor.***
- ***Exempt, under certain circumstances, temporary motion picture, television, and theater stage sets and scenery from the North Carolina Building Code permit requirement.***
- ***Authorizes property owners required to have separate meters for in-ground irrigation systems to install any backflow preventer that complies with the North Carolina Plumbing Code.***
- ***Extend to October 1, 2021, the requirement to report to the Department of Insurance, any residential framing inspection resulting in 15 or more violations.***
- ***Require the Department of Insurance to issue a guidance paper by October 1, 2019, on the review of residential building plans.***

en Cochrane-Brown
Director

H675-SMBD-47 CSBD-14 -V-6

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

CURRENT LAW: The North Carolina State Building Code (Building Code) is adopted by the North Carolina Building Code Council (Building Code Council), a 17 member board established in Article 9 of Chapter 143 of the General Statutes whose members are appointed by the Governor. With the exception of boilers, elevators and State buildings, the Insurance Commissioner, through the Division of Engineering, has general supervisory authority over the administration and enforcement of the Building Code pertaining to plumbing, electrical systems, general building restrictions and regulations, heating and air conditioning, fire protection, and general building construction. Building Code enforcement officials are certified under and governed by the North Carolina Code Officials Qualification Board (Q-Board), a 20 member administrative board, established under Article 9C of Chapter 143.

Cities and counties are required to undertake Code-enforcement activities. Code-enforcement is defined as any of the following:

- The examination and approval of plans and specifications.
- The inspection of the manner of construction, workmanship, and materials for construction of buildings and structures and components thereof.
- The enforcement of fire code regulations.

State law requires separate water meters for in-ground irrigation systems on lots platted and recorded after July 1, 2009, unless the lots are served by a privately owned septic system with an approved testable backflow prevention device.[1] State law also requires that a person, firm, or corporation who undertakes construction of any building where the cost is $30,000 or more be a licensed general contractor.[2]

BILL ANALYSIS: The PCS to House Bill 675 would do the following:

Section 1, effective October 1, 2019, would:

- Require the North Carolina Building Code Council to create a form for inspection certifications by licensed engineers and licensed architects.
- Prohibit cities and counties from requiring licensed engineers and licensed architects who inspect building components or elements to submit any information other than that required on the inspection certification form.
- Clarify the definition of building "component."

Section 2, effective October 1, 2019, would:

- Require the Q-Board to establish a standard certificate for a residential changeout inspector.

Section 3, effective July 1, 2019, would:

- Prohibit cities and counties from requiring developers to bury power lines outside of the subdivision being developed that existed above ground at the time the subdivision plat was approved.
- Prohibit cities and counties from enacting ordinances establishing a minimum square footage for residential structures.
- Provide that any inconsistent city or county ordinances are void and unenforceable.

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[1] G.S. 143-355.4.
[2] G.S. 87-1.

Section 4, effective October 1, 2019, would:

- Require the Building Code Council to conduct a cost-benefit analysis for all proposed changes to the North Carolina Energy Conservation Code.
- Exempt from the permitting requirements of the Building Code, the construction, installation, repair, replacement, or alteration of temporary motion picture, television, and theater stage sets and scenery being used for less than one year in one location provided these sets are inspected by the fire code inspector using a checklist created by the Building Code Council.

Section 5, effective October 1, 2019, would:

- Require cities and counties to issue a temporary certificate of occupancy if the conditions and requirements of the Building Code are met.

Section 6, effective October 1, 2019, would:

- Make it a Class 2 misdemeanor for anyone undertaking a business activity for which a general contractor's license is required to falsely claim or suggest that a person, firm, or corporation is a licensed general contractor.

Section 7, effective October 1, 2019, would:

- Require cities and counties to complete initial residential plan reviews within 15 business days.
- Prohibit cities and counties from requiring that residential building plans submitted by licensed engineers and licensed architects be under seal unless required by the Building Code.

Section 8, effective July 1, 2019, would:

- Authorizes property owners required to have separate meters for in-ground irrigation systems to install any backflow preventer that complies with the North Carolina Plumbing Code.
- Provide that any inconsistent city or county ordinances are void and unenforceable.

Section 9, effective when the bill becomes law, would:

- Extend to October 1, 2021, the requirement to report to the Department of Insurance, any residential framing inspection resulting in 15 or more violations.

Section 10, effective when the bill becomes law, would:

- Require the Department of Insurance to issue a guidance paper by October 1, 2019, on the process for review of residential building plans.

Section 11, effective when the bill becomes law, would:

- Require the Building Code Council to consult with the Department of Environmental Quality to study options for on-site disposal of demolition debris.

EFFECTIVE DATE: The act has various effective dates as set forth above.

HOUSE BILL 675

Short Title:	2019 Building Code Regulatory Reform.	(Public)
Sponsors:	Representatives Brody, Riddell, Hardister, and Richardson (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House	

April 11, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES AND CLARIFICATIONS TO THE STATUTES GOVERNING THE CREATION AND ENFORCEMENT OF BUILDING CODES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 160A-413.5(a) reads as rewritten:

"(a) Notwithstanding the requirements of this Article, a city shall accept, without further responsibility to inspect, a design or other proposal for a component or element in the construction of buildings from a licensed architect or licensed engineer provided all of the following apply:

(1) The design or other proposal is completed under valid seal of the licensed architect or licensed engineer.

(2) Field inspection of the installation or completion of the component or element of the building is performed by a licensed architect or licensed engineer or a person under the direct supervisory control of the licensed architect or licensed engineer.

(3) The licensed architect or licensed engineer provides the city with a signed written document ~~stating~~ certifying that the component or element of the building so inspected under subdivision (2) of this subsection is in compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings. The inspection certification required under this subdivision shall be made on a form created by the North Carolina Building Code Council which shall include the permit number, date of inspection, type of inspection, contractor's name, the job location and street address, and the name, address, and telephone number of the person responsible for the inspection. The inspection certification form shall be provided by electronic or physical delivery and its receipt shall be promptly acknowledged by the city through reciprocal means. The city shall not require information in addition to that specified in this subsection."

SECTION 1.(b) G.S. 160A-413.5(d)(1) reads as rewritten:

"(1) Component. – Any assembly, subassembly, or combination of elements designed to be combined with other components to form part of a building or structure. Examples of a component include (i) an excavated footing trench containing no ~~concrete.~~concrete, (ii) a foundation, and (iii) underslab materials and equipment."

SECTION 2. G.S. 143-151.13(b) reads as rewritten:

"(b) The Board shall issue one or more standard certificates to each Code-enforcement official demonstrating the qualifications set forth in subsection (b1) of this section. Standard certificates are available for each of the following types of qualified Code-enforcement officials:

(1) Building inspector.
(2) Electrical inspector.
(3) Mechanical inspector.
(4) Plumbing inspector.
(5) Fire inspector.
(6) Residential changeout inspector."

SECTION 3.(a) G.S. 160A-372 is amended by adding two new subsections to read:

"(f1) The ordinance may not require a developer or builder to bury power lines that (i) existed at the time of first submission of a plat or development plan to the city, whether or not the power lines are subsequently relocated during construction of the subdivision or development plan and (ii) are located outside the boundaries of the parcel of land that contains the subdivision or the property covered by the development plan.

(f2) The ordinance may not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 3.(b) G.S. 160A-381(a) reads as rewritten:

"(a) For the purpose of promoting health, safety, morals, or the general welfare of the community, any city may adopt zoning and development regulation ordinances. These ordinances may be adopted as part of a unified development ordinance or as a separate ordinance. A zoning ordinance may regulate and restrict the height, number of stories and size of buildings and other ~~structures,~~ structures except as limited by G.S. 160A-372(f2), the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land. The ordinance shall provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11."

SECTION 3.(c) G.S. 153A-331 is amended by adding two new subdivisions to read:

"(f1) The ordinance may not require a developer or builder to bury power lines that (i) existed at the time of first submission of a plat or development plan to the county, whether or not the power lines are subsequently relocated during construction of the subdivision or development plan and (ii) are located outside the parcel of land that contains the subdivision or the property covered by the development plan.

(f2) The ordinance may not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 3.(d) G.S. 153A-340(a) reads as rewritten:

"(a) For the purpose of promoting health, safety, morals, or the general welfare, a county may adopt zoning and development regulation ordinances. These ordinances may be adopted as part of a unified development ordinance or as a separate ordinance. A zoning ordinance may regulate and restrict the height, number of stories and size of buildings and other ~~structures,~~ structures except as limited by G.S. 153A-331(f2), the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. The ordinance may provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11."

SECTION 3.(e) This section is effective when it becomes law and applies to existing municipal or county ordinances. Any municipal or county ordinance inconsistent with this section is void and unenforceable.

SECTION 4. G.S. 143-138 is amended by adding a new subsection to read:

"(b20) Exclusion for Temporary Motion Picture, Television, and Theater Stage Sets and Scenery. – No permit shall be required under the Building Code or any local variant approved under subsection (e) for any construction, installation, repair, replacement, or alteration of temporary motion picture, television, and theater stage sets and scenery."

SECTION 5. G.S. 143-138 reads as rewritten:

"**§ 143-138. North Carolina State Building Code.**

(a) Preparation and Adoption. – The Building Code Council may prepare and adopt, in accordance with the provisions of this Article, a North Carolina State Building Code. Before the adoption of the Code, or any part of the Code, the Council shall hold at least one public hearing. A notice of the public hearing shall be published in the North Carolina Register at least 15 days before the date of the hearing. Notwithstanding G.S. 150B-2(8a)h., the North Carolina State Building Code as adopted by the Building Code Council is a rule within the meaning of G.S. 150B-2(8a) and shall be adopted in accordance with the procedural requirements of Article 2A of Chapter 150B of the General Statutes.

(a1) Additional Adoption Requirements. –

(1) The Council shall request the Office of State Budget and Management to prepare a fiscal note for a proposed Code change that has a substantial economic impact, as defined in G.S. 150B-21.4(b1), or that increases the cost of residential housing by eighty dollars ($80.00) or more per housing unit. The change can become effective only in accordance with G.S. 143-138(d). Neither the Department of Insurance nor the Council shall be required to expend any monies to pay for the preparation of any fiscal note under this section by any person outside of the Department or Council unless the Department or Council contracts with a third-party vendor to prepare the fiscal note.

(2) The Council shall conduct a cost-benefit analysis for all proposed changes to the North Carolina Energy Conservation Code. The analysis shall be based on a five-year period for calculating return on investment of the proposed change as well as impacts of the proposed change on the energy efficiency of the entire structure.

...."

SECTION 6. The North Carolina Building Code Council shall study options for the use by builders of demolition debris such as dirt, sand, gravel, rock, concrete, or similar nonhazardous material for additional uses at the site of construction, including fill under porches, driveways, and other options that will decrease the volume of demolition debris sent to solid waste disposal facilities. The Council shall report its findings and recommendations, including any proposed legislative changes, to the 2020 Regular Session of the 2019 General Assembly when it convenes.

SECTION 7.(a) G.S. 160A-423 reads as rewritten:

"**§ 160A-423. Certificates of compliance.**

At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection, and if he finds that the completed work complies with all applicable State and local laws and with the terms of the permit, he shall issue a certificate of compliance. No new building or part thereof may be occupied, and no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied, until the inspection department has issued a certificate of compliance. Except as provided in G.S. 160A-420, a city may not adopt or enforce a local ordinance or resolution or any other policy that requires compliance with any conditions or requirements other than those required by the North Carolina Building Code for a temporary certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of

the building that the inspector finds may safely be occupied prior to final completion of the entire building. Violation of this section shall constitute a Class 1 misdemeanor."

SECTION 7.(b) G.S. 153A-363 reads as rewritten:

"**§ 153A-363. Certificates of compliance.**

At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection. If he finds that the completed work complies with all applicable State and local laws and local ordinances and regulations and with the terms of the permit, he shall issue a certificate of compliance. No new building or part thereof may be occupied, no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or removed may be occupied until the inspection department has issued a certificate of compliance. Except as provided in G.S. 153A-364, a county may not adopt or enforce a local ordinance or resolution or any other policy that requires compliance with any conditions or requirements other than those required by the North Carolina Building Code for a temporary certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the inspector finds may safely be occupied before completion of the entire building. Violation of this section constitutes a Class 1 misdemeanor."

SECTION 8. G.S. 87-13 reads as rewritten:

"**§ 87-13. Unauthorized practice of contracting; impersonating contractor; false certificate; giving false evidence to Board; penalties.**

Any person, firm, or corporation not being duly authorized who shall contract for or bid upon the construction of any of the projects or works enumerated in G.S. 87-1, without having first complied with the provisions hereof, or who shall attempt to practice general contracting in the State, except as provided for in this Article, and any person, firm, or corporation presenting or attempting to file as his own the licensed certificate of another or who shall give false or forged evidence of any kind to the Board or to any member thereof in maintaining a certificate of license or who falsely shall impersonate another or who shall use an expired or revoked certificate of license, or who falsely claims or suggests in connection with any business activities regulated by the Board that a person, firm, or corporation is licensed under this Chapter, and any architect or engineer who recommends to any project owner the award of a contract to anyone not properly licensed under this Article, shall be deemed guilty of a Class 2 misdemeanor. And the Board may, in its discretion, use its funds to defray the expense, legal or otherwise, in the prosecution of any violations of this Article. No architect or engineer shall be guilty of a violation of this section if his recommendation to award a contract is made in reliance upon current written information received by him from the appropriate Contractor Licensing Board of this State which information erroneously indicates that the contractor being recommended for contract award is properly licensed."

SECTION 9.(a) G.S. 160A-417(a1) reads as rewritten:

"(a1) A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws. Nothing in this section shall require a city to review and approve residential building plans submitted to the city pursuant to Section R-110 of Volume VII of the North Carolina State Building Code; provided that the city may review and approve such residential building plans as it deems necessary. If a city chooses to review residential building plans, all reviews must be performed within two business days of submission of the plans, for plans sealed by an engineer or architect, or within five business days, for all other residential building plans. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. When any provision of the General Statutes of North Carolina or of any ordinance

requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor."

SECTION 9.(b) G.S. 153A-357(a1) reads as rewritten:

"(a1) A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws and local ordinances and regulations. Nothing in this section shall require a county to review and approve residential building plans submitted to the county pursuant to Section R-110 of Volume VII of the North Carolina State Building Code; provided that the county may review and approve such residential building plans as it deems necessary. If a county chooses to review residential building plans, all reviews must be performed within two business days of submission of the plans, for plans sealed by an engineer or architect, or within five business days, for all other residential building plans. No permit may be issued unless the plans and specifications are identified by the name and address of the author thereof; and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no permit may be issued unless the plans and specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. If a provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work may be issued unless the work is to be performed by such a duly licensed contractor."

SECTION 10. G.S. 83A-13 reads as rewritten:

"**§ 83A-13. Exemptions.**

...

(c) Nothing in this Chapter shall be construed to require an architectural license for the preparation, sale, or furnishing of plans, specifications and related data, or for the supervision of construction pursuant thereto, where the building, buildings, or project involved is in ~~one~~ any of the following categories:

(1) A family residence, up to eight units attached with grade level exit, which is not a part of or physically connected with any other buildings or residential ~~units;~~units.

(2) A building upon any farm for the use of any farmer, unless the building is of such nature and intended for such use as to substantially involve the health or safety of the ~~public;~~public.

(3) An institutional or commercial building if it does not have a total value exceeding ~~ninety thousand dollars ($90,000);~~two hundred thousand dollars ($200,000).

(4) An institutional or commercial building if the total building area does not exceed ~~2,500~~ 5,000 square feet in gross floor ~~area;~~area.

(5) Alteration, remodeling, or renovation of an existing building that is exempt under this section, or alteration, remodeling, or renovation of an existing building or building site that does not alter or affect the structural system of the building; change the building's access or exit pattern; or change the live or dead load on the building's structural system. This subdivision shall not limit or change any other exemptions to this Chapter or to the practice of engineering under Chapter 89C of the General ~~Statutes;~~Statutes.

(6) The preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions utilized to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements or exemptions of this Chapter.

(c1) ~~Notwithstanding subdivisions (c)(3) and (4) of this section, a~~ A commercial building project with a total value of less than ~~ninety thousand dollars ($90,000)~~ two hundred thousand

dollars ($200,000) and a total project area of less than ~~2,500~~ 5,000 square feet shall be exempt from the requirement for a professional architectural seal.

...."

SECTION 11. Section 6(c) of S.L. 2018-29 reads as rewritten:

"**SECTION 6.(c)** This section becomes effective July 1, 2018. G.S. 153A-352(g) and G.S. 160A-412(g), as enacted by this section, expire on October 1, ~~2019.~~2021."

SECTION 12. G.S. 143-355.4(a) reads as rewritten:

"(a) Local government water systems and large community water systems shall require separate meters for new in-ground irrigation systems on lots platted and recorded in the office of the register of deeds in the county or counties in which the real property is located after July 1, 2009, that are connected to their systems. If a testable backflow device is required as part of the separate meter required by this subsection, the property owner shall select and install a testable backflow prevention device that meets the requirements of the North Carolina Plumbing Code for the appropriate level of risk or other identified risk associated with the irrigation system. This section shall not apply to lots with privately owned septic tanks systems or other types of privately owned innovative on-site wastewater systems if a lockable cutoff valve approved by the water system and a testable backflow prevention device ~~approved by the water system~~ selected and installed by the property owner and meeting the requirements of the North Carolina Plumbing Code for the appropriate level of risk associated with the irrigation system or other identified risk are installed on the water supply line for the irrigation system. The lockable cutoff value shall be installed on the water supply line for the irrigation system within 24 inches of the water meter and the testable backflow device shall be installed on the water supply line for the irrigation system."

SECTION 13. Except as otherwise provided, this act becomes effective October 1, 2019.



NORTH CAROLINA
HOME BUILDERS ASSOCIATION

Tim Minton

Director of Government Affairs

tminton@nchba.org

www.nchba.com

www.21buildingexpo.com

5580 Centerview Dr. Ste. 415
Raleigh, NC 27606
P.O. Box 99090 (mail)
Raleigh, NC 27624

Phone: 919-676-9090
Fax: 919-676-0402
Cell: 919-630-4802



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 697

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H697-ABA-6 [v.1]

Amends Title [YES]
First Edition

Date April 25 ,2019

Representative Cleveland

moves to amend the bill on page 1, lines 4-5, by rewriting the lines to read:
"COMPUTER EQUIPMENT FROM THE UNIVERSITY OF NORTH CAROLINA AND AT LOW COST FROM THE STATE SURPLUS PROPERTY AGENCY.";

and on page 1, line 24, by rewriting the line to read:
"State, the State Surplus Property Agency shall distribute the computer equipment at";

and on page 1, line 30, by rewriting the line to read:
"equipment to nonprofit entities that refurbish computers to donate to low-income".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 697:
State Surplus Prop. Computers for Nonprofits.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 25, 2019
Introduced by:	Reps. Horn, Saine, Elmore	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 697 would do the following:

- ***Enable certain nonprofit computer refurbishers to receive surplus computer equipment from the State Surplus Property Agency (SSPA) at no cost or the lowest possible cost.***
- ***Authorize The University of North Carolina (UNC) to convey surplus computer equipment at no cost to certain nonprofit computer refurbishers.***
- ***Implement reporting requirements on UNC and the nonprofits.***

CURRENT LAW: The Department of Administration (Department) acts as the SSPA in North Carolina. All State agencies must notify the SSPA of any property that is surplus to their needs. As the SSPA, the Department is authorized to sell or warehouse all surplus, obsolete or unused supplies, materials, and equipment, as well as seized vehicles and other conveyances. The Department is also authorized to distribute such property to nonprofit tax-exempt organizations.

The order of priority in disposition gives first priority to other agencies of the State for purchase or transfer. Second priority is given to political subdivisions and qualified non-profits. The final priority is sales to the public. S.L. 2017-67 added certain nonprofit entities that refurbish computers to donate to low-income students and households in this State to the list of qualified non-profits that receive higher priority when purchasing from the SSPA.

BILL ANALYSIS: House Bill 697 would provide that when the SSPA distributes computer equipment to nonprofits that refurbish computers to donate to low-income students or households in this State, SSPA must do so at no cost or the lowest possible cost. The bill would further authorize UNC to convey surplus computer equipment at no cost to these nonprofit computer refurbishers, conditioned upon, and in consideration of, the nonprofit's promise to refurbish the computer equipment and its donate to low-income students or households in the State.

The bill would also implement a reporting requirement on UNC and nonprofits receiving distributions of computer equipment at no cost from UNC. The nonprofits would be required to report to the Board of Governors of UNC by August 1, 2020, and by August 1 of each year thereafter, any information the Board deems reasonably necessary to ensure that the distributed computer equipment is being donated to low-income students and households in the State. If the nonprofit is unable to refurbish equipment for any reason, the report must include the disposition of such equipment. After an initial conveyance at no cost to a nonprofit, the nonprofit may not receive another conveyance of computer equipment unless the nonprofit has reported the required information to UNC.

aren Cochrane-Brown
Director

H697-SMBA-40 E1 -V-5

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

UNC would be required to keep records on the computer equipment distributed, the number distributed, the name of the nonprofit that received such distributions, and the nonprofit's report. The Board of Governors of UNC would then be required to submit a report containing this information to the Joint Legislative Education Oversight Committee by October 1, 2020, and by October 1 of each year thereafter.

EFFECTIVE DATE: This act would be effective when it becomes law.

HOUSE BILL 697

Short Title:	State Surplus Prop. Computers for Nonprofits.	(Public)
Sponsors:	Representatives Horn, Saine, and Elmore (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

April 11, 2019

A BILL TO BE ENTITLED

AN ACT TO ENABLE NONPROFIT ENTITIES THAT DONATE REFURBISHED COMPUTERS TO LOW-INCOME STUDENTS IN THIS STATE TO OBTAIN SURPLUS COMPUTER EQUIPMENT AT LOW OR NO COST FROM THE STATE SURPLUS PROPERTY AGENCY AND THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-64.03 reads as rewritten:

"**§ 143-64.03. Powers and duties of the State agency for surplus property.**

(a) The State Surplus Property Agency is authorized and directed to:

(1) Sell all State owned supplies, materials, and equipment that are surplus, obsolete, or unused and sell all seized vehicles and other conveyances that the State Surplus Property Agency is authorized to sell;

(2) Warehouse such property; and

(3) Distribute such property to tax-supported or nonprofit tax-exempt organizations.

(b) The State Surplus Property Agency is authorized and empowered to act as a clearinghouse of information for agencies and private nonprofit tax-exempt organizations, to locate property available for acquisition from State agencies, to ascertain the terms and conditions under which the property may be obtained, to receive requests from agencies and private nonprofit tax-exempt organizations, and transmit all available information about the property, and to aid and assist the agencies and private nonprofit tax-exempt organizations in transactions for the acquisition of State surplus property. When distributing computer equipment to nonprofit entities that refurbish computers and donate them to low-income students or households in this State, the State Surplus Property Agency shall distribute the computer equipment at no cost or the lowest possible cost to the nonprofit entities and must give consideration to the counties where the computer equipment will be donated to ensure that all geographic regions of the State benefit from the distributions.

(b1) Nothing in this Article, or any administrative rules promulgated under this Article, shall be deemed to prohibit The University of North Carolina from conveying surplus computer equipment at no cost to nonprofit entities that refurbish computers to donate to low-income students or households in the State. Any conveyance to a nonprofit under this subsection shall be conditioned upon, and in consideration of, the nonprofit's promise to refurbish the computer equipment and its donation to low-income students or households in the State, and the nonprofit's reporting of information required by this subsection. After an initial conveyance, The University

of North Carolina shall not convey additional surplus computer equipment to a nonprofit, unless that nonprofit has reported the information required by this subsection for prior conveyances.

When making a distribution under this subsection, The University of North Carolina shall keep records on the type of computer equipment distributed, the number distributed, the name of the nonprofit that received the distributions, and the nonprofit's report on donations of refurbished computers to low-income students or households in the State. If the nonprofit is unable to refurbish computer equipment for any reason, its report shall include the disposition of such computer equipment. A nonprofit shall provide a report to the Board of Governors of The University of North Carolina by August 1, 2020, and by August 1 of each year thereafter. The report shall contain the information required by this subsection and any other information the Board of Governors deems reasonably necessary to ensure the conditions required under this subsection are satisfied. The Board of Governors of The University of North Carolina shall submit a report containing the information required to be collected under this subsection to the Joint Legislative Education Oversight Committee by October 1, 2020, and by October 1 of each year thereafter.

...."

SECTION 2. This act is effective when it becomes law.

Michael Abensour
Executive Director

KRAMDEN
INSTITUTE

kramden.org
T 919.293.1133
F 919.293.1239
mabensour@kramden.org

Pat Millen
Founder/President

P.O. Box 1299
Davidson, NC 28036-1299
(704) 904-4098
pat.millen@gmail.com

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Committee Sergeants at Arms

NAME OF COMMITTEE H C on State and Local Government

DATE: 4/25/2019 Room: 1228/1327

House Sgt-At Arms:

1. Name: Rex Foster
2. Name: Ken Gilbert
3. Name: David Leighton
4. Name: _____
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

NO PAGES ATTENDED THE MEETING

VISITOR REGISTRATION SHEET

H C on State and Local Government — 4/25/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CLIFF ISAAC	DEPT. OF INSURANCE - OSFM
Bruce Mildwurf	NCSBA
JOHN MIDGETTE	NC PBA
Doug Lassiter	NCSTA
Lauren Barnhardt	NC STATE GRANGE
David Heron	NC Center for Nonprofits
Nate Denny	NCDIT
Pokey Harris	NCDIT / 911 Bd.
Suzanne Bradley	SEANC
Scott Mooneyham	NCLM
Erin Wynia	NCLM

VISITOR REGISTRATION SHEET

H C on State and Local Government 4/25/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robert Prunott	NCHBA
Mike Carpenter	"
Tim Minton	"
Steven Webb	"
Jarrod James	Intern
John T. Bode	B&H
Camera Hardy	nVA
Tiffany Hadrey	NC Rural Center
Demetrius Delgado	NCLM
Rhaegan Jackson	FPA
Rob Roegner	OSFM / DOI

VISITOR REGISTRATION SHEET

H C on State and Local Government — 4/25/2019

Name of Committee — Date

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NAME	FIRM OR AGENCY AND ADDRESS
Reshe Fortsin	SEANC
Peter Daniel	ATT
Rachel Baker	NBIA
Jonathan Babaker	Babaker + Assoc
Michael Abramson	Krander
PAT MILLEN	ECD
JUSTIN DAVIS	NC DPS
David Crawford	AIA NC
Ed	BP

VISITOR REGISTRATION SHEET

H C on State and Local Government 4/25/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amber Timms	NCAE
Tyler Newman	BASE
Carter Grimes	NCDOL
Richard Bostic	NC SBA
Kara Weisshaar	SR
Skye David	nf
[illegible]	[illegible]
DAVID Powers	PSLLC
Amanda Doreen	KTS
Dale Dawson	State Board Plbg + Htg

VISITOR REGISTRATION SHEET

H C on State and Local Government 4/25/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Matthew McConnell	Atrium Health
Kendall Held	Atrium Health
Clark Riemer	Staff
Marc Downing	NCIC
Michelle Frazier	NP

VISITOR REGISTRATION SHEET

H C on State and Local Government — 4/25/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JENNY SMITH	CAROLINAS REHABILITATION 1100 BLYTHE BLVD CHARLOTTE NC 28203
Nicholas Horan	Atrium Health

House Committee on State and Local Government
Monday, April 29, 2019 at 12:00 PM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 12:00 PM on April 29, 2019 in Room 1228/1327 of the Legislative Building. Representatives Warren and Corbin, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Boles, Carter, Jarvis, McElraft, Quick, Ross, Sasser, von Haefen, and Willingham attended.

Representative Kevin Corbin, Chair, presided.

The following bills were considered:

HB 240 - Albemarle/City Labor for Business Ctr. (Representatives Sasser, Goodman)
Chairman Corbin recognized Rep. Sasser to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Ross was recognized and moved that the PCS for HB 240 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 286 - Fayetteville ETJ & Annexation of Shaw Heights. (Representatives Floyd, Richardson, Lucas)
Chairman Corbin recognized Rep. Floyd to explain the bill. After several questions the bill was displaced until later in the meeting. Later, Chairman Corbin recognized Rep. Autry to explain the amendment to HB 286. Reps. McElraft, Warren, and Cleveland asked questions. Billy Godwin and Nicholas Giddings of Legislative Analysis responded to the questions. Without objection the amendment passed. The Chairman opened the floor for discussion on the original bill. Reps. McElraft, Boles, Cleveland, Autry, Jarvis, Ross, Warren, and Willingham asked questions. Nicholas Giddings of Legislative Analysis responded to the questions. Rep. Quick was recognized and moved that HB 286 receive a Favorable Report with the Amendments rolled in, unfavorable to the original bill with a referral to Finance. The Chairman opened the floor for a vote and the motion passed. Amendment #1 - Autry adopted.

HB 459 - Lee County Deer Hunting. (Representative Sauls)
Chairman Corbin recognized Rep. Warren (Rep. Sauls was out due to surgery) to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that HB 459 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 502 - Voting Machines/Certain Cos. (Representatives Riddell, Hardister, Iler, Quick)
Chairman Corbin recognized Rep. Riddell to explain the bill. The Chairman opened the floor for discussion. Reps. Jarvis, McElraft, Cleveland, and Speciale asked questions. Erica Churchill from Legislative Analysis assisted in answering a question. Rep. Quick was recognized and moved that HB 502 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 630 - Private Protective Services Changes. (Representatives McNeill, Hardister, Faircloth)
Chairman Corbin recognized Rep. McNeill to explain the bill. The Chairman opened the floor for discussion. Shaun Marso of T.J. Conner & Associates and Legal & Legislative Rep. for NCAPI; William Wilke, Private Investigator; Giovanni Masucci, President, National Digital Forensics, Inc.; Susanna Davis, Legislative Affairs Director, NCDPS; and Jeffrey Gray of Bailey & Dixon addressed the committee. Reps. von Haefen, Autry, McElraft, Jarvis, and Warren asked questions. Rep. Warren was recognized and moved that the PCS for HB 630 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 635 - Purchase & Contracts Benchmarks/Property. (Representatives Ross, Holley)
Chairman Corbin recognized Reps. Ross & Holley to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Boles was recognized and moved that HB 635 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 641 - Modifications to Various DPS Provisions. (Representatives Boles, Pierce, Speciale, R. Turner)
Chairman Corbin recognized Rep. Boles to explain the bill. The Chairman opened the floor for discussion. Kristin Parks of Disability Rights, NC and Abby Hammond, Director of Government Affairs, NC Advocates for Justice addressed the committee. Rep. Cleveland explained the amendment that was brought forth in committee. Without objection, the motion passed. With no further question, Rep. McElraft was recognized and moved that the PCS for HB 641 receive a Favorable Report with Amendments rolled in, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed. Amendment #1 - Cleveland adopted.

HB 757 - Pender County Property Transfer. (Representative C. Smith)
Chairman Corbin recognized Rep. Carson Smith to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that HB 757 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 758 - MSD Expansion and Governance. (Representative McGrady)
Chairman Corbin recognized Rep. McGrady to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Boles was recognized and moved that the PCS for HB 758 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 873 - System Development Fee/Clarify Time of Charge. (Representatives Arp, Boles, McNeill)
Chairman Corbin recognized Rep. Arp to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. McElraft was recognized and moved that the PCS for HB 873 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 899 - Enact KinCare Act. (Representatives Clemmons, Grange, Carney)
Chairman Corbin recognized Reps. Grange and Clemmons to explain the bill. The Chairman opened the floor for discussion. Reps. Quick, McElraft, and von Haefen asked questions. An amendment was brought forth by Rep. Quick. Without objection the motion passed. With no further questions, Rep. Autry was recognized and moved that HB 899 receive a Favorable Report with Amendments rolled in with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed. Amendment #1 - Quick adopted.

The meeting adjourned at 1:33.

Representative Kevin Corbin, Chair
Presiding

Cindy Hobbs, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB 240, PCS, Summary, and Committee Report
4. HB 286, Amendment, Summary, Committee Report, Hand-Outs
5. HB 459, Summary, and Committee Report
6. HB 502, Summary, and Committee Report
7. HB 630, PCS, Summary, Committee Report, and Guest Speaker List
8. HB 635, Summary, and Committee Report
9. HB 641, Amendment, PCS, Summary, Committee Report, Guest Speaker
10. HB 757, Summary, and Committee Report
11. HB 758, Summary, and Committee Report, Guest Speaker
12. HB 873, PCS, Summary, and Committee Report
13. HB 899, Amendment, Summary, and Committee Report
14. Sergeant-at-Arms
15. No Pages
16. Visitor Registration Forms

Updated #2: Revmove HB490 & HB911

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Monday, April 29, 2019
TIME: **12:00 PM**
LOCATION: **1228/1327 LB**
COMMENTS: **All members are encouraged to be on time.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 286	Fayetteville ETJ & Annexation of Shaw Heights.	Representative Floyd Representative Richardson Representative Lucas
HB 459	Lee County Deer Hunting.	Representative Sauls
HB 502	Voting Machines/Certain Cos.	Representative Riddell Representative Hardister Representative Iler Representative Quick
HB 630	Private Protective Services Changes.	Representative McNeill Representative Hardister Representative Faircloth
HB 635	Purchase & Contracts Benchmarks/Property.	Representative Ross Representative Holley
HB 641	Modifications to Various DPS Provisions.	Representative Boles Representative Pierce Representative Speciale Representative R. Turner
HB 757	Pender County Property Transfer.	Representative C. Smith
HB 758	MSD Expansion and Governance.	Representative McGrady
HB 873	System Development Fee/Clarify Time of Charge.	Representative Arp Representative Boles Representative McNeill
HB 899	Enact KinCare Act.	Representative Clemmons Representative Grange

Representative Carney

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:02 AM on Monday, April 29, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #1: Time Change

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Monday, April 29, 2019
TIME: **12:00 PM**
LOCATION: **1228/1327 LB**
COMMENTS: **All members are encouraged to be on time.**

The following bills will be considered:

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HB 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 286	Fayetteville ETJ & Annexation of Shaw Heights.	Representative Floyd Representative Richardson Representative Lucas
HB 459	Lee County Deer Hunting.	Representative Sauls
HB 490	Winston-Salem/Forsyth Bd. of Ed/Stagger Terms.	Representative Lambeth Representative Conrad
HB 502	Voting Machines/Certain Cos.	Representative Riddell Representative Hardister Representative Iler Representative Quick
HB 630	Private Protective Services Changes.	Representative McNeill Representative Hardister Representative Faircloth
HB 635	Purchase & Contracts Benchmarks/Property.	Representative Ross Representative Holley
HB 641	Modifications to Various DPS Provisions.	Representative Boles Representative Pierce Representative Speciale Representative R. Turner
HB 757	Pender County Property Transfer.	Representative C. Smith
HB 758	MSD Expansion and Governance.	Representative McGrady
HB 873	System Development Fee/Clarify Time of Charge.	Representative Arp Representative Boles Representative McNeill

HB 899	Enact KinCare Act.	Representative Clemmons Representative Grange Representative Carney
HB 911	IT Procurement Sourcing Restrictions.	Representative Jones Representative K. Hall

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:52 PM on Friday, April 26, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Monday, April 29, 2019
TIME: **1:00 PM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 286	Fayetteville ETJ & Annexation of Shaw Heights.	Representative Floyd Representative Richardson Representative Lucas
HB 459	Lee County Deer Hunting.	Representative Sauls
HB 490	Winston-Salem/Forsyth Bd. of Ed/Stagger Terms.	Representative Lambeth Representative Conrad
HB 502	Voting Machines/Certain Cos.	Representative Riddell Representative Hardister Representative Iler Representative Quick
HB 630	Private Protective Services Changes.	Representative McNeill Representative Hardister Representative Faircloth
HB 635	Purchase & Contracts Benchmarks/Property.	Representative Ross Representative Holley
HB 641	Modifications to Various DPS Provisions.	Representative Boles Representative Pierce Representative Speciale Representative R. Turner
HB 757	Pender County Property Transfer.	Representative C. Smith
HB 758	MSD Expansion and Governance.	Representative McGrady
HB 873	System Development Fee/Clarify Time of Charge.	Representative Arp Representative Boles Representative McNeill
HB 899	Enact KinCare Act.	Representative Clemmons Representative Grange Representative Carney

HB 911 IT Procurement Sourcing Restrictions. Representative Jones
Representative K. Hall

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:23 PM on Friday, April 26, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Monday, April 29, 2019, 1:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 240	Albemarle/City Labor for Business Ctr. **PCS *(Re-refer to Rules, Calendar, and Operations of the House)***	Representative Sasser Representative Goodman
HB 286	Fayetteville ETJ & Annexation of Shaw Heights.	Representative Floyd Representative Richardson Representative Lucas
HB 459	Lee County Deer Hunting.	Representative Sauls
HB 502	Voting Machines/Certain Cos.	Representative Riddell Representative Hardister Representative Iler Representative Quick
HB 630	Private Protective Services Changes. **PCS *(Re-refer to Rules, Calendar, and Operations of the House)***	Representative McNeill Representative Hardister Representative Faircloth
HB 635	Purchase & Contracts Benchmarks/Property.	Representative Ross Representative Holley
HB 641	Modifications to Various DPS Provisions. **PCS *(Re-refer to Rules, Calendar, and Operations of the House)***	Representative Boles Representative Pierce Representative Speciale Representative R. Turner
HB 757	Pender County Property Transfer.	Representative C. Smith
HB 758	MSD Expansion and Governance. **PCS *(Re-refer to Rules, Calendar, and Operations of the House)***	Representative McGrady

HB 873	System Development Fee/Clarify Time of Charge. **PCS** ***(Re-refer to Rules, Calendar, and Operations of the House)***	Representative Arp Representative Boles Representative McNeill
HB 899	Enact KinCare Act.	Representative Clemmons Representative Grange Representative Carney

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB 459 Lee County Deer Hunting.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Sauls

HB 502 (CS#1) Voting Machines/Certain Cos.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Riddell

HB 635 Purchase & Contracts Benchmarks/Property.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Ross

HB 757 Pender County Property Transfer.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	C. Smith

TOTAL REPORTED: 4



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **240** Albemarle/City Labor for Business Ctr.

Draft Number:	H240-PCS10599-ST-23
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Sasser

HB **286** Fayetteville ETJ & Annexation of Shaw Heights.

Draft Number:	H286-PCS30431-BA-15
Serial Referral:	FINANCE
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Floyd

HB **630** Private Protective Services Changes.

Draft Number:	H630-PCS10598-BAf-14
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McNeill

HB **641** Modifications to Various DPS Provisions.

Draft Number:	H641-PCS10600-BD-15
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Boles

HB **758** MSD Expansion and Governance.

Draft Number:	H758-PCS10595-STx-22
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McGrady



HB **873** System Development Fee/Clarify Time of Charge.

Draft Number:	H873-PCS30430-ST-21
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Arp

HB **899** Enact KinCare Act.

Draft Number:	H899-PCS10597-BK-11
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Grange

TOTAL REPORTED: 7

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 240
PROPOSED COMMITTEE SUBSTITUTE H240-CSST-23 [v.3]
04/28/2019 07:21:41 PM

Short Title: Albemarle/City Labor for Business Ctr. (Local)

Sponsors:

Referred to:

March 4, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF ALBEMARLE TO USE CITY LABOR FOR CERTAIN WORK RELATED TO THE CONSTRUCTION OF A BUSINESS CENTER WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 143-135, the City of Albemarle may use qualified labor on the permanent payroll of the City for the following work related to the construction of a business center:

(1) Installation of electrical lines to the business center, and up to any structure within the business center.

(2) Installation of water and sewer lines to the business center, and up to any structure within the business center.

SECTION 2. In carrying out the authority granted in this act, the City shall not be subject to the provisions of Article 8 of Chapter 143 of the General Statutes, except for all of the following:

(1) G.S. 143-128.2.

(2) G.S. 143-128.3.

(3) G.S. 143-129.

SECTION 3. This act is effective when it becomes law and expires on December 31, 2028.

HOUSE BILL 240:
Albemarle/City Labor for Business Ctr.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 29, 2019
Introduced by:	Reps. Sasser, Goodman	**Prepared by:**	Howard Marsilio Staff Attorney
Analysis of:	PCS to First Edition H240-CSST-23		

OVERVIEW: The Proposed Committee Substitute (PCS) for House Bill 240 would authorize the City of Albemarle to use city labor, without regard for the total project cost, for certain work related to the construction of a business center.

CURRENT LAW: Article 8 of Chapter 143 of the General Statutes requires cities (i) undertaking construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than five hundred thousand dollars ($500,000) or (ii) purchasing apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ninety thousand dollars ($90,000) to follow formal bidding procedures.[1] Under formal bidding procedures, bids must be advertised, submitted under seal, opened in public, and require a minimum of three bids.

State law exempts cities from using formal bidding procedures for construction or repair work when undertaken with a city's permanent employees and when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed five hundred thousand dollars ($500,000) or the total cost of labor on the project does not exceed two hundred thousand dollars ($200,000).

BILL ANALYSIS: The PCS to House Bill 240 would authorize the City of Albemarle to use its permanent employee labor force, without regard to the project cost, for installation of electrical lines, and water and sewer lines, up to any structure within the business center. The City would still be required to comply with minority participation goals and to use formal bidding procedures for purchases of $90,000 or more.

EFFECTIVE DATE: This act is effective when it becomes law and expires December 31, 2028.

[1] G.S. 143-129.

ɹren Cochrane-Brown
Director

H240-SMBG-79 CSST-23 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 240

Short Title:	Albemarle/City Labor for Business Ctr.	(Local)
Sponsors:	Representatives Sasser and Goodman (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 4, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF ALBEMARLE TO USE CITY LABOR FOR WORK RELATED TO THE CONSTRUCTION OF A BUSINESS CENTER WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Albemarle may use qualified labor on the permanent payroll of the City for work related to the construction of a business center without regard to the dollar limitations contained in G.S. 143-135. For purposes of work related to the construction of the business center only, except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials, or equipment, the City shall not be subject to the provisions of Article 8 of Chapter 143 of the General Statutes.

SECTION 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 286

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H286-ABA-7 [v.2]

Amends Title [YES]
First Edition

Date April 29 ,2019

Representative Autry

moves to amend the bill on page 1, lines 3-4, by rewriting the lines to read:
"EXTRATERRITORIAL JURISDICTION OVER THE SHAW HEIGHTS AREA.";

and on page 5, lines 8-12, by rewriting the lines to read:
"**SECTION 2.** This act is effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 286:
Fayetteville ETJ & Annexation of Shaw Heights.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 29, 2019
Introduced by:	Reps. Floyd, Richardson, Lucas	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***House Bill 286 would authorize the City of Fayetteville to exercise extraterritorial jurisdiction over the Shaw Heights area, effective June 30, 2019, and add the Shaw Heights area to the corporate limits of the City of Fayetteville, effective June 30, 2022.***

CURRENT LAW: Annexation is a method by which municipalities alter their boundaries. The municipality must follow the statutorily prescribed steps in order to add an area into its boundaries. The municipality must provide, or contract to provide, basic services to the area. These services include police protection, fire protection, solid waste collection and the extension of water and sewer lines to the area.

North Carolina law sets forth four basic ways in which a municipality may annex an area:

- **Voluntary Annexation.** – The owners of all real property in an area contiguous to the municipality desiring to be annexed sign a petition requesting annexation.
- **Voluntary Satellite Annexation.** – The owners of all real property in the area desiring to be annexed sign a petition requesting annexation, if statutory requirements are met.
- **Municipal-Initiated Annexation subject to a referendum.** – The municipality initiates an annexation proceeding, pursuant to statutory requirements.
- **Legislative Act.** – The General Assembly has the authority to extend the boundaries of any municipality.

Extraterritorial Jurisdiction is the power of a municipality to exercise specified regulatory functions, mainly land use planning and regulation, in an area beyond its corporate limits. Land use regulation may take the form of zoning, subdivision regulation, minimum housing codes, and regulations governing open spaces and community appearance.

BILL ANALYSIS/EFFECTIVE DATES: House Bill 286 would authorize the City of Fayetteville to exercise extraterritorial jurisdiction over the Shaw Heights area, effective June 30, 2019. If the City exercises extraterritorial jurisdiction over the Shaw Heights area, the City must provide a means of proportional representation on the City's planning board for the residents of Shaw Heights in the manner provided under G.S. 160A-362.[1] The bill would also annex the Shaw Heights area into the corporate limits of the City, effective June 30, 2022. Property in the annexed area as of January 1, 2022, is subject to municipal taxes for taxes imposed for taxable years on or after July 1, 2022.

[1] Generally, proportionate representation is based on population.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 286

Short Title:	Fayetteville ETJ & Annexation of Shaw Heights.	(Local)
Sponsors:	Representatives Floyd, Richardson, and Lucas (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 7, 2019

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF FAYETTEVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER THE SHAW HEIGHTS AREA AND TO SUBSEQUENTLY ANNEX THE AREA.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding the provisions of G.S. 160A-360, the City of Fayetteville may exercise the planning and development powers authorized in Article 19 of Chapter 160A of the General Statutes, the City's Charter, and the City's Code of Ordinances in the following described area:

BEGINNING at the northwest corner of Lot 11 in Block E of plat entitled A.D. McKenzie Lands Shaws Heights 90 Lots as recorded in Plat Book 12, Page 11, Cumberland County Registry, and running thence with the northern line of Lot 11, same line also being the current City of Fayetteville boundary, N 84° 34' 24" E 118.46 feet to a point; thence crossing Bonnie Doone Road (now known as Shaw Road) in a northerly direction and continuing along the eastern line of Lot 1 of plat entitled Property of Brooks Peele as recorded in Plat Book 14, Page 9, Cumberland County Registry and also being the City of Fayetteville boundary, N 05° 25' 36" W 359.84 feet to the northeast corner of Lot 1; thence with the northern line of Lot 1 also being the City of Fayetteville boundary, S 84° 34' 24" W 75.40 feet to the northwest corner of Lot 1; thence with the City of Fayetteville boundary N 03° 51' 52" E 3065.72 feet to a point; thence with the City of Fayetteville boundary S 54° 34' 24" W 94.00 feet to a point; thence with the City of Fayetteville boundary N 26° 26' 36" W 867.90 feet to a concrete monument in the northeastern most corner of the plat entitled Property of Public Works Commission as recorded in Plat Book 17, Page 34 of the Cumberland County Registry and also being in the boundary with the Fort Bragg Military Reservation; thence with the boundary of the Fort Bragg Military Reservation N 52° 05' 24" E 2376.04 feet to a point in the western right-of-way of the CSX railway; thence with the CSX railway right-of-way S 34° 23' 36" E 713.51 feet to a point; thence N 65° 38' 00" E 3659.45 feet to a point in the Fort Bragg Military Reservation boundary; thence continuing with the said boundary S 35° 43' 41" E 548.87 feet to a point; a point; thence S 35° 39' 28" E 199.85 feet to a point; thence with the Fort Bragg Military Reservation boundary N 66° 09' 58" E 46.93 feet to the northwest corner of Lot 525 as shown on the plat entitled Addition of Lots 525, 529, & 530 Section Nine Tiffany Pines recorded in Plat Book 63, Page 23 of the Cumberland County Registry; thence continuing along the City of Fayetteville boundary and crossing Graystone Road with the western lines of Lots 525, 527, 528, and a portion of 529, S 44° 17' 41" E 495.30 feet to

a point; thence along the southern line of lots 529-530 of the aforementioned plat and continuing thence with the southern lines of Lots 531-537 as shown in that plat entitled Revision Tiffany Pines Section Nine as recorded in Plat Book 56 Page 24 of the Cumberland County Registry and continuing thence S 71° 47' 00" E 809.56 feet to the southeastern corner of Lot 537; thence along the southern line of Lot 538 and a portion of Lot 539, N 54° 04' 22" E 240.32 feet to a point; thence continuing with the southern line of Lot 539 and Lots 540-541, N 38° 48' 43" E 206.90 feet to the southeastern corner of Lot 541; thence along the southern City of Fayetteville property line as described in Deed Book 5008 Page 11, Cumberland County Registry, S 50° 25' 17" E 129.96 feet to a point; thence along the southwestern line of the City of Fayetteville property as described in Deed Book 5008 Page 16, S 43° 59' 09" W 223.16 feet to a point; thence along the southern line of the aforesaid property, S 72° 34' 17" E 130.00 feet to an intersecting corner in the western line of Lot 128 as shown on plat entitled Addition to Section One Tiffany Pines and recorded in Plat Book 46, Page 2, Cumberland County Registry; thence S 20° 09' 01" W 34.98 feet to the southwestern corner of Lot 128; thence along the western line of Lots 30-32 as shown in that plat entitled Tiffany Pines Section One and recorded in Plat Book 41 Page 43, Cumberland County Registry, with the following courses and distances: S 25° 10' 01" W 95.02 feet to the southwest corner of Lot 30; thence S 23° 58' 01" W 95.00 feet to the northwestern corner of Lot 32; thence S 24° 34' 01" W 64.44 feet to a point; thence S 02° 29' 01" W 99.35 feet to a the southwest corner of Lot 32; thence S 04° 25' 50" W 57.64 feet to a point of tangency in the northern line of Lot 44; thence with the northern line of Lot 44, S 64° 08' 01" W 64.66 feet to the northwestern corner of said lot; thence along the western line of the same lot, S 26° 03' 55" E 50.00 feet to an iron pipe in the northeastern corner of the Barnhill Contracting Company property as shown on that plat entitled Property of Cumberland Paving Company n/k/a Barnhill Contracting Company as recorded in Plat Book 133, Page 129, Cumberland County Registry; thence along the northern line of the same property for the following courses and distances: S 65° 34' 24" W 661.28 feet to an iron pipe; thence S 40° 59' 00" E 15.96 feet to an existing steel post; thence S 10° 45' 15" W 641.24 feet to an existing concrete monument; thence S 41° 22' 42" W 328.82 feet to an iron pipe; thence S 56° 41' 38" W 366.81 feet to an iron pipe; thence S 54° 25' 39" W 148.89 feet to an existing iron stake; thence along the eastern line of Lot 45 as shown in that plat entitled Northpoint Village and recorded in Plat Book 42, Page 57, Cumberland County Registry, N 34° 55' 41" W 135.00 feet to the northeastern corner of Lot 45; thence along the southern margin of Shaw Road, an 80 foot right-of-way, N 55° 04' 19" E 25.00 feet to a point; thence crossing Shaw Road and continuing thence N 34° 55' 41" W 210.00 feet to the northeastern corner of Lot 40; thence N 23° 51' 41" W 9.99 feet to a point in the southeastern line of Lot 30; thence N 39° 00' 19" E 127.59 feet to a point on the eastern line of Lot 29; thence N 35° 53' 19" E 70.00 feet to a point in the eastern line of Lot 29; thence N 26° 27' 41" W 175.58 feet to the northeastern corner of Lot 28; thence along the northern line of Lots 28,27,15,14,and 13, N 64° 04' 41" W 411.21 feet to the northernmost corner of Lot 13; thence along the northwestern line of Lots 9-13, S 55° 04' 19" W 390.93 feet to a point in the western line of Lot 9; thence S 25° 57' 19" W 228.94 feet to the southwestern corner of Lot 8 said point also being in the northern right-of-way margin of Meharry Drive; thence with the northern margin of Meharry Drive, a 60 foot right-of-way, having a curve to the left, a radius of 560.52 feet, an arc length of 60.05 feet, a chord bearing of N 68° 25' 31" W, and a chord length of 60.02 feet to a point; thence crossing the right-of-way of Meharry Drive, S 25° 56' 19" W 191.47 feet to the southwestern corner of Lot 7, also being the northernmost most corner of Lot 149 as shown on that plat entitled University Estates Section 3 and recorded in Plat Book 38, Page 65, Cumberland County Registry; thence N 87° 48' 41" W 131.25 feet to the northernmost corner of Lot 148; thence S 70° 34' 19" W 141.83 to a point in the northern line of Lot 146; thence S 54° 44' 19" W 649.03 feet to westernmost corner of Lot 141; thence S 29° 45' 12" E 701.76 feet to the

northwestern corner of a lot conveyed to James W. McNeill and wife Dagmar, Deed Book 3318 Page 456, Cumberland County Registry, thence along the southern margin of Shaw Road having a curve to the right and a radius of 1671.48 feet, an arc length of 98.99 feet, a chord bearing of N 69° 14' 31" E, and a chord length of 98.98 feet to a point of tangency; thence following a curve to the right having a radius of 25.00 feet, an arc length of 38.46 feet, a chord bearing S 68° 22' 58" E, and a chord length of 34.78 feet to a point; thence along the western margin of Edmeston Drive S 24° 18' 39" E 41.33 feet to a point; thence following a curve to the left having a radius of 569.41 feet, an arc length of 105.26 feet, a chord bearing S 29° 36' 24" E, and a chord length of 105.11 feet to the northernmost corner of Lot 12 of that plat entitled University Estate Section I and recorded in Plat Book 37, Page 7, Cumberland County Registry; thence along the northwestern line of Lots 11 and 12, S 55° 05' 24" W 235.00 feet to the westernmost corner of Lot 11; thence N 34° 58' 29" W 44.24 feet to the northernmost corner of the Colonial Pipeline Company property described in Deed Book 1035, Page 269, Cumberland County Registry; thence along the northwestern of the aforementioned property, S 68° 18' 55" W 200.78 feet to the northernmost corner of the Motiva Enterprises, LLC property as described in Deed Book 4974, Page 550, Cumberland County Registry; thence along the northwestern line of the aforementioned property S 67° 21' 18" W 195.85 feet to a point in the CSX railroad right-of-way; thence following the CSX railroad right-of-way N 34° 43' 36" W 587.95 feet to a point; thence crossing the CSX railroad right-of-way S 57° 44' 02" W 228.76 feet to a point in the western right-of-way of Murchison Road, also known as NC Highway 210; thence following the western margin of Murchison Road, S 31° 41' 07" E 338.05 feet to the northern margin of Shaw Road, also known as SR 1437; thence following the northern margin of Shaw Road S 43° 44' 24" W 190.23 feet to a point; thence N 46° 26' 15" W 10.45 feet to a point; thence S 43° 44' 24" W 440.49 feet to a point; thence crossing the right-of-way of Shaw Road in a southeasterly direction S 46° 15' 36" E 718.94 feet to the northeastern corner of Lot 32, Plat Book 29, Page 4, Cumberland County Registry; thence along the American Mobile Home Supply property as shown on that plat entitled Survey for American Mobile Home Supply and recorded in Plat Book 100, Page 71, Cumberland County Registry S 43° 34' 30" W 355.93 feet to the westernmost corner; thence S 46° 27' 58" E 277.62 feet to the southeastern corner ; thence S 32° 13' 00" E 142.70 feet to a point of tangency; thence a following a curve to the left having a radius of 20.00 feet, an arc length of 31.33 feet, a chord bearing S 77° 04' 31" E, and a chord length of 28.22 feet to a point in the northern margin of Hogan Street (formerly Alpine Street); thence S 31° 59' 33" W 112.28 feet to a point of tangency in the southern margin of Hogan Street, also being the northern line of Lot 58 as shown on that plat entitled Madonna Estates Section One as recorded in Plat Book 36 Page 15, Cumberland County Registry; thence following a curve to the right, having a radius of 257.40 feet, an arc length of 127.43 feet, a chord bearing S 76° 53' 34" W, and a chord length of 126.13 feet to a point; thence N 87° 01' 27" W 89.45 feet to a point of tangency; thence following a curve to the left having a radius of 384.14 feet, an arc length of 262.34 feet, a chord bearing S 74° 43' 16" W and a chord length of 257.28 feet to the northwestern corner of Lot 81 as shown on aforesaid plat and continuing thence along the western line of lots 81-92 with the following bearings and distances: S 32° 14' 36" E 136.53 feet to the southwestern corner of Lot 81; thence N 57 15' 21" E 5.00 feet to a the northwestern corner of Lot 82; thence S 32° 44' 36" E 130.00 feet to the southwestern corner of Lot 82; thence S 57° 15' 28" W 5.00 feet to a point in the northwestern right-of-way of Prosser Court; thence S 32° 44' 36" E 464.84 feet to the southwest corner of Lot 85; thence S 35° 21' 24" W 210.82 feet to the southwest corner of Lot 88; thence S 50° 53' 24" W 93.41 feet to the southwest corner of Lot 89; thence S 17° 18' 24" W 136.41 feet to a point of tangency in the northern right-of-way of Utopia Court; thence following a curve to the left having a radius of 305.97 feet, an arc length of 43.74 feet, a chord bearing N 76° 55' 03" W, and a chord length of 43.70 feet to a point in the northern margin of

Utopia Court; thence crossing Utopia Court and continuing thence S 08° 56' 24" W 185.43 feet to the southwestern corner of Lot 91; thence N 79° 27' 36" W 66.98 feet to the northwestern corner of Lot 92; thence S 16° 29' 24" W 150.00 feet to a point in the northern margin of Alpine Street, said point also being the southwestern corner of Lot 92; thence S 73° 30' 36" E 42.92 feet to a point; thence crossing Alpine Street and continuing thence S 16° 29' 24" W 194.23 feet to the southwestern corner of Lot 62; thence following the southwestern line of the Public Works Commission property as shown on Plat Book 98, Page 147, Cumberland County Registry, N 74° 01' 37" W 759.64 feet to a concrete monument; thence N 58° 25' 48" W 534.75 feet to an iron stake in the eastern line of Lot 100 as shown in that plat entitled Julie Heights Subdivision Section Four as recoded in Plat Book 32, Page 25 of the Cumberland County Registry and continuing thence S 43° 48' 24" W 627.89 feet to the southernmost corner of Lot 92 Julie Heights Section Four of the aforementioned plat; thence N 83° 11' 36" W 459.96 feet to a concrete monument; thence N 46° 09' 53" W 310.99 feet to a concrete monument; thence N 87° 29' 36" W 399.80 feet to a concrete monument; thence N 58° 10' 36" W 350.10 feet to a concrete monument; thence N 23° 26' 04" W 398.18 feet to the POINT OF BEGINNING, and containing approximately 637.23 acres more or less. This description is intended to cover all of the non-annexed parcels that are currently surrounded by the City of Fayetteville and Fort Bragg Military Reservation boundaries within the area described above. Less and excepting Area I and Area II, which were annexed by the City of Fayetteville in Ordinance No. 77-10-201, adopted on October 24, 1977, and Ordinance No. 2013-06-543, adopted on June 10, 2013, respectively, and are more particularly described as follows:

Area I

BEGINNING at a point in the northern margin of Shaw Road, a 60 foot right-of-way at its intersection with the western margin of Gregory Street a 50 foot right-of-way, running thence for a first call, with the northern margin of Shaw Road, South 44 degrees West 254.40 feet to a point; thence North 35 degrees 10 minutes West 883.60 feet to a point in the southern margin of Tammy Street, a 50 foot right-of-way; thence with the southern margin of Tammy Street, North 54 degrees 50 minutes East 250 feet to a point in the western margin of Gregory Street; thence with the western margin of Gregory Street South 35 degrees 10 minutes East 418 feet to a point: thence with the southern line of Lot 10 of Shaw Heights subdivision as shown in Plat Book 12, Page 11, Cumberland County Registry, South 49 degrees 22 minutes West 125.6 feet to a point; thence with the eastern line of Lot 2 of said Shaw Heights subdivision South 35 degrees 10 minutes East 253.90 feet to a point; thence North 49 degrees 22 minutes East 125.6 feet to the western margin of Gregory Street, thence with said street margin South 35 degrees 10 minutes East 176 feet to the BEGINNING, and containing 4.13 acres more or less, and being all of Lots Nos. 2, 10, 11 and a portion of Lot No. 1, of the Shaw Heights Subdivision as shown in Plat Book 12, Page 11, recorded in the Cumberland County Registry; conveyed to Albert O. McCauley and Kenneth F. McDonald by deeds recorded in Book 2148, Page 93, Book 2377, Page 747, and Book 2491, Page 282, Cumberland County Registry.

Area II

BEGINNING at a point in the Eastern right-of-way margin of Holland Street, said point also being the northwest corner of Lot 19, Block "A", as shown on a plat entitled, "DIVISION OF LOTS 17 & 18, BLOCK "A" OF SHAW HEIGHTS," duly recorded in Book of Plats 94, Page 163, Cumberland County Registry, and continuing thence North 54 degrees 42 minutes 40 seconds East 95.06 feet to a point; thence North 54 degrees 43 minutes 36 seconds East 20.00 feet to a point; thence North 54 degrees 43 minutes 36 seconds East 80.00 feet to a point; thence South 35 degrees 10 minutes 00 seconds East 484.987 feet to a point; thence South 50 degrees 11 minutes 26 seconds West 100.33 feet to a point; thence South 49 degrees 08 minutes 00 seconds 95.53 feet to a point; thence North 35 degrees 10 minutes 00 seconds West 502.19 feet

to the POINT AND PLACE OF BEGINNING, and containing 2.21 Acres more or less. The total size of the area annexed in this Section, excepting Areas I and II, is 630.89 acres, more or less.

SECTION 1.(b) If the City of Fayetteville exercises the extraterritorial powers authorized in subsection (a) of this Section, the City shall provide a means of proportional representation on the City's planning board for the residents of Shaw Heights in the manner provided by G.S. 160A-362.

SECTION 1.(c) This section becomes effective June 30, 2019.

SECTION 2. Effective June 30, 2022, the property described in Section 1 of this act is added to the corporate limits of the City of Fayetteville. Property in the territory described in Section 1 of this act as of January 1, 2022, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2022.

SECTION 3. This act is effective when it becomes law.

HB 286

The Fayetteville Observer

Opinion

Our View: FSU belongs at the heart of Murchison revitalization

Posted Apr 22, 2019 at 4:58 PM
Updated Apr 22, 2019 at 4:58 PM

Fayetteville State University students say they want and need to be involved in the revitalization of Murchison Road, but they feel left out of the conversation. They're right about that.

FSU is the biggest and most important institution on the Murchison Road corridor and the rebirth of the neighborhood won't be possible unless the university, its students, faculty and its leadership are deeply involved in the effort. Indeed, they should be part of the core group that's steering it.

During a roundtable discussion with Fayetteville Observer staff last week, 10 FSU students talked about how they view a city initiative to revive the historically black corridor where the university is arguably the biggest and most important institution. They pointed out that while Ramsey Street near Methodist University is filled with major stores, restaurants and apartment complexes. FSU sits in the middle of a "food desert" and has few off-campus housing options for university students.

The students said that with the recent closing of the nearby Walmart Neighborhood Market, the students have few good choices for food shopping. Those who don't have cars need to arrange a comparatively costly trip by ride-share app to other food sources. Nieema Williams, a 23-year-old senior communications major, noted how few businesses around the university cater to the student community. "You go to other college towns and the things you see around it, we don't have, like more apartments and more stores." The dilapidated housing in the neighborhood around the university campus, she said, should be renovated or torn down.

Sha'More Lowery, a freshman mathematics major, understands the problem: Murchison Road has been neglected by the city. "One thing I feel like Murchison Road needs is support from the rest of Fayettteville," she said. She and other students said the city has made little effort to engage with FSU students.

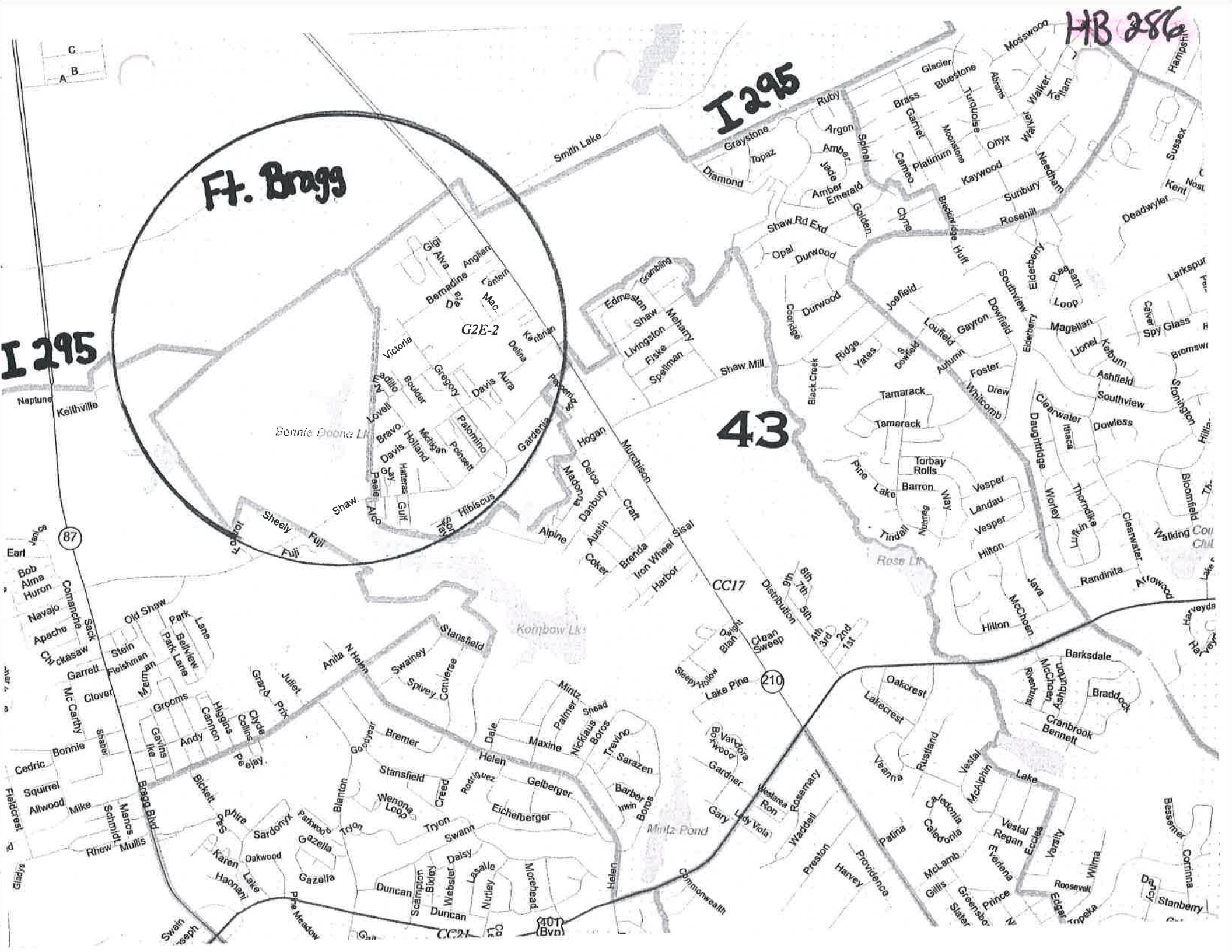
They're right. In truth, the city has made little effort over the years to engage with any part of the Murchison community. That's a story told in graphic detail by the lack of exit from the Martin Luther King Jr. Freeway and, until recently, by the labyrinth at Murchison Road's southern end that prevented the road from becoming a convenient route north to Fort Bragg and Spring Lake. It's a message still delivered by the lack of landscaping along Murchison Road and the poor condition of many sidewalks — where there are any.

Over the years, city leaders have made little effort to engage the university in Fayettville's big issues and plans. Despite having a talented faculty and staff, and an enthusiastic student body, the university has been at many times all but shut out of government activities taking place a short distance from the campus. That's beginning to change, but there's a lot of work still to be done before the university and its city are aligned and in step with each other.

The Murchison corridor revitalization project, the City Council's top priority for this year and beyond, presents an opportunity for dramatic change of those trends. Students, faculty and staff of the university are a huge potential resource for the city as it embarks on efforts for urban renewal and economic development. With the city itself experiencing a downtown growth boom, the Outer Loop providing opportunity at the road's northern end, and the creation of "opportunity zones" by the recent federal tax reform legislation, there is an unprecedented chance to lift Murchison Road's economy and improve the lives of its residents.

The revitalization effort has its best chance of success if the city puts Fayetteville State University and all its resources at the very core of the corridor's rebirth.

HB 286


Ft. Bragg
I 295
I 295
43
G2E-2
Bonnie Doone LK
Rose LK
Kombow LK
Mintz Pond
CC17
CC21
Smith Lake
Shaw Mill
Black Creek
Lake Pine
Sleepy Hollow
Bragg Blvd
Commonwealth
Distribution
Shaw Rd Exd
Opal
Durwood
Cloonage
Ridge
Yates
Joefield
Loufield
Gayron
Dowfield
Southview
Elderberry
Pleasant
Loop
Magellan
Lionel
Kelburn
Ashfield
Spy Glass
Larkspur
Deadwyler
Rosehill
Sunbury
Needham
Kaywood
Onyx
Moonstone
Platinum
Cameo
Spinel
Ruby
Graystone
Diamond
Topaz
Amber
Jade
Emerald
Argon
Brass
Garnet
Turquoise
Bluestone
Glacier
Mosswood
Walker
Killam
Sussex
Kent
Tamarack
Torbay
Rolls
Pine Lake
Barron
Vesper
Landau
Way
Tindall
Nutmeg
Hilton
Java
McChoen
Randirita
Arrowood
Clearwater
Dowless
Ithaca
Thorndike
Worley
Daughtridge
Foster
Autumn
Whitcomb
Drew
Stonington
Bloomfield
Walking Club
Barksdale
Braddock
Cranbrook
Bennett
Oakcrest
Lakecrest
Rustland
Vestal
McAlpin
Lake
Caledonia
Vestal
Regan
Eccles
Varsity
Wilma
Roosevelt
Bessemer
Corinna
Stanberry
Dacy
Verbena
Prince
Slater
Greensboro
Gillis
McLamb
Patina
Preston
Harvey
Providence
Waddell
Rosemary
Westarea
Ron
Gary
Lady Viola
Gardner
Boxwood
Vandora
Barber
Irwin
Boros
Trevino
Sarazen
Maxine
Dale
Helen
Gelberger
Eichelberger
Swann
Tryon
Creed
Rodriguez
Stansfield
Wenona
Loop
Bremer
Goodyear
Blanton
Parkwood
Gazella
Oakwood
Karen
Lake
Haonani
Pine Meadow
Duncan
Scampton
Bixley
Webster
Daisy
Lasalle
Nutley
Morehead
Helen
Sardonyx
Shire
Bickett
Mike
Allwood
Squirrel
Cedric
Bonnie
Shabel
Peejay
Collins
Clyde
Cannon
Higgins
Andy
Gavins
Ike
Grooms
Clover
Garrett
Mc Carthy
Merman
Fleishman
Stein
Park Lane
Bellview
Park
Old Shaw
Old Bragg
Sack
Comanche
Navajo
Apache
Chickasaw
Bob Alma Huron
Earl
Janice
87
Neptune
Keithville
Gigi
Alva
Anglian
Bernadine
Lantern
Mac
Victoria
Kenbrian
Delina
Gregory
Davis
Aura
Boulder
Lovell
Bravo
Holland
Michigan
Palomino
Poinsett
Gardenia
Hibiscus
Gulf
Alco
Peela
Hatteras
Shaw
Sheely
Fuji
Fuji
Alpine
Coker
Austin
Danbury
Madonna
Delco
Hogan
Murchison
Brenda
Iron Wheel
Sisal
Harbor
Cratt
Edmeston
Livingston
Fiske
Spellman
Shaw
Mehary
Grambling
Dwight
Blair
Clean Sweep
9th
8th
7th
5th
4th
3rd
2nd
1st
Stansfield
Swainey
Spivey
Converse
Juliet
Grand Prix
Anita
N Helen
Mintz
Palmer
Shead
Nicklaus
Boros

HB 382

HOUSE BILL 459:
Lee County Deer Hunting.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 29, 2019
Introduced by:	Rep. Sauls	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 459 would require the Wildlife Resources Commission for the Southeastern Region of North Carolina to set the seasons for hunting either sex dear with archery equipment, black powder, and guns in Lee County.

CURRENT LAW: Counties in North Carolina are separated into the following geographic regions with regard to setting deer hunting seasons: Western Deer Zone, Northwestern Deer Zone, Central Deer Zone, Northeastern Deer Zone and Southeastern Deer Zone. Currently, Lee County is part of the Central Deer Zone.

BILL ANALYSIS: House Bill 459 would require the Wildlife Resources Commission for the Southeastern Region of North Carolina to set the seasons for hunting either sex dear with archery equipment, black powder, and guns in Lee County.

EFFECTIVE DATE: This act would be effective when it becomes law.

BACKGROUND: In November 2018, the voters of this State approved an amendment to the North Carolina Constitution stating that it is the "right of the people to hunt, fish, and harvest wildlife is a valued part of the State's heritage and shall be forever preserved for the public good." The amendment further provides that the right of the people to hunt, fish, and harvest wildlife is subject only to laws enacted by the General Assembly to (i) promote wildlife conservation and management and (ii) preserve the future of hunting and fishing. The amendment also included language that it did not modify any provision of law relating to trespass, property rights, or eminent domain. At this time, no appellate court decisions have been issued to interpret this Section of the Constitution.

ıren Cochrane-Brown
Director

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 1

HOUSE BILL 459

Short Title:	Lee County Deer Hunting.	(Local)
Sponsors:	Representative Sauls. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Wildlife Resources, if favorable, Rules, Calendar, and Operations of the House	

March 27, 2019

A BILL TO BE ENTITLED

AN ACT TO REGULATE DEER HUNTING IN LEE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, the seasons for hunting either sex deer with archery equipment, black powder, and guns in Lee County shall be those set by the Wildlife Resources Commission for the Southeastern Region of the State.

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 502:
Voting Machines/Certain Cos.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 26, 2019
Introduced by:	Reps. Riddell, Hardister, Iler, Quick	**Prepared by:**	Erika Churchill and Jessica Sammons, Staff Attorneys
Analysis of:	Second Edition		

OVERVIEW: House Bill 502 would authorize the use of direct record electronic (DRE) voting systems that do not use paper ballots in elections conducted through December 1, 2021, in Alamance, Brunswick, Burke, Davie, Guilford, and Pamlico Counties.

CURRENT LAW: Effective December 1, 2019, G.S. 163A-1115(a) requires that only voting systems that have been certified by the State Board that meet certain standards and have not been subsequently decertified may be used in elections. One of the required standards is that the voting system, including direct record electronic voting systems, must generate a paper ballot which provides a backup means of counting the vote that the voter casts. G.S. 163A-1095(1) defines a ballot as "an instrument on which a voter indicates that voter's choice for a ballot item so that it may be recorded as a vote for or against a certain candidate or referendum proposal, and is evidenced by an individual paper document that bears marks made by the voter by hand or through electronic means, whether preprinted or printed in the voting enclosure." DRE voting systems must generate a paper ballot viewable by the voter before the vote is cast electronically, and permit the voter to correct any discrepancy between the electronic vote and the paper ballot before the vote is cast to be certified.

G.S. 163A-1111 prohibits the use of a voting system that does not use or produce a ballot in any referendum, primary, or other election as a means of voting or counting an official ballot.

S.L. 2013-381, Sec. 30.8 and 30.9, as amended by Section 6 of S.L. 2015-103 and Section 3.11 of S.L. 2018-13, provides that any DRE voting systems certified by the State Board of Elections which do not use paper ballots be decertified and not used in any election held on or after December 1, 2019.

BILL ANALYSIS: Notwithstanding laws to the contrary, the bill would allow DRE voting systems that do not use paper ballots to be used in any election conducted prior to December 1, 2021, whether or not the DRE voting system has been certified or decertified by the State Board of Elections.

The bill would apply only to Alamance, Brunswick, Burke, Davie, Guilford, and Pamlico Counties.

EFFECTIVE DATE: Effective when it becomes law.

Kara McCraw substantially contributed to this summary.

ɜren Cochrane-Brown
Director

H502-SMST-20 E2 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 2

HOUSE BILL 502
Committee Substitute Favorable 4/25/19

Short Title: Voting Machines/Certain Cos. (Local)

Sponsors:

Referred to:

April 1, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW CERTAIN VOTING MACHINES TO CONTINUE IN USE AFTER DECEMBER 1, 2019, IN CERTAIN COUNTIES ONLY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Sections 30.8 and 30.9 of S.L. 2013-381, as amended by Section 6 of S.L. 2015-103 and Section 3.11 of S.L. 2018-13, and notwithstanding G.S. 163A-1111 and G.S. 163A-1115, direct record electronic (DRE) voting systems that do not use paper ballots may be used in any election conducted prior to December 1, 2021, whether or not the direct record electronic (DRE) voting system has been certified or decertified by the State Board of Elections in accordance with law.

SECTION 2. This act applies to Alamance, Brunswick, Burke, Davie, Guilford, and Pamlico counties only.

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 630
PROPOSED COMMITTEE SUBSTITUTE H630-CSBAf-14 [v.2]

04/28/2019 05:57:47 PM

Short Title: Private Protective Services Changes. (Public)

Sponsors:

Referred to:

April 9, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE PRIVATE PROTECTIVE SERVICES ACT AND TO CREATE CERTAIN FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 74C-3(a) reads as rewritten:

"(a) As used in this Chapter, the term "private protective services profession" means and includes the following:

...

(5) Detection of deception examiner. – Any person, firm, association, or corporation ~~which~~ which, for a fee or other valuable consideration, uses any device or instrument, regardless of its name or design, for the purpose of the detection of deception or any person who reviews the work product of an examiner including charts, tapes or other methods of record keeping for the purpose of detecting deception or determining accuracy.

(5a) Electronic countermeasures profession. – Any person, firm, association, or corporation which for a fee or other valuable consideration discovers, locates, or disengages by electronic, electrical, or mechanical means any ~~listening~~ of the following:

a. Listening or other monitoring equipment surreptitiously placed to gather information concerning any individual, firm, association, or ~~corporation.~~corporation.

b. Any device intended to block the transmission of any electronic signal.

...

(8) Private detective or private investigator. – Any person who engages in the profession of or accepts employment to furnish, agrees to make, or makes inquiries or investigations concerning any of the following on a contractual basis:

...

~~f. Protection of individuals from serious bodily harm or death.~~

...

(10) Close personal protection. – Any person, firm, association, or corporation which, for a fee or other valuable consideration, provides or offers to provide security measures to ensure the safety of a business executive, elected or appointed public official, celebrity, or other individuals who may be exposed to elevated personal risk because of the individual's employment, status, wealth, associations, or geographical location.

(11) Digital forensics examination. – Any individual, firm, association, or corporation which, for a fee or other valuable consideration, provides or offers to provide examination of digitally stored data to recover, image, analyze, or examine the data by using software to determine responsibility or reconstruct usage of the data.

(b) "Private protective services" shall not include any of the following:

...

(17) A person engaged in ~~(i) computer or digital forensic services or in the acquisition, review, or analysis of digital or computer-based information, whether for the purposes of obtaining or furnishing information for evidentiary or other purposes, or for providing expert testimony before a court; or (ii)~~ network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a ~~network.~~network, and routine service or repair.

(18) A person under contract with an occupational licensing board as defined by G.S. 93B-1 while performing an investigation solely for that board.

(c) Upon proof that the private investigator has provided services pursuant to former G.S. 74C-3(a)(8)f. of this section within the five years prior to July 1, 2020, a licensed North Carolina private detective may receive a close personal protection license upon payment of the applicable fee; however, upon the renewal of that license, the private investigator must meet all requirements for a close personal protection license. This provision applies only to private investigators and not trainees."

SECTION 2. G.S. 74C-5 reads as rewritten:

"**§ 74C-5. Powers of the Board.**

In addition to the powers conferred upon the Board elsewhere in this Chapter, the Board shall have the power to do all of the following:

...

(13) Conduct investigations regarding unlicensed activity and, with the concurrence of the Secretary of Public Safety, issue cease and desist letters.

(14) Acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and the Council of State. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board.

(15) Adopt rules establishing standards for the use of any firearm or other weapon approved by the Board.

(16) Adopt and publish a code of professional conduct for licensees, registrants, certificate holders, or permit holders, the violation of which is grounds to suspend or revoke a license, registration, or permit pursuant to G.S. 74C-12."

SECTION 3. G.S. 74C-7 reads as rewritten:

"**§ 74C-7. Investigative powers of the Secretary of Public Safety.**

The Secretary of Public Safety for the State of North Carolina ~~shall have~~ has the power to investigate or cause to be investigated any complaints, allegations, or suspicions of wrongdoing or violations of this Chapter involving ~~individuals licensed,~~ unlicensed individuals, licensed individuals, or individuals to be ~~licensed,~~ licensed under this Chapter. The Secretary shall retain the authority to enforce the provisions of this Chapter and impose any penalty authorized by G.S. 74C-12(a) and G.S. 74C-17 against any person or entity who is under investigation for or charged with a violation of this Chapter even if the person or entity's license or registration has been surrendered or has lapsed. Any investigation conducted pursuant to this section is confidential and is not subject to review under G.S. 132-1 until the investigation is complete and a report is presented to the Board. However, the report may be released to the licensee after the investigation is complete but before the report is presented to the Board."

SECTION 4. G.S. 74C-8 reads as rewritten:

"**§ 74C-8. License requirements.**

...

(c) Qualifying Agent. – A business entity, other than a sole proprietorship, that engages in private protective services is subject to all of the requirements listed in this subsection with respect to a qualifying agent. For purposes of this Chapter, a "qualifying agent" is an individual in a management position who is licensed under this Chapter and whose name and address have been registered with the Director. The requirements are:

...

(3) In the event that the qualifying agent upon whom the business entity relies in order to do business ceases to perform his duties as qualifying agent, the business entity shall notify the Director within 10 working days. The business entity must obtain a substitute qualifying agent within ~~30~~ 90 days after the original qualifying agent ceases to serve as qualifying agent unless the Board, in its discretion, extends ~~this~~ the 90-day period, for good cause, for ~~a period of time not to exceed three months.~~an additional 30 days upon the filing of a petition by the business entity and upon a hearing by the Board. The Board may require the payment of a late fee for a business entity failing to obtain a substitute qualifying agent pursuant to the requirements of this subdivision.

(d) Criminal Record Check. – An applicant must meet all of the following requirements and qualifications determined by a background investigation conducted by the Board in accordance with G.S. 74C-8.1 and upon receipt of an application:

...

(2) That the applicant is of good moral character and temperate habits. The following shall be prima facie evidence that the applicant does not have good moral character or temperate habits: conviction by any local, State, federal, or military court of any crime involving the illegal use, carrying, or possession of a ~~firearm;~~ firearm or other deadly weapon; conviction of any crime involving the illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage; conviction of a crime involving ~~felonious~~ assault or an act of violence; conviction of a crime involving unlawful breaking or entering, burglary, larceny, or any offense involving moral turpitude; or a history of addiction to alcohol or a narcotic drug; provided that, for purposes of this subsection, "conviction" means and includes the entry of a plea of guilty or no contest or a verdict rendered in open court by a judge or jury.

...

(f) Issuance. – Upon a finding that the application is in proper form, the completion of the background investigation, and the completion of an examination required by the Board, the Director shall submit to the Board the application and the Director's recommendations. Upon completion of the background investigation, the Director may issue a temporary license pending approval of the application by the Board at the next regularly scheduled meeting. The Board shall determine whether to approve or deny the application for a license. Upon approval by the Board, a license will be issued to the applicant upon payment by the applicant of the initial license fee and the required contribution to the Private Protective Services Education Fund, and filing of a certificate of liability ~~insurance.~~insurance with the Board. The applicant must pay the initial license fee and make the required contribution to the Fund within 90 days from the date the applicant receives notice of pending licensure approval unless the Board, in its discretion, extends the 90-day period, for good cause, for an additional 30 days upon the filing of a petition by the applicant and upon a hearing by the Board. The Board may require the payment of a late fee for

an applicant failing to pay the initial license fee or failing to make the contribution to the Fund pursuant to the requirements of this subsection."

SECTION 5. G.S. 74C-9 reads as rewritten:

"**§ 74C-9. Form of license; term; renewal; posting; branch offices; not assignable; late renewal fee.**

...

(e) The Board is authorized to charge reasonable application and license fees as follows:

...

(7) An application fee for a firearm registration permit for all applicants and licensees subject to G.S. 74C-13 not to exceed fifty dollars ($50.00).

(8) A new, renewal, replacement, or reissuance fee for a firearm registration permit for all applicants and licensees subject to G.S. 74C-13 not to exceed thirty dollars ($30.00).

...

(16) A late fee for a business entity subject to G.S. 74C-8(c)(3) or an applicant for licensure under G.S. 74C-8(f) not to exceed one hundred dollars ($100.00).

Except as provided in G.S. 74C-13(k), all fees collected pursuant to this section shall be expended, under the direction of the Board, for the purpose of defraying the expenses of administering this Chapter.

(f) A license or trainee permit granted under the provisions of this Chapter may be renewed by the Private Protective Services Board upon notification by the licensee or permit holder to the Director of intended renewal, the payment of the proper fee, and evidence of a ~~policy of~~ liability insurance policy as prescribed in G.S. 74C-10(e).

The renewal shall be finalized before the expiration date of the license. In no event will renewal be granted more than three months after the date of expiration of a license or trainee permit.

...."

SECTION 6. G.S. 74C-10 reads as rewritten:

"**§ 74C-10. Certificate of liability insurance required; form and approval; suspension for noncompliance.**

...

(e) No security guard and patrol, armored car, or special limited guard and patrol license shall be issued under this Chapter unless the applicant files with the Board evidence of a ~~policy of liability insurance.~~ liability insurance policy. The policy must provide for the following minimum coverage: fifty thousand dollars ($50,000) because of bodily injury or death of one person as a result of the negligent act or acts of the principal insured or his agents operating in the course and scope of his employment; subject to said limit for one person, one hundred thousand dollars ($100,000) because of bodily injury or death of two or more persons as the result of the negligent act or acts of the principal insured or his agents operating in the course and scope of his or her agency; twenty thousand dollars ($20,000) because of injury to or destruction of property of others as the result of the negligent act or acts of the principal insured or his agents operating in the course and scope of his or her agency. If ~~the licensee,~~ a licensee or a trainee supervised by a licensee, other than a security guard and patrol, armored car, or special limited guard and patrol licensee, carries a firearm while engaged in private protective services activities, the licensee or trainee shall obtain a ~~policy of~~ liability insurance policy with a minimum coverage as specified above. A licensee or trainee is deemed to be "carrying a firearm" for purposes of this section while engaged in private protective services if the licensee or trainee has a firearm on the licensee's or trainee's person or in the automobile the licensee or trainee is using to perform private protective services. A licensee may provide coverage for a trainee under the licensee's supervision; however, failure of the licensee to provide coverage does not exempt the trainee from the requirements of this section.

(e1) The Board shall approve the form, execution, and terms of the liability insurance policy.

(f) An insurance carrier ~~shall have~~ has the right to cancel ~~such policy of liability insurance~~ a liability insurance policy upon giving a 30-day notice to the Board. Provided, however, that ~~such~~ the cancellation shall not affect any liability on the policy ~~which~~ that accrued prior thereto. ~~The policy of liability shall be approved by the Board as to form, execution, and terms thereon.~~

(g) ~~The holder of any trainee permit and persons~~ Persons registered pursuant to G.S. 74C-11 ~~shall not be~~ are not required to obtain a certificate of liability insurance.

...."

SECTION 7. G.S. 74C-11 is amended by adding a new subsection to read:

"(g) Notwithstanding the provisions of this section, during a State of Disaster or State of Emergency declared by the Governor of this State pursuant to Article 1 of Chapter 166A of the General Statutes, a licensee may employ a person properly registered or licensed as an armed security guard in another state provided the licensee, prior to deploying the armed security guard in this State, submits to the Director the name, address, and Social Security number of the armed security guard, the name of the state of current registration or licensing of the armed security guard, proof of completion of the four-hour training course mandated by G.S. 74C-13(h)(1)a. and 14B NCAC 16 .0807(c)(1), administered by a North Carolina certified trainer, qualification by a North Carolina Private Protective Services Board certified firearms instructor based on the firearm the armed security guard intends to carry, meeting the qualification requirements approved by the Board and the Secretary of Public Safety for each firearm, and the Director approves the employment of the armed security guard in this State. Qualification shall be valid for a period of 12 months. The duration of the deployment of an armed security guard from another state by a licensee shall not exceed the declared State of Emergency or Disaster."

SECTION 8. G.S. 74C-12 reads as rewritten:

"**§ 74C-12. Denial, suspension, or revocation of license, registration, or permit; duty to report criminal arrests.**

(a) The Board may, after compliance with Chapter 150B of the General Statutes, deny, suspend or revoke a license, certification, registration, or permit issued under this Chapter if it is determined that the applicant, licensee, trainee, registrant, or permit holder has done any of the following acts:

(1) Made any false statement or given any false information in connection with any application for a license, certification, registration, or permit or for the renewal or reinstatement of a license, certification, registration, or permit.

...

(6) Engaged in or permitted any employee to engage in a private protective services profession when not lawfully in possession of a valid license or registration issued under the provisions of this Chapter.

...

(9) Committed an unlawful breaking or entering, assault, battery, or ~~kidnapping.~~kidnapping or violated any State or federal firearms law.

...

(24) Fraudulently held himself or herself out as employed by or licensed by the ~~State Bureau of Investigation~~ Department of Public Safety or any other governmental authority."

SECTION 9. G.S. 74C-13 reads as rewritten:

"**§ 74C-13. Armed licensee or registered employee required to have firearm registration permit; firearms training.**

(a) It shall be unlawful for any person performing private protective services duties to carry a firearm in the performance of those duties without first having met the qualifications of

this section and having been issued a firearm registration permit by the Board. A licensee or proprietary employer described in G.S. 74C-3(b)(13) shall register any individual carrying a firearm within 30 days of employment. Before engaging in any private protective services activity, the individual shall receive any required training prescribed by the ~~Board.~~Board, unless specifically exempted from training by G.S. 74C-13.1.

...

(d2) A proprietary security organization that employs an armed security guard shall submit to the Board an application for a license on a form provided by the Board for that purpose. A proprietary security organization shall renew its license every two years.

...

(g) The Board may suspend, revoke, or deny a firearm registration permit if the holder or applicant has been convicted of any crime involving moral turpitude or any crime ~~involving the illegal use, carrying, or possession of a deadly weapon~~ set forth in G.S. 74C-8(d) or for violation of this section or rules promulgated by the Board to implement this section. The Director may summarily suspend a firearm registration permit pending resolution of charges ~~involving the illegal use, carrying, or possession of a firearm lodged against the holder of the permit.~~for any crime involving moral turpitude, any of the offenses set forth in G.S. 74C-12, or any crime set forth in G.S. 74C-8(d).

(h) The Board and the Secretary of Public Safety shall establish a firearms training program for licensees and registered employees to be conducted by agencies and institutions approved by the Board and the Secretary of Public Safety. The Board and the Secretary of Public Safety may approve training programs conducted by a contract security company and the security department of a proprietary security organization, if the contract security company or security department of a proprietary security organization offers the courses listed in subdivision (1) of this subsection and if the instructors of the training program are certified trainers approved by the Board and the Secretary of Public Safety:

(1) The basic training course approved by the Board and the Secretary of Public Safety shall consist of a minimum of four hours of ~~classroom~~ training which shall include all of the following:

a. Legal limitations on the use of ~~hand guns~~ firearms and on the powers and authority of an armed security guard.

b. Familiarity with this section.

c. Range firing and procedure and ~~hand gun~~ firearm safety and maintenance.

...

(o) The Board shall not knowingly issue a firearm registration permit to an individual who is prohibited by federal or State law from possessing a firearm."

SECTION 10. Article 1 of Chapter 74C of the General Statutes is amended by adding a new section to read:

"**§ 74C-13.1. Exemption from firearms training requirements.**

(a) The following persons may be exempt from the firearms training requirements of G.S. 74C-13(b):

(1) Those who have successfully completed the North Carolina Basic Law Enforcement Training (BLET) and the first year of probationary employment.

(2) Persons who have retired either by years of service or by medical disability, or separated in good standing as a sworn law enforcement officer from a federal, state, county, or municipal law enforcement agency that included in their duty the use and qualification of a firearm. Retirement or separation must have occurred within three years of application.

(3) Military personnel who have been honorably discharged within three years of application and whose military occupational specialty (MOS) included

Military Police or Criminal Investigative Division (CID) within three years of application.

(4) Employees of a nuclear power plant that are required to comply with 10 C.F.R. § 73.55 Appendix B, "Training and Qualification of Security Personnel," as supplemented by the United States Nuclear Regulatory Commission Regulatory Guide 5.75.

(b) An applicant claiming one of the above exemptions from the 20-hour course of armed guard instruction must provide the Board the following documentation, as appropriate:

(1) A copy of a North Carolina BLET training certificate and a letter from the applicant's department verifying that the probationary employment period has been completed.

(2) Retirement documentation not older than three years verifying sworn status, or the card issued by the North Carolina Criminal Justice Training & Standards Division authorizing concealed carry under the United States Law Enforcement Officers' Safety Act of 2004.

(3) Documentation from a United States Department of Defense Form DD 214, Form DD 215, or Form NGB 22 noting a Military Police or CID military occupational specialty.

(4) Documentation of retirement or separation from a federal law enforcement agency with a United States Office of Personnel Management job series of 1811.

(5) Documentation of current, direct employment with a nuclear power plant located in North Carolina.

(c) The Board shall deny the exemption if the applicant fails to provide the documentation, as applicable, set forth above.

(d) When utilizing this exemption, the applicant must qualify within the first three attempts on the required firearm qualification course. If the applicant fails to qualify on both of these required courses, the applicant shall be required to undergo the entire 20-hour course of instruction.

(e) When utilizing this exemption, the applicant must complete the legal block of instruction required by G.S. 74C-13(h)(1) and the Board's administrative rules."

SECTION 11. G.S. 74C-17 reads as rewritten:

"**§ 74C-17. Enforcement.**

...

(c) In lieu of revocation or suspension of a license or permit under G.S. 74C-12, a civil penalty of not more than two thousand dollars ($2,000) per violation may be assessed by the Board against any person or business who violates any provision of this Chapter or any rule of the Board adopted pursuant to this Chapter. In determining the amount of any penalty, the Board shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties provided for in this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

...

(e) The Board shall be entitled to charge costs, including reasonable attorneys' fees, for any proceeding governed by Chapter 150B of the General Statutes or authorized by this section."

SECTION 12. G.S. 74C-23 reads as rewritten:

"**§ 74C-23. Acquisition or change of ownership or control of licensed firm, association, or corporation.**

In the event a company, firm, or corporation licensed under this Chapter transfers ownership, control, or a majority of assets to another person, firm, association, or corporation, the person, firm, association, or corporation acquiring control or ownership shall have the following responsibilities:

...

(4) Provide to the Director ~~within 60~~ 10 calendar days ~~from the~~ prior to the effective date of the transaction ~~the following:~~a list of any licensee and any registrants affected by the transaction.

~~a. A list of all registrants or licensees affected by the transaction.~~

~~b. Written confirmation of completion of any changes necessary for the acquiring party to comply with the requirements of this Chapter or any applicable rules adopted by the Board on a form approved by the Director.~~

(5) Provide to the Director within 60 calendar days from the effective date of the transaction written confirmation of completion of any changes necessary for the acquiring party to comply with the requirements of this Chapter or any applicable rules adopted by the Board on a form approved by the Director."

SECTION 13. G.S. 14-269.3 reads as rewritten:

"**§ 14-269.3. Carrying weapons into assemblies and establishments where alcoholic beverages are sold and consumed.**

...

(b) This section shall not apply to any of the following:

...

(4) A person registered ~~or hired~~ as a security guard as defined in G.S. 74C-3(b)(13) who is hired by the owner, lessee, or person or organization sponsoring the ~~event.~~event or a person employed by a business licensed pursuant to G.S. 74C-2 who is hired by the owner, lessee, or person or organization sponsoring the event.

...."

SECTION 14. Section 1 of this act becomes effective July 1, 2020. The remainder of the act becomes effective July 1, 2019.

HOUSE BILL 630:
Private Protective Services Changes.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 29, 2019
Introduced by:	Reps. McNeill, Hardister, Faircloth	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	PCS to First Edition H630-CSBAf-14		

OVERVIEW: House Bill 630 would make changes to the laws regulating the private protective services profession including authorizing a $100 late fee and creating a firearms training exemption.

The PCS makes technical and conforming changes to the bill.

CURRENT LAW: Under Chapter 74C, the Private Protective Services Board ("Board") regulates professions of security guards, private investigators, guard dog service, electronic countermeasures, detection of deception examiners, courier service, armored car, and special limited guards.

BILL ANALYSIS:

Section 1 of House Bill 630 would do the following:

- Include any device intended to block the transmission of any electronic signal in the definition of "electronic countermeasure profession."
- Remove protection of individuals from serious bodily harm or death from the definition of "private detective or private investigator."
- Expand the defined private protection services profession to include "close personal protection" and "digital forensics examination."
- Expand the services not considered private protective services to include anyone under contract with an occupational licensing board while performing an investigation solely for that board.
- Authorize a licensed State private detective that has provided services to protect individuals from serious bodily harm or death within 5 years of July 1, 2020 to receive a close personal protection license.

Section 2 of House Bill 630 would empower the Board to:

- Conduct investigations regarding unlicensed activity.
- Issue cease and desist letters (with the concurrence of the Secretary of Public Safety).
- Deal with real property in the same manner as a private person (subject to approval of Governor and the Council of State).
- Adopt rules for the use of firearms or other weapons.
- Adopt and publish a code of professional conduct, the violation of which would be grounds to suspend or revoke a license, registration, or permit.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 3 of House Bill 630 would expand the power of the Secretary of Public Safety with regard to investigation and enforcement to include individuals and firms that are not yet licensed or have lapsed or surrendered licenses.

Section 4 of House Bill 630 would do the following:

- Extend the time a business has to replace a qualifying agent to 90 days (currently 30 days).
- Reduce the additional time that the Board may grant a business that has not found a qualifying agent in the allotted time, to 30 days (currently up to an additional 3 months).
- Add a 90 day period, with a possible 30 day extension, to pay the initial license fee and post the required contribution to the Private Protective Services Education Fund for all licensees.
- Authorize the Board to impose a late fee for (i) failure to obtain a new qualifying agent; (ii) failure to pay the initial license fee; or (iii) failing to contribute to the Private Protective Services Education Fund.
- Add conviction of any crime involving the illegal use, carrying, or possession of a deadly weapon as prima facie evidence that the applicant is not of good moral character.

Section 5 of House Bill 630 would expand the firearm registration permit fee to include all applicants and licensees under G.S. 74C-13 and authorize a late fee for certain applicants and businesses (not to exceed $100).

Sections 6 of House Bill 630 would extend the liability insurance requirement to include a trainee supervised by a licensee.

Section 7 of House Bill 630 would authorize a licensee to employ certain out-of-state armed security guards during times of declared State of Emergencies or Disasters.

Section 8 of House Bill 630 would extend the Board's denial, suspension, and revocation powers to include trainees seeking certification. This section would also make a violation of any State or federal firearms law grounds for denial, suspension, or revocation.

Section 9 of House Bill 630 would do the following with regard to firearm registration permits:

- Extend the requirement of a Board-issued firearm registration permit to a proprietary security organization that employs an armed security guard.
- Provide that the Board may suspend, revoke, or deny a firearm registration permit if the holder or applicant has been convicted of any crime set forth in G.S. 74C-8(d).
- Provide that the Director of the Private Protective Services Board may suspend a firearm registration permit if the holder is charged with any crime involving moral turptitude, any offense set forth in G.S. 74C-12, or any crime set forth in G.S. 74C-8(d).
- Provide that the Board shall not knowingly issue a firearm registration permit to an individual prohibited by federal or State law from possessing a firearm.

Section 10 of House Bill 630 would provide a firearms training exemption for:

- Basic Law Enforcement Training (BLET) graduates who have completed one year of employment.
- Retired sworn law enforcement officers who have retired within three years of the application.
- Certain honorably discharged Military Police, and military Criminal Investigations' personnel.
- Specific nuclear power plant employees.

Section 11 of House Bill 630 would authorize the Board to charge costs and attorney fees for any proceedings governed by Chapter 150B of the General Statutes (Administrative Procedure Act) or authorized by this section.

Section 12 of House Bill 630 would limit the time that a new owner of a transferred business licensed under this Chapter has to provide a list of registrants and licensees affected by the transfer to the Director of the Board.

Section 13 of House Bill 630 would expand the exception for armed security guards to carry weapons into assemblies and establishments where alcohol is sold and consumed.

EFFECTIVE DATE: Section 1 of House Bill 630 would become effective July 1, 2020. The remainder of House Bill 630 would become effective July 1, 2019.

HOUSE BILL 630

Short Title:	Private Protective Services Changes.	(Public)
Sponsors:	Representatives McNeill, Hardister, and Faircloth (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Judiciary, if favorable, Rules, Calendar, and Operations of the House	

April 9, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE PRIVATE PROTECTIVE SERVICES ACT AND TO CREATE CERTAIN FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 74C-3(a) reads as rewritten:

"(a) As used in this Chapter, the term "private protective services profession" means and includes the following:

...

(5) Detection of deception examiner. – Any person, firm, association, or corporation ~~which~~ which, for a fee, uses any device or instrument, regardless of its name or design, for the purpose of the detection of deception or any person who reviews the work product of an examiner including charts, tapes or other methods of record keeping for the purpose of detecting deception or determining accuracy.

(5a) Electronic countermeasures profession. – Any person, firm, association, or corporation which for a fee or other valuable consideration discovers, locates, or disengages by electronic, electrical, or mechanical means any ~~listening~~ of the following:

a. Listening or other monitoring equipment surreptitiously placed to gather information concerning any individual, firm, association, or ~~corporation.~~corporation.

b. Any device intended to block the transmission of any electronic signal.

...

(8) Private detective or private investigator. – Any person who engages in the profession of or accepts employment to furnish, agrees to make, or makes inquiries or investigations concerning any of the following on a contractual basis:

...

~~f.~~ ~~Protection of individuals from serious bodily harm or death.~~

...

(10) Close personal protection. – Any person, firm, association, or corporation which, for a fee or other valuable consideration, provides or offers to provide security measures to ensure the safety of a business executive, elected or appointed public official, celebrity, or other individuals who may be exposed

to elevated personal risk because of the individual's employment, status, wealth, associations, or geographical location.

(11) Digital forensics examination. – Any individual, firm, association, or corporation which, for a fee or other valuable consideration, provides or offers to provide examination of digitally stored data to recover, image, analyze, or examine the data by using software to determine responsibility or reconstruct usage of the data.

(b) "Private protective services" shall not include any of the following:

...

(17) A person engaged in ~~(i) computer or digital forensic services or in the acquisition, review, or analysis of digital or computer-based information, whether for the purposes of obtaining or furnishing information for evidentiary or other purposes, or for providing expert testimony before a court; or (ii)~~ network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a ~~network.~~network, and routine service or repair.

(18) A person under contract with an occupational licensing board as defined by G.S. 93B-1 while performing an investigation solely for that board.

(c) Upon proof that the private investigator has provided services pursuant to former G.S. 74C-3(a)(8)f. of this section within the five years prior to the effective date of this subsection, a licensed North Carolina private detective may receive a close personal protection license upon payment of the applicable fee; however, upon the renewal of that license, the private investigator must meet all requirements for a close personal protection license. This provision applies only to private investigators and not trainees."

SECTION 2. G.S. 74C-5 reads as rewritten:

"**§ 74C-5. Powers of the Board.**

In addition to the powers conferred upon the Board elsewhere in this Chapter, the Board shall have the power to do all of the following:

...

(13) Conduct investigations regarding unlicensed activity and, with the concurrence of the Secretary of Public Safety, issue cease and desist letters.

(14) Acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and the Council of State. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board.

(15) Adopt rules establishing standards for the use of any firearm or other weapon approved by the Board.

(16) Adopt and publish a code of professional conduct for licensees, registrants, certificate holders, or permit holders, the violation of which is grounds to suspend or revoke a license, registration, or permit pursuant to G.S. 74C-12."

SECTION 3. G.S. 74C-7 reads as rewritten:

"**§ 74C-7. Investigative powers of the Secretary of Public Safety.**

The Secretary of Public Safety for the State of North Carolina ~~shall have~~ has the power to investigate or cause to be investigated any complaints, allegations, or suspicions of wrongdoing or violations of this Chapter involving ~~individuals licensed,~~ unlicensed individuals, licensed individuals, or individuals to be ~~licensed,~~ licensed under this Chapter. The Secretary shall retain the authority to enforce the provisions of this Chapter and impose any penalty authorized by G.S. 74C-12(a) and G.S. 74C-17 against any person or entity who is under investigation for or charged with a violation of this Chapter even if the person or entity's license or registration has been surrendered or has lapsed. Any investigation conducted pursuant to this section is confidential and is not subject to review under G.S. 132-1 until the investigation is complete and

a report is presented to the Board. However, the report may be released to the licensee after the investigation is complete but before the report is presented to the Board."

SECTION 4. G.S. 74C-8 reads as rewritten:

"**§ 74C-8. License requirements.**

...

(c) Qualifying Agent. – A business entity, other than a sole proprietorship, that engages in private protective services is subject to all of the requirements listed in this subsection with respect to a qualifying agent. For purposes of this Chapter, a "qualifying agent" is an individual in a management position who is licensed under this Chapter and whose name and address have been registered with the Director. The requirements are:

...

(3) In the event that the qualifying agent upon whom the business entity relies in order to do business ceases to perform his duties as qualifying agent, the business entity shall notify the Director within 10 working days. The business entity must obtain a substitute qualifying agent within ~~30~~ 90 days after the original qualifying agent ceases to serve as qualifying agent unless the Board, in its discretion, extends ~~this~~ the 90-day period, for good cause, for ~~a period of time not to exceed three months.~~ an additional 30 days upon the filing of a petition by the business entity and upon a hearing by the Board. The Board may require the payment of a late fee for a business entity failing to obtain a substitute qualifying agent pursuant to the requirements of this subdivision.

(d) Criminal Record Check. – An applicant must meet all of the following requirements and qualifications determined by a background investigation conducted by the Board in accordance with G.S. 74C-8.1 and upon receipt of an application:

...

(2) That the applicant is of good moral character and temperate habits. The following shall be prima facie evidence that the applicant does not have good moral character or temperate habits: conviction by any local, State, federal, or military court of any crime involving the illegal use, carrying, or possession of a ~~firearm;~~ firearm or other deadly weapon; conviction of any crime involving the illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage; conviction of a crime involving ~~felonious~~ assault or an act of violence; conviction of a crime involving unlawful breaking or entering, burglary, larceny, or any offense involving moral turpitude; or a history of addiction to alcohol or a narcotic drug; provided that, for purposes of this subsection, "conviction" means and includes the entry of a plea of guilty or no contest or a verdict rendered in open court by a judge or jury.

...

(f) Issuance. – Upon a finding that the application is in proper form, the completion of the background investigation, and the completion of an examination required by the Board, the Director shall submit to the Board the application and the Director's recommendations. Upon completion of the background investigation, the Director may issue a temporary license pending approval of the application by the Board at the next regularly scheduled meeting. The Board shall determine whether to approve or deny the application for a license. Upon approval by the Board, a license will be issued to the applicant upon payment by the applicant of the initial license fee and the required contribution to the Private Protective Services Education Fund, and filing of a certificate of liability ~~insurance.~~ insurance with the Board. The applicant must pay the initial license fee and make the required contribution to the Fund within 90 days from the date the applicant receives notice of pending licensure approval unless the Board, in its discretion, extends the 90-day period, for good cause, for an additional 30 days upon the filing of a petition by the

applicant and upon a hearing by the Board. The Board may require the payment of a late fee for an applicant failing to pay the initial license fee or failing to make the contribution to the Fund pursuant to the requirements of this subsection."

SECTION 5. G.S. 74C-9 reads as rewritten:

"**§ 74C-9. Form of license; term; renewal; posting; branch offices; not assignable; late renewal fee.**

...

(e) The Board is authorized to charge reasonable application and license fees as follows:

...

(7) An application fee for a firearm registration permit for all applicants and licensees subject to G.S. 74C-13 not to exceed fifty dollars ($50.00).

(8) A new, renewal, replacement, or reissuance fee for a firearm registration permit for all applicants and licensees subject to G.S. 74C-13 not to exceed thirty dollars ($30.00).

...

(16) A late fee for a business entity subject to G.S. 74C-8(c)(3) or an applicant for licensure under G.S. 74C-8(f) not to exceed one hundred dollars ($100.00).

Except as provided in G.S. 74C-13(k), all fees collected pursuant to this section shall be expended, under the direction of the Board, for the purpose of defraying the expenses of administering this Chapter.

(f) A license or trainee permit granted under the provisions of this Chapter may be renewed by the Private Protective Services Board upon notification by the licensee or permit holder to the Director of intended renewal, the payment of the proper fee, and evidence of a ~~policy of~~ liability insurance policy as prescribed in G.S. 74C-10(e).

The renewal shall be finalized before the expiration date of the license. In no event will renewal be granted more than three months after the date of expiration of a license or trainee permit.

...."

SECTION 6. G.S. 74C-10 reads as rewritten:

"**§ 74C-10. Certificate of liability insurance required; form and approval; suspension for noncompliance.**

...

(e) No security guard and patrol, armored car, or special limited guard and patrol license shall be issued under this Chapter unless the applicant files with the Board evidence of a ~~policy of liability insurance.~~ liability insurance policy. The policy must provide for the following minimum coverage: fifty thousand dollars ($50,000) because of bodily injury or death of one person as a result of the negligent act or acts of the principal insured or his agents operating in the course and scope of his employment; subject to said limit for one person, one hundred thousand dollars ($100,000) because of bodily injury or death of two or more persons as the result of the negligent act or acts of the principal insured or his agents operating in the course and scope of his or her agency; twenty thousand dollars ($20,000) because of injury to or destruction of property of others as the result of the negligent act or acts of the principal insured or his agents operating in the course and scope of his or her agency. If ~~the licensee,~~ a licensee or a trainee supervised by a licensee, other than a security guard and patrol, armored car, or special limited guard and patrol licensee, carries a firearm while engaged in private protective services activities, the licensee or trainee shall obtain a ~~policy of~~ liability insurance policy with a minimum coverage as specified above. A licensee or trainee is deemed to be "carrying a firearm" for purposes of this section while engaged in private protective services if the licensee or trainee has a firearm on the licensee's or trainee's person or in the automobile the licensee or trainee is using to perform private protective services. A licensee may provide coverage for a trainee under the licensee's

supervision; however, failure of the licensee to provide coverage does not exempt the trainee from the requirements of this section.

(e1) The Board shall approve the form, execution, and terms of the liability insurance policy.

(f) An insurance carrier ~~shall have~~ has the right to cancel ~~such policy of liability insurance~~ a liability insurance policy upon giving a 30-day notice to the Board. Provided, however, that ~~such~~ the cancellation shall not affect any liability on the policy ~~which~~ that accrued prior thereto. ~~The policy of liability shall be approved by the Board as to form, execution, and terms thereon.~~

(g) ~~The holder of any trainee permit and persons~~ Persons registered pursuant to G.S. 74C-11 ~~shall not be~~ are not required to obtain a certificate of liability insurance.

…."

SECTION 7. G.S. 74C-11 is amended by adding a new subsection to read:

"(g) Notwithstanding the provisions of this section, during a State of Disaster or State of Emergency declared by the Governor of this State pursuant to Article 1 of Chapter 166A of the General Statutes, a licensee may employ a person properly registered or licensed as an armed security guard in another state provided the licensee, prior to deploying the armed security guard in this State, submits to the Director the name, address, and Social Security number of the armed security guard, the name of the state of current registration or licensing of the armed security guard, proof of completion of the four-hour training course mandated by G.S. 74C-13(h)(1)a. and 14B NCAC 16 .0807(c)(1), administered by a North Carolina certified trainer, qualification by a North Carolina Private Protective Services Board certified firearms instructor based on the firearm the armed security guard intends to carry, meeting the qualification requirements approved by the Board and the Secretary of Public Safety for each firearm, and the Director approves the employment of the armed security guard in this State. Qualification shall be valid for a period of 12 months. The duration of the deployment of an armed security guard from another state by a licensee shall not exceed the declared State of Emergency or Disaster."

SECTION 8. G.S. 74C-12 reads as rewritten:

"**§ 74C-12. Denial, suspension, or revocation of license, registration, or permit; duty to report criminal arrests.**

(a) The Board may, after compliance with Chapter 150B of the General Statutes, deny, suspend or revoke a license, certification, registration, or permit issued under this Chapter if it is determined that the applicant, licensee, trainee, registrant, or permit holder has done any of the following acts:

(1) Made any false statement or given any false information in connection with any application for a license, certification, registration, or permit or for the renewal or reinstatement of a license, certification, registration, or permit.

…

(6) Engaged in or permitted any employee to engage in a private protective services profession when not lawfully in possession of a valid license or registration issued under the provisions of this Chapter.

…

(9) Committed an unlawful breaking or entering, assault, battery, or ~~kidnapping.~~kidnapping or violated any State or federal firearms law.

…

(24) Fraudulently held himself or herself out as employed by or licensed by the ~~State Bureau of Investigation~~ Department of Public Safety or any other governmental authority."

SECTION 9. G.S. 74C-13 reads as rewritten:

"**§ 74C-13. Armed licensee or registered employee required to have firearm registration permit; firearms training.**

(a) It shall be unlawful for any person performing private protective services duties to carry a firearm in the performance of those duties without first having met the qualifications of this section and having been issued a firearm registration permit by the Board. A licensee or proprietary employer described in G.S. 74C-3(b)(13) shall register any individual carrying a firearm within 30 days of employment. Before engaging in any private protective services activity, the individual shall receive any required training prescribed by the ~~Board.~~Board, unless specifically exempted from training by G.S. 74C-13.1.

...

(d2) A proprietary security organization that employs an armed security guard shall submit to the Board an application for a license on a form provided by the Board for that purpose. A proprietary security organization shall renew its license every two years.

...

(g) The Board may suspend, revoke, or deny a firearm registration permit if the holder or applicant has been convicted of any crime involving moral turpitude or any crime ~~involving the illegal use, carrying, or possession of a deadly weapon~~ set forth in G.S. 74C-8(d) or for violation of this section or rules promulgated by the Board to implement this section. The Director may summarily suspend a firearm registration permit pending resolution of charges ~~involving the illegal use, carrying, or possession of a firearm lodged against the holder of the permit.~~for any crime involving moral turpitude, any of the offenses set forth in G.S. 74C-12, or any crime set forth in G.S. 74C-8(d).

(h) The Board and the Secretary of Public Safety shall establish a firearms training program for licensees and registered employees to be conducted by agencies and institutions approved by the Board and the Secretary of Public Safety. The Board and the Secretary of Public Safety may approve training programs conducted by a contract security company and the security department of a proprietary security organization, if the contract security company or security department of a proprietary security organization offers the courses listed in subdivision (1) of this subsection and if the instructors of the training program are certified trainers approved by the Board and the Secretary of Public Safety:

(1) The basic training course approved by the Board and the Secretary of Public Safety shall consist of a minimum of four hours of ~~classroom~~ training which shall include all of the following:

a. Legal limitations on the use of ~~hand guns~~ firearms and on the powers and authority of an armed security guard.

b. Familiarity with this section.

c. Range firing and procedure and ~~hand gun~~ firearm safety and maintenance.

...

(o) The Board shall not knowingly issue a firearm registration permit to an individual who is prohibited by federal or State law from possessing a firearm."

SECTION 10. Article 1 of Chapter 74C of the General Statutes is amended by adding a new section to read:

"**§ 74C-13.1. Exemption from firearms training requirements.**

(a) The following persons may be exempt from the firearms training requirements of G.S. 74C-13(b):

(1) Those who have successfully completed the North Carolina Basic Law Enforcement Training (BLET) and the first year of probationary employment.

(2) Persons who have retired either by years of service or by medical disability, or separated in good standing as a sworn law enforcement officer from a federal, state, county, or municipal law enforcement agency that included in their duty the use and qualification of a firearm. Retirement or separation must have occurred within three years of application.

(3) Military personnel who have been honorably discharged within three years of application and whose military occupational specialty (MOS) included Military Police or Criminal Investigative Division (CID) within three years of application.

(4) Employees of a nuclear power plant that are required to comply with 10 C.F.R. § 73.55 Appendix B, "Training and Qualification of Security Personnel," as supplemented by the United States Nuclear Regulatory Commission Regulatory Guide 5.75.

(b) An applicant claiming one of the above exemptions from the 20-hour course of armed guard instruction must provide the Board the following documentation, as appropriate:

(1) A copy of a North Carolina BLET training certificate and a letter from the applicant's department verifying that the probationary employment period has been completed.

(2) Retirement documentation not older than three years verifying sworn status, or the card issued by the North Carolina Criminal Justice Training & Standards Division authorizing concealed carry under the United States Law Enforcement Officers' Safety Act of 2004.

(3) Documentation from a United States Department of Defense Form DD 214, Form DD 215, or Form NGB 22 noting a Military Police or CID military occupational specialty.

(4) Documentation of retirement or separation from a federal law enforcement agency with a United States Office of Personnel Management job series of 1811.

(5) Documentation of current, direct employment with a nuclear power plant located in North Carolina.

(c) The Board shall deny the exemption if the applicant fails to provide the documentation, as applicable, set forth above.

(d) When utilizing this exemption, the applicant must qualify within the first three attempts on the required firearm qualification course. If the applicant fails to qualify on both of these required courses, the applicant shall be required to undergo the entire 20-hour course of instruction.

(e) When utilizing this exemption, the applicant must complete the legal block of instruction required by G.S. 74C-13(b)(1) and the Board's administrative rules."

SECTION 11. G.S. 74C-17 reads as rewritten:

"**§ 74C-17. Enforcement.**

...

(c) In lieu of revocation or suspension of a license or permit under G.S. 74C-12, a civil penalty of not more than two thousand dollars ($2,000) per violation may be assessed by the Board against any person or business who violates any provision of this Chapter or any rule of the Board adopted pursuant to this Chapter. In determining the amount of any penalty, the Board shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties provided for in this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

...

(e) The Board shall be entitled to charge costs, including reasonable attorneys' fees, for any proceeding governed by Chapter 150B of the General Statutes or authorized by this section."

SECTION 12. G.S. 74C-23 reads as rewritten:

"**§ 74C-23. Acquisition or change of ownership or control of licensed firm, association, or corporation.**

In the event a company, firm, or corporation licensed under this Chapter transfers ownership, control, or a majority of assets to another person, firm, association, or corporation, the person,

firm, association, or corporation acquiring control or ownership shall have the following responsibilities:

...

(4) Provide to the Director ~~within 60~~ 10 calendar days ~~from the~~ prior to the effective date of the transaction ~~the following:~~a list of any licensee and any registrants affected by the transaction.

~~a. A list of all registrants or licensees affected by the transaction.~~

~~b. Written confirmation of completion of any changes necessary for the acquiring party to comply with the requirements of this Chapter or any applicable rules adopted by the Board on a form approved by the Director.~~

(5) Provide to the Director within 60 calendar days from the effective date of the transaction written confirmation of completion of any changes necessary for the acquiring party to comply with the requirements of this Chapter or any applicable rules adopted by the Board on a form approved by the Director."

SECTION 13. G.S. 14-269.3 reads as rewritten:

"**§ 14-269.3. Carrying weapons into assemblies and establishments where alcoholic beverages are sold and consumed.**

...

(b) This section shall not apply to any of the following:

...

(4) A person registered ~~or hired~~ as a security guard as defined in G.S. 74C-3(b)(13) who is hired by the owner, lessee, or person or organization sponsoring the ~~event.~~event or a person employed by a business licensed pursuant to G.S. 74C-2 who is hired by the owner, lessee, or person or organization sponsoring the event.

...."

SECTION 14. Section 1 of this act becomes effective July 1, 2020. The remainder of the act becomes effective July 1, 2019.

CIS WNC
TESTIMONIUM VERITATIS

William A. Wilke

Private Investigator
(828) 275-1056

bill@ciswnc.com
www.ciswnc.com

N★C DPS

Susanna Davis

Legislative Affairs
Director

North Carolina Department of Public Safety

4201 Mail Service Center
Raleigh, NC 27699-4201

Office Location:
512 N. Salisbury St.
Raleigh, NC 27604

main: (919) 733-2126
office: (919) 825-2717
cell: (919) 817-3385
www.NCDPS.gov

susanna.davis@ncdps.gov

Jeffrey P. Gray
Of Counsel
jgray@bdixon.com

B&D BAILEY & DIXON, LLP
P.O. Box 1351, Raleigh, NC 27602
tel 919.828.0731 fax 919.828.6592

HOUSE BILL 635:
Purchase & Contracts Benchmarks/Property.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 29, 2019
Introduced by:	Reps. Ross, Holley	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 635 would implement the expenditure benchmarks established under G.S. 143-53.1 as the monetary thresholds to review protests on contracts, waivers of competition, and mandate that reports on emergency purchases by State departments, institutions, and agencies be submitted to the Division of Purchase and Contracts. The bill would also expedite the State property disposition process by mandating written notice to the Joint Legislative Commission on Government Operations at least 30 days prior to disposing of State property with a value of at least $25,000.

CURRENT LAW/BILL ANALYSIS:

Section 1: Generally, statewide term contracts are established through a competitive bid process. Currently, when a bidder chooses to protest a contract awarded by the Secretary of Administration (Secretary), or by an agency (excluding universities), over $25,000, the bidder must submit a written request, within 30 days of the award, to the state purchasing officer with the Division of Purchase and Contract (Division). The request must contain specific reasons and any supporting documentation for the protest.

The competitive bid process may also be waived under certain circumstances. Under current law, any waiver of competition for the purchase, rental, or lease of goods and services is subject to prior review by the Secretary if the expenditure exceeds $10,000.

Section 1 of the bill would implement the expenditure benchmarks established under G.S. 143-53.1 as the monetary thresholds to require (1) the Division of Purchase and Contract to review a protest on an award of a contract, and (2) the Secretary to review a waiver of competition.

Section 2: The Secretary has the power to procure necessary supplies, materials, equipment, printing or services for immediate delivery to any State agency, department, or institution in times of emergency. A report on the circumstances of the emergency must be made a matter of record immediately thereafter. If the expenditure exceeds $10,000, the report must also be submitted to the Division. Section 2 of the bill would implement the expenditure benchmark established under G.S. 143-53.1 as the monetary threshold to require that a report be submitted to the Division after emergency purchases.

Section 3: Section 3 of the bill would remove obsolete language regarding furniture requirement contracts under G.S. 143-57.1.

Section 4: Currently, dispositions of land with an appraised value of at least $25,000 may not occur until consulting with the Joint Legislative Commission on Governmental Operations. To acquire land with an appraised value of $25,000 or more, written notice is required to be provided to certain entities, including the Joint Legislative Commission on Governmental Operations, at least 30 days prior to the acquisition.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 4 of the bill would expedite the State property disposal process on land with an appraised value of at least $25,000 by requiring written notice be provided to the Joint Legislative Commission on Governmental Operations at least 30 days prior to the disposition. This change would also parallel the requirements to acquire property with an appraised value of at least $25,000.

EFFECTIVE DATE: Section 4 of this act would become effective July 1, 2019, and apply to dispositions proposed on or after that date. The remainder of this act would be effective when it becomes law.

HOUSE BILL 635

Short Title:	Purchase & Contracts Benchmarks/Property.	(Public)
Sponsors:	Representatives Ross and Holley (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

April 10, 2019

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT THE DIVISION OF PURCHASE AND CONTRACT SHALL REVIEW PROTESTS ON CONTRACTS AND RECEIVE REPORTS ON EMERGENCY PURCHASES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES IF THE DOLLAR AMOUNT EXCEEDS THE EXPENDITURE BENCHMARK ESTABLISHED BY THE SECRETARY OF ADMINISTRATION, ELIMINATING OBSOLETE LANGUAGE RELATING TO FURNITURE CONTRACTS FROM THE GENERAL STATUTES, AND EXPEDITING THE STATE PROPERTY DISPOSITION PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-53 reads as rewritten:

"**§ 143-53. Rules.**

(a) The Secretary of Administration may adopt rules governing the following:

(1) Prescribing the routine and procedures to be followed in canvassing bids and awarding contracts, and for reviewing decisions made pursuant thereto, and the decision of the reviewing body shall be the final administrative review. The Division of Purchase and Contract shall review and decide a protest on a contract valued at ~~twenty-five thousand dollars ($25,000) or more.~~ an amount that exceeds the expenditure benchmark established under G.S. 143-53.1. The Secretary shall adopt rules or criteria governing the review of and decision on a protest on a contract ~~of less than twenty-five thousand dollars ($25,000)~~ in an amount less than the expenditure benchmark established under G.S. 143-53.1 by the agency that awarded the contract.

...

(5) Prescribing conditions under which purchases and contracts for the purchase, installment or lease-purchase, rental or lease of goods and services may be entered into by means other than competitive bidding, including, but not limited to, negotiation, reverse auctions, and acceptance of electronic bids. Notwithstanding the provisions of subsections (a) and (b) of this section, any waiver of competition for the purchase, rental, or lease of goods and services is subject to prior review by the Secretary, if the expenditure exceeds ~~ten thousand dollars ($10,000).~~ the agency's benchmark established under G.S. 143-53.1. The Division may levy a fee, not to exceed one dollar ($1.00), for review of each waiver application.

...."

SECTION 2. G.S. 143-57 reads as rewritten:

"**§ 143-57. Purchases of articles in certain emergencies.**

In case of any emergency or pressing need arising from unforeseen causes including but not limited to delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work, the Secretary of Administration shall have power to obtain or authorize obtaining in the open market any necessary supplies, materials, equipment, printing or services for immediate delivery to any department, institution or agency of the State government. A report on the circumstances of such emergency or need and the transactions thereunder shall be made a matter of record promptly thereafter. If the expenditure exceeds ~~ten thousand dollars ($10,000),~~ the benchmark established under G.S. 143-53.1, the report shall also be made promptly thereafter to the Division of Purchase and Contract."

SECTION 3. G.S. 143-57.1 reads as rewritten:

"**§ 143-57.1. Furniture requirements contracts.**

(a) State Furniture Requirements Contract. – To ensure agencies access to sufficient sources of furniture supply and service, to provide agencies the necessary flexibility to obtain furniture that is compatible with interior architectural design and needs, to provide small and disadvantaged businesses additional opportunities to participate on State requirements contracts, and to restore the traditional use of multiple award contracts for purchasing furniture requirements, each State furniture requirements contract shall be awarded on a multiple award basis, subject to the following conditions:

...

(3) . For each category of goods under each State requirements furniture contract, awards shall be made to at least three qualified vendors unless three qualified vendors are not available. Additionally, if the State Purchasing Officer determines that there are no qualified vendors within the three best qualified vendors who offer furniture manufactured or produced in North Carolina or who are incorporated in the State, the State Purchasing Officer shall expand the number of qualified vendors awarded contracts to as many qualified vendors as is necessary to include a qualified vendor who offers furniture manufactured or produced in North Carolina or who is incorporated in the State, but the State Purchasing Officer shall not be required to expand the number of qualified vendors to more than six qualified vendors. A vendor is qualified under this subsection if the vendor's products conform to the term contract ~~specifications, the vendor is listed on the State's qualified products list,~~ specifications and the vendor submits a responsive bid.

...."

SECTION 4. G.S. 146-27 reads as rewritten:

"**§ 146-27. The role of the Department of Administration in sales, leases, and rentals.**

(a) General. – Every sale, lease, rental, or gift of land owned by the State or by any State agency shall be made by the Department of Administration and approved by the Governor and Council of State. A lease or rental of land owned by the State may not exceed a period of 99 years. The Department of Administration may initiate proceedings for sales, leases, rentals, and gifts of land owned by the State or by any State agency.

(b) Large Disposition. – If a proposed disposition is a sale or gift of land with an appraised value of at least twenty-five thousand dollars ($25,000), the sale or gift shall not be made until after ~~consultation with~~ written notice to the Joint Legislative Commission on Governmental Operations. The notice shall be given to the chairs of the Commission at least 30 days prior to the disposition.

...."

SECTION 5. Section 4 of this act becomes effective July 1, 2019, and applies to dispositions proposed on or after that date. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 641

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H641-ABD-7 [v.1]

Amends Title [NO]
First Edition

Date 4-29 ,2019

Representative Cleveland

moves to amend the bill on page 2, lines 36-48, by deleting those lines.

SIGNED George G. Cleveland
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 641
PROPOSED COMMITTEE SUBSTITUTE H641-CSBD-15 [v.12]
04/28/2019 08:09:34 PM

Short Title: Modifications to Various DPS Provisions. (Public)

Sponsors:

Referred to:

April 10, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO LAWS RELATED TO PUBLIC SAFETY, AS RECOMMENDED BY THE DEPARTMENT OF PUBLIC SAFETY.

The General Assembly of North Carolina enacts:

PART I. NC NATIONAL GUARD CIVILIAN LEAVE OPTION.

SECTION 1. G.S. 127A-111(a) reads as rewritten:

"(a) A member of the North Carolina National Guard called into service of the State by the Governor shall have the right to take leave without pay from ~~his or her~~ the member's civilian employment. No member of the North Carolina National Guard shall be forced to use ~~or exhaust his or her~~ any of the member's vacation or other accrued leaves from ~~his or her~~ the member's civilian employment for a period of active service. The choice of leave shall be solely within the discretion of the member."

PART II. AUTHORIZE CERTAIN DEPARTMENT OF PUBLIC SAFETY EMPLOYEES TO CONSTRUCT, MAINTAIN, OR REPAIR STATE-OWED BUILDINGS OR EQUIPMENT WITHOUT REQUIRING LICENSURE BY STATE LICENSING BOARDS.

SECTION 2. Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-605. Employees of the Department of Public Safety may perform installation, construction, maintenance, and repair work for the Department.**

(a) Notwithstanding any other provision of law, an employee of the North Carolina Department of Public Safety may perform work involving the construction, maintenance, or repair of any building, appliances, or equipment located in or constituting improvements located on State-owned land without the requirement of licensure under Chapter 87 of the General Statutes if all of the following apply:

(1) The work is performed by an employee on the permanent payroll of the Department.

(2) The value of work performed is less than one hundred thousand dollars ($100,000) or all work is performed as force-account work otherwise authorized by law up to the value authorized.

(b) The Office of State Construction may regulate work performed pursuant to this section to ensure compliance with building and safety codes. Nothing in this section shall be construed to allow an employee of a State agency or institution to engage in any activities

described in this section privately or outside the employee's scope of employment without meeting all licensure requirements otherwise required by law."

PART III. CLARIFY AND REVISE DUTIES AND POWERS OF PROBATION OFFICERS.

SECTION 3. G.S. 15-205 reads as rewritten:

"**§ 15-205. Duties and powers of the probation officers.**

"(a) A probation officer shall investigate all cases referred to ~~him~~ the officer for investigation by the judges of the courts or by the Secretary of Public Safety. ~~Such~~ The officer shall keep informed concerning the conduct and condition of each person on probation under ~~his~~ the officer's supervision by visiting, requiring reports, and in other ways, and shall report ~~thereon~~ in writing as often as the court or the Secretary of Public Safety may require. ~~Such~~ The officer shall use all practicable and suitable methods, not inconsistent with the conditions imposed by the court or the Secretary of Public Safety, to aid and encourage persons on probation to bring about improvement in ~~their~~ each person's conduct and condition. ~~Such~~ The officer shall keep detailed records of ~~his work;~~ the officer's work, shall make ~~such~~ reports in writing to the Secretary of Public Safety as ~~he~~ the Secretary of Public Safety may ~~require;~~ require, and shall perform ~~such~~ other duties as the Secretary of Public Safety may require. A probation officer shall have, in the execution of ~~his~~ the officer's duties, the powers of arrest and, ~~to the extent necessary for the performance of his duties, the same right to execute process as is now given, or that may hereafter be given by law, to the sheriffs of this State.~~ the authority to serve any warrant or other process issuing from any of the courts of the State having criminal jurisdiction.

(b) Probation officers shall have authority to assist law enforcement officers in effecting arrests and preventing escapes from custody when requested to do so by the officer or when, in the judgment of the probation officer, such assistance may be necessary. When rendering assistance pursuant to this provision, probation officers have authority to arrest and to take enforcement action for any criminal offense.

(c) Probation officers shall have the subject matter jurisdiction of law enforcement officers on prison property for the purpose of protecting life and property, for the purpose of transferring prisoners from place to place as the officers' duties might require, and for apprehending, arresting, and returning to prison escaped prisoners.

(d) Probation officers shall have subject matter jurisdiction of law enforcement officers when responding to active assailant incidents and civil disturbances or when assigned by the Secretary to perform additional duties during times of manmade or natural disasters."

PART IV. MOTOR FLEET EXEMPTION FOR PROBATION OFFICERS.

SECTION 4. G.S. 143-341(8)i.3. reads as rewritten:

"3. To require on a schedule determined by the Department all State agencies to transfer ownership, custody or control of any or all passenger motor vehicles within the ownership, custody or control of that agency to the Department, except those motor vehicles under the ownership, custody or control of the Highway Patrol, the State Bureau of Investigation, the Samarcand Training Academy, the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, or the constituent institutions of The University of North Carolina which are used primarily for law-enforcement purposes."

PART V. CLARIFY, EXPAND, AND REVISE DUTIES OF POST-RELEASE SUPERVISION AND PAROLE COMMISSION.

SECTION 5. G.S. 143B-720 reads as rewritten:

"**§ 143B-720. Post-Release Supervision and Parole Commission – creation, powers and duties.**

(a) There is hereby created a Post-Release Supervision and Parole Commission of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety with the authority to grant paroles, including both regular and temporary paroles, to persons held by virtue of any final order or judgment of any court of this State as provided in Chapter 148 of the General Statutes and laws of the State of North Carolina, except that persons sentenced under Article 81B of Chapter 15A of the General Statutes are not eligible for parole but may be conditionally released into the custody and control of United States Immigration and Customs Enforcement pursuant to G.S. 148-64.1. The Commission shall also have authority to revoke, terminate, and suspend paroles of such persons (including persons placed on parole on or before the effective date of the Executive Organization Act of 1973) and to assist the Governor in exercising ~~his~~ the Governor's authority in granting reprieves, commutations, and pardons, and shall perform such other services as may be required by the Governor in exercising ~~his~~ the Governor's powers of executive clemency. The Commission shall also have authority to revoke and terminate persons on post-release supervision, as provided in Article 84A of Chapter 15A of the General ~~Statutes.~~ Statutes, and issue orders of temporary or conditional revocation of post-release supervision and parole subjecting supervisees and parolees to arrest by a law enforcement officer or a post-release supervision and parole officer. The Commission shall also have the authority to punish for criminal contempt for willful refusal to accept post-release supervision or to comply with the terms of post-release supervision by a prisoner whose offense requiring post-release supervision is a reportable conviction subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes. Any contempt proceeding conducted by the Commission shall be in accordance with G.S. 5A-15 as if the Commission were a judicial official.

...

(h) All orders of temporary or conditional revocation of post-release supervision and parole subjecting supervisees and parolees to arrest by a law enforcement officer or a post-release supervision and parole officer shall be entered into NCAWARE."

PART VI. REQUIRE AN ACTIVE SENTENCE FOR MALICIOUS CONDUCT BY PRISONERS WITHOUT EXCEPTIONS FOR NONVIOLENT FIRST TIME OFFENDERS, CONDITIONAL DISMISSALS UNDER G.S. 90-96, OR OTHER COMPARABLE JUDICIAL DISPOSITION ALTERNATIVES.

SECTION 6.(a) G.S. 14-258.4 reads as rewritten:

"**§ 14-258.4. Malicious conduct by prisoner.**

(a) Any prisoner who knowingly and willfully throws, emits, or causes to be used as a projectile, any bodily fluids, excrement, or unknown substance at an employee, while the employee is in the performance of the employee's duties, is guilty of a Class F felony.

(b) Any prisoner who knowingly and willfully exposes genitalia to an employee while the employee is in the performance of the employee's duties is guilty of a Class I ~~felony.~~felony and shall be sentenced to a minimum term of six months and a maximum term of 12 months in the State's prison.

(c) The provisions of this section apply to violations committed inside or outside of the prison, jail, detention center, or other confinement facility.

(d) Sentences imposed under this ~~Article~~ section shall run consecutively to and shall commence at the expiration of any sentence being ~~served~~ served for any offense by the person ~~sentenced under this section.~~sentenced."

SECTION 6.(b) This section is effective December 1, 2019, and applies to offenses committed on or after that date.

PART VII. REQUIRE AN ACTIVE SENTENCE FOR POSSESSION BY PRISONERS OF TOOLS TO EFFECT AN ESCAPE OR TO AID IN AN ASSAULT OR INSURRECTION WITHOUT EXCEPTION FOR NONVIOLENT FIRST TIME OFFENDERS, CONDITIONAL DISMISSALS UNDER G.S. 90-96, OR OTHER COMPARABLE JUDICIAL DISPOSITION ALTERNATIVES.

SECTION 7.(a) G.S. 14-258 reads as rewritten:

"**§ 14-258. Providing forbidden articles or tools for escape; possessing tools for escape.**

(a) Providing Forbidden Articles or Tools for Escape. – Any person who sells, trades, conveys, or provides any of the following to a prisoner is guilty of a Class H felony:

(1) An article forbidden by prison rules.

(2) A letter, oral message, weapon, tool, good, clothing, device, or instrument, to effect an escape, or aide in an assault or insurrection.

(b) Increased Penalty. – Any violation of subdivision (2) of subsection (a) of this section that does effect an escape, assault, or insurrection is a Class F felony.

(c) Possessing Tools for Escape. – Any prisoner who possesses a letter, weapon, tool, good, article of clothing, device, or instrument to ~~do any of the following~~ effect an escape or aid in an assault or insurrection is guilty of a Class H ~~felony:~~felony and shall be sentenced to a minimum term of 12 months and a maximum term of 24 months in the State's prison.

~~(1) To effect an escape.~~

~~(2) Aide in an assault or insurrection.~~

(d) Application. – The provisions of this section apply to violations committed inside or outside of the prison, jail, detention center, or other confinement facility.

(e) Sentences imposed under subsection (c) of this section shall run consecutively to and shall commence at the expiration of any sentence being served for any offense by the person sentenced."

SECTION 7.(b) G.S. 15A-1368.1 reads as rewritten:

"**§ 15A-1368.1. Applicability of Article 84A.**

This Article applies to all felons sentenced to an active punishment under Article 81B of this ~~Chapter or~~ Chapter, G.S. 90-95(h), 14-258, or 14-258.4, but does not apply to felons in Class A and Class B1 sentenced to life imprisonment without parole. Prisoners subject to Articles 85 and 85A of this Chapter are excluded from this Article's coverage."

SECTION 7.(c) This section is effective December 1, 2019, and applies to offenses committed on or after that date.

PART VIII. TORT CLAIMS ACT REVISIONS.

SECTION 8.(a) Article 2 of Chapter 148 of the General Statutes is amended by adding a new section to read:

"**§ 148-18.2. Prisoner property.**

(a) In no event shall the personal property of an inmate in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile Justice, exceed a maximum total value of two hundred fifty dollars ($250.00).

(b) When the personal property of an inmate in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile Justice, is lost, destroyed, or otherwise damaged through the negligent maintenance of the correctional facility or the negligence of its staff, the Department of Public Safety shall reimburse the inmate for the value of the item, or provide for replacement of the item, when the Department's Administrative Remedy Procedure results in this recommendation. This shall be the inmate's sole remedy for personal property loss, damage, or destruction.

(c) Reimbursement shall be calculated in a manner authorized by the Department of Public Safety, Division of Adult Correction and Juvenile Justice Policy, but in no event shall reimbursement exceed a maximum of two hundred fifty dollars ($250.00) per incident, nor shall

an inmate in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile Justice, be reimbursed for lost, damaged, or destroyed State issued property."

SECTION 8.(b) Article 31 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-295.2. Inmate property claims against the Department of Public Safety.**

When the property of an inmate in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile Justice, is lost, destroyed, or otherwise damaged through the negligent maintenance of the correctional facility or the negligence of its staff, the inmate shall have no recourse under this Article but shall have recourse as provided in G.S. 148-18.2."

SECTION 8.(c) G.S. 143-291 reads as rewritten:

"**§ 143-291. Industrial Commission constituted a court to hear and determine claims; damages; liability insurance in lieu of obligation under Article.**

(a) The North Carolina Industrial Commission is hereby constituted a court for the purpose of hearing and passing upon tort claims against the State Board of Education, the Board of Transportation, and all other departments, institutions and agencies of the State. The Industrial Commission shall determine whether or not each individual claim arose as a result of the negligence of any officer, employee, involuntary servant or agent of the State while acting within the scope of ~~his~~ that office, employment, service, agency or authority, under circumstances where the State of North Carolina, if a private person, would be liable to the claimant in accordance with the laws of North Carolina. If the Commission finds that there was negligence on the part of an officer, employee, involuntary servant or agent of the State while acting within the scope of ~~his~~ that office, employment, service, agency or authority that was the proximate cause of the injury and that there was no contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted, the Commission shall determine the amount of damages that the claimant is entitled to be paid, including medical and other expenses, and by appropriate order direct the payment of damages as provided in subsection (a1) of this section, but in no event shall the amount of damages awarded exceed the amounts authorized in G.S. 143-299.2 cumulatively to all claimants on account of injury and damage to any one person arising out of a single occurrence. Community colleges and technical colleges shall be deemed State agencies for purposes of this Article. The fact that a claim may be brought under more than one Article under this Chapter shall not increase the foregoing maximum liability of the State.

...

(e) The Industrial Commission shall have no jurisdiction over any claim for personal injury brought by an inmate in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile Justice, unless and until the inmate has first exhausted the Department's Administrative Remedy Procedure, as established by G.S. 148-118.2."

SECTION 8.(d) G.S. 148-118.2 reads as rewritten:

"**§ 148-118.2. Effect.**

(a) Upon approval of the Administrative Remedy Procedure by a federal court as authorized and required by 42 U.S.C. 1997(e)(a), and the implementation of the procedure, this procedure shall constitute the administrative remedies available to a prisoner for the purpose of preserving any cause of action under the purview of the Administrative Remedy Procedure, which a prisoner may claim to have against the State of North Carolina, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, or its employees.

(b) No State ~~court~~ court, including the North Carolina Industrial Commission, or administrative body shall entertain a prisoner's grievance or complaint which falls under the purview of the Administrative Remedy Procedure unless and until the prisoner shall have exhausted the remedies as provided in ~~said~~ the procedure. If the prisoner has failed to pursue administrative remedies through this procedure, any petition or complaint ~~he~~ the prisoner files shall be stayed for 90 days to allow the prisoner to file a grievance and for completion of the procedure. If at the end of 90 days the prisoner has failed to timely file ~~his~~ the grievance, then

the petition or complaint shall be dismissed. ~~Provided, however, that the court can waive the exhaustion requirement if it finds such waiver to be in the interest of justice.~~"

SECTION 8.(e) G.S. 143-291.2 reads as rewritten:

"**§ 143-291.2. Costs and fees.**

(a) The Industrial Commission may by order tax the costs against the losing party in the same amount and the same manner as costs are taxed in the Superior Court Division of the General Court of Justice. However, in no event shall the Industrial Commission tax the cost against the prevailing party. When a State department, institution, or agency appeals to the full commission the decision rendered by a hearing commissioner, the State department, institution, or agency shall furnish a copy of the transcript of the hearing to the appellee without cost. The State department, institution, or agency concerned may pay the costs taxed against it. When costs are not paid by a party from whom they are due, the Industrial Commission shall issue an execution for the costs and attach a bill of costs to each execution. The Sheriff shall levy upon the execution as provided in Chapter 6 of the General Statutes in civil actions.

...

(c) Any currently incarcerated inmate bringing a claim under this Article who has been granted indigent status shall be taxed with the costs of any action or appeal under this Article when all of the following apply:

(1) The inmate's claim is dismissed on the grounds that it is frivolous, malicious, not within the statute of limitations, exceeds the exclusive jurisdiction of the Industrial Commission, or fails to state a claim upon which relief may be granted.

(2) The inmate has, on three or more prior occasions, while incarcerated or detained in any State facility, brought an action or appeal before the Industrial Commission which was dismissed on the grounds that it is frivolous, malicious, not within the statute of limitations, exceeds the exclusive jurisdiction of the Industrial Commission, or fails to state a claim upon which relief may be granted."

SECTION 8.(f) G.S. 143-295 is amended by adding a new subsection to read:

"(b1) Notwithstanding subsection (a) of this section, claims for personal injury by an inmate in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile Justice may be settled upon agreement between the claimant and the Secretary of the Department of Public Safety for an amount not in excess of twenty-five thousand dollars ($25,000) without the approval of the Industrial Commission. The Secretary may delegate the authority to settle claims under this subsection. In settlement of claims under this subsection, the filing of an affidavit as set forth in G.S. 143-297 shall not be required."

SECTION 8.(g) Article 31 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-299.5. Limited liability for claims against the Department of Public Safety, Division of Adult Correction and Juvenile Justice.**

The Department of Public Safety, Division of Adult Correction and Juvenile Justice, shall not be liable for damages under this Article for the acts or the omissions of its employees tasked with the supervision, protection, control, confinement, or custody of the State's inmate population, unless such acts or omissions amount to gross negligence."

SECTION 8.(h) This section becomes effective July 1, 2019, and applies to claims filed on or after that date.

PART IX. UPDATE STATUTE TO BECOME PRISM STEP 6 COMPLIANT.

SECTION 9.(a) Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-43.3. Authorization for the collection of data to enforce the Federal Motor Carrier Safety Administration's Performance and Registration Information Systems Management (PRISM) program.**

The Division is authorized to collect and maintain necessary motor carrier or commercial motor vehicle data in a manner that complies with the information system established by the United States Secretary of Transportation under 49 U.S.C. § 31106."

SECTION 9.(b) G.S. 20-54(9) reads as rewritten:

"(9) The applicant motor carrier is subject to an order issued by the Federal Motor Carrier Safety Administration or the ~~Division to cease all operations based on a finding that the continued operations of the motor carrier pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1).~~Division. The Division shall deny registration of a vehicle of a motor carrier if the applicant fails to disclose material information required, or if the applicant has made a materially false statement on the application, or if the applicant has applied as a subterfuge for the real party in interest who has been issued a federal out-of-service order, or if the applicant's business is operated, managed, or otherwise controlled by or affiliated with a person who is ineligible for registration, including the applicant entity, a relative, family member, corporate officer, or shareholder. The Division shall deny registration for a vehicle that has been assigned for safety to a commercial motor carrier who has been prohibited from operating by the Federal Motor Carrier Safety Administration or a carrier whose business is operated, managed, or otherwise controlled by or affiliated with a person who is ineligible for registration, including the owner, a relative, family member, corporate officer, or shareholder."

SECTION 9.(c) G.S. 20-110 reads as rewritten:

"**§ 20-110. When registration shall be rescinded.**

…

(m) The Division shall rescind and cancel the registration of vehicles of a motor carrier that is the subject ~~to an~~ of an order issued by the Federal Motor Carrier Safety Administration or the ~~Division to cease all operations based on a finding that the continued operations of the motor carrier pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1).~~Division.

(n) The Division shall rescind and cancel the registration of a vehicle of a motor carrier if the applicant fails to disclose material information required, or if the applicant has made a materially false statement on the application, or if the applicant has applied as a subterfuge for the real party in interest who has been issued a federal out-of-service order, or if the applicant's business is operated, managed, or otherwise controlled by or affiliated with a person who is ineligible for registration, including the applicant entity, a relative, family member, corporate officer, or shareholder. The Division shall rescind and cancel the registration for a vehicle that has been assigned for safety to a commercial motor carrier who has been prohibited from operating by the Federal Motor Carrier Safety Administration or a carrier whose business is operated, managed, or otherwise controlled by or affiliated with a person who is ineligible for registration, including the owner, a relative, family member, corporate officer, or shareholder."

SECTION 9.(d) G.S. 20-381(a) reads as rewritten:

"(a) The Department of Public Safety has the following powers and duties concerning motor carriers:

…

(4) To determine the safety fitness of intrastate motor carriers, to assign safety ratings to intrastate motor carriers as defined in 49 C.F.R. § 385.3, to direct intrastate motor carriers to take remedial action when required, to prohibit the operation of intrastate motor carriers ~~rated unsatisfactory, to determine whether the continued operations of intrastate motor carriers pose an~~

~~"imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1), and to prohibit the operation of an intrastate motor carrier found to be an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1).~~when subject to an out-of-service order issued by the Federal Motor Carrier Safety Administration or the Department.

(5) To ~~prohibit the intrastate operation of a motor carrier subject to an~~ enforce any order issued by the Federal Motor Carrier Safety Administration ~~to cease all operations based on a finding that the continued operations of the motor carrier pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1).~~including the authority to seize registration plates pursuant to the provisions of G.S. 20-45 from motor carriers whose registration was rescinded and cancelled pursuant to G.S. 20-110(m) or G.S. 20-110(n)."

SECTION 9.(e) This section is effective September 1, 2019.

PART X. RECODIFY DEFINITIONS SECTION FROM ARTICLE 32 OF CHAPTER 14 OF THE GENERAL STATUTES TO ARTICLE 33 OF CHAPTER 14 OF THE GENERAL STATUTES.

SECTION 10. G.S. 14-254.5 is recodified as G.S. 14-259.1.

PART XI. UPDATE PEER SUPPORT STATUTE TO INCLUDE ALL FIRST RESPONDERS.

SECTION 11. G.S. 8-53.10(a) reads as rewritten:

"(a) Definitions. – The following definitions apply in this section:

(1) Client law enforcement employee. – Any law enforcement employee or a member of his or her immediate family who is in need of and receives peer counseling services offered by the officer's employing law enforcement agency.

(1a) Emergency personnel officer. – Firefighting, search and rescue, or emergency medical service personnel, or any employee of any duly accredited State or local government agency possessing authority to enforce the criminal laws of the State who (i) is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State and (ii) possesses the power of arrest by virtue of an oath administered under the authority of the State.

...

(3) Peer counselor. – Any law enforcement ~~officer~~ officer, emergency personnel officer, or civilian employee of a law enforcement agency who:

a. Has received training to provide emotional and moral support and counseling to client law enforcement ~~employees~~ employees, emergency personnel officers, and their immediate ~~families; and~~families.

b. Was designated by the sheriff, police chief, or other head of a law enforcement or emergency agency to counsel a client law enforcement employee.

(4) Privileged communication. – Any communication made by a client law enforcement ~~employee~~ employee, emergency personnel officer, or a member of the client law enforcement employee's immediate family to a peer counselor while receiving counseling."

PART XII. ESTABLISH A GREEN ALERT SYSTEM

SECTION 12. Subpart B of Part 5 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-1022. North Carolina Silver Alert System established.**

(a) There is established within the North Carolina Center for Missing Persons the Green Alert System. The purpose of the Green Alert System is to provide a statewide system for the rapid dissemination of information regarding a missing person who is believed to be suffering from posttraumatic stress disorder that requires them to be protected from potential abuse or other physical harm, neglect, or exploitation.

(b) If the Center receives a request that involves a missing person as described in subsection (a) of this section, the Center shall issue an alert providing for rapid dissemination of information statewide regarding the missing person. The Center shall make every effort to disseminate the information as quickly as possible when the person's status as missing has been reported to a law enforcement agency.

(c) The Center shall adopt guidelines and develop procedures for issuing an alert for missing persons as described in subsection (a) of this section and shall provide education and training to encourage radio and television broadcasters to participate in the alert. The guidelines and procedures shall ensure that specific health information about the missing person is not made public through the alert or otherwise.

(d) The Center shall consult with the Department of Transportation and develop a procedure for the use of overhead permanent changeable message signs to provide information on the missing person or missing child meeting the criteria of this section when information is available that would enable motorists to assist in the recovery of the missing person. The Center and the Department of Transportation shall develop guidelines for the content, length, and frequency of any message to be placed on an overhead permanent changeable message sign."

PART XIII. EFFECTIVE DATE.

SECTION 13. Except as otherwise provided, this act is effective when it becomes law.

HOUSE BILL 641:
Modifications to Various DPS Provisions.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 28, 2019
Introduced by:	Reps. Boles, Pierce, Speciale, R. Turner	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	PCS to First Edition H641-CSBD-15		

OVERVIEW: House Bill 641 (proposed committee substitute) would do all of the following:

- ***Clarify that a member of the North Carolina National Guard is not required to use accrued vacation or other leave from the member's civilian employment for a period of active service.***
- ***Authorize certain employees of the Department of Public Safety (DPS) to perform construction, maintenance, or repair work on State property without needing a license under Chapter 87 of the General Statutes.***
- ***Expand the arrest authority of probation officers.***
- ***Exempt certain motor vehicles owned by DPS from being transferred to the Department of Administration.***
- ***Require parole revocation orders to be entered into North Carolina Statewide Warrant Repository (NCAWARE) database.***
- ***Require an active prison sentence for prisoners who knowingly and willfully expose their genitalia to prison employees or for those who possess tools to effect an escape or aid in an assault and require such sentences to run consecutively from any sentences being served.***
- ***Limit the value of an inmate's personal property to two hundred fifty dollars ($250).***
- ***Require inmates to exhaust their administrative remedies under DPS's Administrative Remedy Procedure (ARP) prior to taking claims for personal injury to the Industrial Commission.***
- ***Tax court costs to indigent inmates who file frivolous lawsuits.***
- ***Authorize the Secretary of DPS to settle inmate claims of twenty-five thousand dollars ($25,000) or less without approval of the Industrial Commission.***
- ***Require gross negligence by certain employees DPS before DPS is liable in tort for damages.***
- ***Implement the federal Performance and Registration Information Systems Management (PRISM) program in this State.***
- ***Make certain communications by emergency personnel privileged communications.***
- ***Establish a Green Alert System for missing persons with posttraumatic stress disorder (PTSD).***

CURRENT LAW / BILL ANALYSIS:

Section 1. Members of the North Carolina National Guard called into service of the State by the Governor have the right to take leave without pay from their civilian employment and cannot be forced to use or exhaust vacation or other accrued leave from their civilian employment for that period of active service.

Section 1 of the PCS, effective when the bill becomes law, would:

- Clarify that a member of the North Carolina National Guard is not required to use accrued vacation or other leave from the member's civilian employment for a period of active service.

Section 2. Chapter 87 of the General Statutes provides for the licensure and regulation of various professional trades such as general contractors (Article 1), plumbing and heating contractors (Article 2), electrical contractors (Article 4), and refrigeration contractors (Article 5) and generally requires persons undertaking those trades to be licensed.

Section 2 of the PCS, effective when the bill becomes law, would:

- Authorize employees on the permanent payroll of DPS to perform construction, maintenance, or repair work valued at less than one hundred thousand dollars ($100,000) on any State owned building, appliance, or equipment without being licensed under Chapter 87 of the General Statutes.

Section 3. G.S. 15-205 of the General Statutes sets out the duties of probation officers.

Section 3 of the PCS, effective when the bill becomes law, would give probation officers:

- Authority to arrest and to take enforcement action for any criminal offense.
- The same jurisdiction as law enforcement officers on prison property.
- The same jurisdiction as law enforcement officers when responding to active assailant incidents, civil disturbances, or when assigned by the Secretary during disasters.

Section 4. G.S. 143-341 sets out the powers and duties of the Department of Administration including the power and duty to establish and operate a central motor fleet. The Department may require all State agencies to transfer ownership, custody or control of any passenger motor vehicles within that agency to the Department, except motor vehicles under the ownership, custody or control of the Highway Patrol, the State Bureau of Investigation, the Samarcand Training Academy, or the constituent institutions of The University of North Carolina which are used primarily for law enforcement purposes.

Section 4 of the PCS, effective when the bill becomes law, would exempt vehicles under the ownership, custody or control of the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety from the transfer requirement.

Section 5. G.S. 143B-720 establishes and sets out the powers and duties of the Post Release Supervision and Parole Commission of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The Commission has authority to grant paroles, including both regular and temporary paroles, to persons held by virtue of any final order or judgment of any State court. The Commission also has authority to revoke, terminate, and suspend paroles of such persons. The North Carolina Statewide Warrant Repository (NCAWARE) database is a web-based subsystem of the Court Information System developed and implemented by the North Carolina Administrative Office of the Courts (NCAOC) that contains detailed information about various criminal processes such as warrants, criminal summonses, orders for arrest, release orders, and appearance bonds. The database allows law enforcement officers to view and serve any electronic unserved criminal process in the State.

Section 5 of the PCS, effective when the bill becomes law, would:

- Authorize the Post Release Supervision and Parole Commission to issue temporary or conditional revocations of post-release supervision and subject parolees to arrest.
- Require orders of issue temporary or conditional revocations of post-release supervision to be placed in the NCAWARE database.

Sections 6 and 7. Under current State law, any prisoner who knowingly and willfully exposes genitalia to an employee while the employee is in the performance of the employee's duties is guilty of a Class I felony. The punishment for a Class I felony ranges from an absolute minimum of 3 months community punishment to an absolute maximum of 24 months active punishment, depending on the defendant's criminal record.

Under current State law, any prisoner who possesses a letter, weapon, tool, good, article of clothing, device, or instrument to effect an escape or aid in an assault is guilty of a Class H felony. The punishment for a Class H felony ranges from an absolute minimum of 4 months community punishment to an absolute maximum of 39 months active punishment, depending on prior record level.

Sections 6 and 7 of the PCS, effective December 1, 2019, would:

- Impose an active sentence of between six and 12 months upon any prisoner convicted of knowingly and willfully exposing genitalia to an employee in the performance of the employee's duties and would make the sentence run consecutive to any sentence the prisoner is then serving.
- Impose an active sentence of between 12 months and 24 months upon any prisoner convicted of possessing a letter, weapon, tool, good, article of clothing, device, or instrument to effect an escape or aid in an assault and would make the sentence run consecutive to any sentence the prisoner is then serving.

Section 8. The State Tort Claims Act (STCA), Article 31 of Chapter 143 of the General Statutes, makes the North Carolina Industrial Commission (NCIC) a court for the purposes of hearing and passing on tort claims against the State Board of Education, the Board of Transportation, and all other departments, institutions and agencies of the State. If the Commission finds that negligence on the part of an officer, employee, involuntary servant or agent of the State while acting within the scope of their office, employment, service, agency or authority proximately caused the injury complained of and that there was no contributory negligence on the claimant's part, the NCIC determines the amount of claimant's damages up to one million ($1,000,000). The STCA authorizes the Attorney General to settle claims under twenty-five thousand dollars ($25,000) without approval of the NCIC and authorizes the NCIC to tax court costs against the loosing party.

G.S. 148-118.2 establishes the Administrative Remedy Procedure available to a prisoner for the purpose of preserving any cause of action under the purview of the Administrative Remedy Procedure, which a prisoner may have against the State of North Carolina, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, or its employees. State courts cannot entertain a prisoner's grievance or complaint which falls under the purview of the Administrative Remedy Procedure until the prisoner has exhausted the administrative remedies under that procedure.

Section 8 of the PCS, effective July 1, 2019, and applicable to claims filed on or after that date, would:

- Limit the value of an inmate's personal property to two hundred fifty dollars ($250).
- Preclude inmates from taking personal property damage claims to the Industrial Commission, would limit inmate personal property reimbursement claims to $250, and would make DPS's

Administrative Remedy Procedure the sole procedure to process and adjudicate personal property claims.

- Require inmates to exhaust their administrative remedies under DPS's Administrative Remedy Procedure prior to taking claims for personal injury to the Industrial Commission.

- Tax court costs to indigent inmates who file frivolous lawsuits when all of the following apply:

    - The inmate's claim is dismissed on the grounds that it is frivolous, malicious, not within the statute of limitations, exceeds the exclusive jurisdiction of the Industrial Commission, or fails to state a claim upon which relief may be granted.

    - The inmate has, on three or more prior occasions, while incarcerated or detained in any State facility, brought an action or appeal before the Industrial Commission which was dismissed on the grounds that it is frivolous, malicious, not within the statute of limitations, exceeds the exclusive jurisdiction of the Industrial Commission, or fails to state a claim upon which relief may be granted.

- Authorize the Secretary of DPS to settle inmate claims of twenty-five thousand dollars ($25,000) or less without approval of the Industrial Commission.

- Require gross negligence by DPS employees tasked with the supervision, protection, control, confinement, or custody of the State's inmate population, before DPS is liable in tort to an inmate for personal injury.

Section 9. Currently, motor carriers are regulated by the North Carolina Division of Motor Vehicles (DMV) (for titling and registration purposes), and the North Carolina Department of Public Safety (enforcement of State laws relating to operation of motor carriers) and the Federal Motor Carrier Safety Administration. DMV and DPS have the authority to take certain enforcement actions based on "out-of-service" orders for imminent hazards, and other DMV registration and titling blocks under State law.

Section 9 of the PCS, effective September 1, 2019, would:

- Authorize DMV to collect and maintain motor carrier data for the purposes of the federal Performance and Registration Information Systems Management (PRISM) program.
- Broaden DMV authority to rescind and block registration and titling of motor carrier vehicles based on federal motor carrier blocks and out-of-service orders.
- Broaden the authority of DPS to prohibit operation of motor carriers based on federal out-of-service orders, and to seize cancelled or rescinded registration plates.

Section 10. Recodifies G.S. 14-254.5 to G.S. 14-259.1 and moves it within Chapter 14 from Article 32 to Article 33. This section would be effective when the bill becomes law.

Section 11. G.S. 8-53.10 makes communications between law enforcement peer counselors and their clients privileged and not subject to disclosure except when authorized by the client or ordered by a court. The privilege does not apply (i) where the peer counselor was an initial responding officer, a witness, or a party to the incident that prompted the delivery of peer counseling services; (ii) to communications made

while the peer counselor was not acting in an official capacity as a peer counselor; or (iii) to communications related to a violation of criminal law.

Section 11 of the PCS, effective when the bill becomes law, would add emergency personnel officers to those who may be peer counselors and would define an emergency personnel officer as "firefighting, search and rescue, or emergency medical service personnel, or any employee of any duly accredited State or local government agency possessing authority to enforce the criminal laws of the State who (i) is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State and (ii) possesses the power of arrest by virtue of an oath administered under the authority of the State."

Section 12. The North Carolina Center for Missing Persons (the Center), located within DPS, is a central repository for information regarding missing persons and missing children, with special emphasis on missing children. Within the Center are the following alert systems:

A. The State AMBER alert system to assist in locating abducted children.

B. The State Silver Alert System to assist in locating missing persons or children believed to be suffering from dementia, Alzheimer's disease, or a disability that requires them to be protected from potential abuse or other physical harm, neglect, or exploitation.

C. The State Blue Alert System is to assist in the apprehension of a suspect who kills or inflicts serious bodily injury on a law enforcement officer.

Section 12 of the PCS, effective when the bill becomes law, would establish the State Green Alert System to provide a statewide system for the rapid dissemination of information regarding a missing person who is believed to be suffering from posttraumatic stress disorder (PTSD) that requires them to be protected from potential abuse or other physical harm, neglect, or exploitation.

EFFECTIVE DATE: The act has various effective dates as set forth above.

HOUSE BILL 641

Short Title:	Modifications to Various DPS Provisions.	(Public)
Sponsors:	Representatives Boles, Pierce, Speciale, and R. Turner (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Judiciary, if favorable, Rules, Calendar, and Operations of the House	

April 10, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO LAWS RELATED TO PUBLIC SAFETY, AS RECOMMENDED BY THE DEPARTMENT OF PUBLIC SAFETY.

The General Assembly of North Carolina enacts:

PART I. NC NATIONAL GUARD CIVILIAN LEAVE OPTION.

SECTION 1. G.S. 127A-111(a) reads as rewritten:

"(a) A member of the North Carolina National Guard called into service of the State by the Governor shall have the right to take leave without pay from ~~his or her~~ the member's civilian employment. No member of the North Carolina National Guard shall be forced to use ~~or exhaust his or her~~ any of the member's vacation or other accrued leaves from ~~his or her~~ the member's civilian employment for a period of active service. The choice of leave shall be solely within the discretion of the member."

PART II. LAPSED PROVISION PROVIDING DEPARTMENTAL MAINTENANCE WORKERS TO REPAIR CERTAIN SYSTEMS, SUCH AS ELECTRICAL OR PLUMBING, WITHOUT REQUIRING LICENSURE BY STATE LICENSING BOARDS.

SECTION 2. Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-600.1. Employees of the Department of Public Safety may perform installation, construction, maintenance, and repair work for the Department.**

Notwithstanding any other provision of the law, an employee of the North Carolina Department of Public Safety may perform work involving the installation, construction, maintenance, or repair of any buildings, wiring, piping, devices, appliances, or equipment located in or constituting improvements located on State-owned land without the requirement of licensure under Chapter 87 of the General Statutes if the work is performed by an employee who is employed by the Department and either the work performed is valued at less than one hundred thousand dollars ($100,000) or all work is performed as force-account work otherwise authorized by law up to the value authorized. The Office of State Construction may regulate work performed pursuant to this section to ensure compliance with building and safety codes. Nothing in this section shall be construed to allow an employee of a State agency or institution to engage in any activities described in this section privately or outside the employee's scope of employment without meeting all licensure requirements otherwise required by law."

PART III. CLARIFY AND REVISE DUTIES AND POWERS OF PROBATION OFFICERS.

SECTION 3. G.S. 15-205 reads as rewritten:

"**§ 15-205. Duties and powers of the probation officers.**

"(a) A probation officer shall investigate all cases referred to ~~him~~ the officer for investigation by the judges of the courts or by the Secretary of Public Safety. ~~Such~~ The officer shall keep informed concerning the conduct and condition of each person on probation under ~~his~~ the officer's supervision by visiting, requiring reports, and in other ways, and shall report ~~thereon~~ in writing as often as the court or the Secretary of Public Safety may require. ~~Such~~ The officer shall use all practicable and suitable methods, not inconsistent with the conditions imposed by the court or the Secretary of Public Safety, to aid and encourage persons on probation to bring about improvement in ~~their~~ each person's conduct and condition. ~~Such~~ The officer shall keep detailed records of ~~his work;~~ the officer's work, shall make ~~such~~ reports in writing to the Secretary of Public Safety as ~~he~~ the Secretary of Public Safety may ~~require;~~ require, and shall perform ~~such~~ other duties as the Secretary of Public Safety may require. A probation officer shall have, in the execution of ~~his~~ the officer's duties, the powers of arrest and, ~~to the extent necessary for the performance of his duties, the same right to execute process as is now given, or that may hereafter be given by law, to the sheriffs of this State.~~ the authority to serve any warrant or other process issuing from any of the courts of the State having criminal jurisdiction.

(b) Probation officers shall have authority to assist law enforcement officers in effecting arrests and preventing escapes from custody when requested to do so by the officer or when, in the judgment of the probation officer, such assistance may be necessary. When rendering assistance pursuant to this provision, probation officers have authority to arrest and to take enforcement action for any criminal offense.

(c) Probation officers shall have the subject matter jurisdiction of law enforcement officers on prison property for the purpose of protecting life and property, for the purpose of transferring prisoners from place to place as the officers' duties might require, and for apprehending, arresting, and returning to prison escaped prisoners.

(d) Probation officers shall have subject matter jurisdiction of law enforcement officers when responding to active assailant incidents and civil disturbances or when assigned by the Secretary to perform additional duties during times of manmade or natural disasters."

PART IV. MOTOR FLEET EXEMPTION FOR PROBATION OFFICERS.

SECTION 4. G.S. 143-341(8)i.3. reads as rewritten:

"3. To require on a schedule determined by the Department all State agencies to transfer ownership, custody or control of any or all passenger motor vehicles within the ownership, custody or control of that agency to the Department, except those motor vehicles under the ownership, custody or control of the Highway Patrol, the State Bureau of Investigation, the Samarcand Training Academy, Community Corrections, or the constituent institutions of The University of North Carolina which are used primarily for law-enforcement purposes."

PART V. CLARIFY, EXPAND, AND REVISE DUTIES OF POST-RELEASE SUPERVISION AND PAROLE COMMISSION.

SECTION 5. G.S. 143B-720 reads as rewritten:

"**§ 143B-720. Post-Release Supervision and Parole Commission – creation, powers and duties.**

(a) There is hereby created a Post-Release Supervision and Parole Commission of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety with the

authority to grant paroles, including both regular and temporary paroles, to persons held by virtue of any final order or judgment of any court of this State as provided in Chapter 148 of the General Statutes and laws of the State of North Carolina, except that persons sentenced under Article 81B of Chapter 15A of the General Statutes are not eligible for parole but may be conditionally released into the custody and control of United States Immigration and Customs Enforcement pursuant to G.S. 148-64.1. The Commission shall also have authority to revoke, terminate, and suspend paroles of such persons (including persons placed on parole on or before the effective date of the Executive Organization Act of 1973) and to assist the Governor in exercising ~~his~~ the Governor's authority in granting reprieves, commutations, and pardons, and shall perform such other services as may be required by the Governor in exercising ~~his~~ the Governor's powers of executive clemency. The Commission shall also have authority to revoke and terminate persons on post-release supervision, as provided in Article 84A of Chapter 15A of the General ~~Statutes.~~ Statutes, and issue orders of temporary or conditional revocation of post-release supervision and parole subjecting supervisees and parolees to arrest by a law enforcement officer or a post-release supervision and parole officer. The Commission shall also have the authority to punish for criminal contempt for willful refusal to accept post-release supervision or to comply with the terms of post-release supervision by a prisoner whose offense requiring post-release supervision is a reportable conviction subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes. Any contempt proceeding conducted by the Commission shall be in accordance with G.S. 5A-15 as if the Commission were a judicial official.

...

(h) All orders of temporary or conditional revocation of post-release supervision and parole subjecting supervisees and parolees to arrest by a law enforcement officer or a post-release supervision and parole officer shall be entered into NCAWARE."

PART VI. MALICIOUS CONDUCT BY PRISONER CLARIFICATION. CLARIFY MALICIOUS CONDUCT STATUTE TO EXPRESSLY REQUIRE AN ACTIVE SENTENCE FOR FELONY OFFENSES. (NO EXCEPTIONS FOR NONVIOLENT FIRST TIME OFFENDERS, CONDITIONAL DISMISSALS UNDER G.S. 90-96, OR OTHER COMPARABLE JUDICIAL DISPOSITION ALTERNATIVES.)

SECTION 6.(a) G.S. 14-258.4 reads as rewritten:

"**§ 14-258.4. Malicious conduct by prisoner.**

(a) Any prisoner who knowingly and willfully throws, emits, or causes to be used as a projectile, any bodily fluids, excrement, or unknown substance at an employee, while the employee is in the performance of the employee's duties, is guilty of a Class F felony.

(b) Any prisoner who knowingly and willfully exposes genitalia to an employee while the employee is in the performance of the employee's duties is guilty of a Class I ~~felony.~~felony and shall be sentenced to a minimum term of six months and a maximum term of 12 months in the State's prison.

(c) The provisions of this section apply to violations committed inside or outside of the prison, jail, detention center, or other confinement facility.

(d) Sentences imposed under this ~~Article~~ section shall run consecutively to and shall commence at the expiration of any sentence being ~~served~~ served, for any offense, by the person ~~sentenced under this section.~~sentenced."

SECTION 6.(b) This section is effective December 1, 2019, and applies to offenses committed on or after that date.

PART VII. PROVIDING FORBIDDEN ARTICLES OR TOOLS FOR ESCAPE; POSSESSING TOOLS FOR ESCAPE CLARIFICATION. CLARIFY STATUTE TO EXPRESSLY REQUIRE AN ACTIVE SENTENCE FOR FELONY OFFENSES. (NO EXCEPTIONS FOR NONVIOLENT FIRST TIME OFFENDERS, CONDITIONAL

DISMISSALS UNDER G.S. 90-96, OR OTHER COMPARABLE JUDICIAL DISPOSITION ALTERNATIVES.)

SECTION 7.(a) G.S. 14-258 reads as rewritten:

"**§ 14-258. Providing forbidden articles or tools for escape; possessing tools for escape.**

(a) Providing Forbidden Articles or Tools for Escape. – Any person who sells, trades, conveys, or provides any of the following to a prisoner is guilty of a Class H felony:

(1) An article forbidden by prison rules.

(2) A letter, oral message, weapon, tool, good, clothing, device, or instrument, to effect an escape, or aide in an assault or insurrection.

(b) Increased Penalty. – Any violation of subdivision (2) of subsection (a) of this section that does effect an escape, assault, or insurrection is a Class F felony.

(c) Possessing Tools for Escape. – Any prisoner who possesses a letter, weapon, tool, good, article of clothing, device, or instrument to ~~do any of the following~~ effect an escape or aid in an assault or insurrection is guilty of a Class H ~~felony:~~felony and shall be sentenced to a minimum term of 12 months and a maximum term of 24 months in the State's prison.

~~(1) To effect an escape.~~

~~(2) Aide in an assault or insurrection.~~

(d) Application. – The provisions of this section apply to violations committed inside or outside of the prison, jail, detention center, or other confinement facility."

SECTION 7.(b) G.S. 15A-1368.1 reads as rewritten:

"**§ 15A-1368.1. Applicability of Article 84A.**

This Article applies to all felons sentenced to an active punishment under Article 81B of this ~~Chapter or~~ Chapter, G.S. 90-95(h), 14-258, or 14-258.4, but does not apply to felons in Class A and Class B1 sentenced to life imprisonment without parole. Prisoners subject to Articles 85 and 85A of this Chapter are excluded from this Article's coverage."

SECTION 7.(c) This section is effective December 1, 2019, and applies to offenses committed on or after that date.

PART VIII. TORT CLAIMS REVISIONS.

SECTION 8.(a) Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-18.2. Prisoner property.**

(a) In no event shall the personal property of an inmate in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile Justice, exceed a maximum total value of two hundred fifty dollars ($250.00).

(b) When the property of an inmate in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile Justice, is lost, destroyed, or otherwise damaged through the negligent maintenance of the correctional facility or the negligence of staff members of the correctional facility, the Department of Public Safety shall reimburse the inmate for the value of the item, or provide for replacement of the item, when the Department's Administrative Remedies Procedure results in this recommendation. This shall be the inmate's sole remedy for property loss, damage, or destruction.

(c) Reimbursement shall be calculated in a manner authorized by the Department of Public Safety, Division of Adult Correction and Juvenile Justice Policy, but in no event shall reimbursement exceed a maximum of two hundred fifty dollars ($250.00) per incident, nor shall an inmate in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile Justice, be reimbursed for lost, damaged, or destroyed State issued property."

SECTION 8.(b) Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-295.2. Inmate property claims against the Department of Public Safety.**

When the property of an inmate in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile Justice, is lost, destroyed, or otherwise damaged through the negligent handling of its correctional facility, or staff members thereof, the inmate shall have no recourse under this article. Instead, the Department of Public Safety shall reimburse the inmate for the value of the item, or provide for replacement of the item, as described in G.S. 148-18.2."

SECTION 8.(c) G.S. 143-291 reads as rewritten:

"**§ 143-291. Industrial Commission constituted a court to hear and determine claims; damages; liability insurance in lieu of obligation under Article.**

(a) The North Carolina Industrial Commission is hereby constituted a court for the purpose of hearing and passing upon tort claims against the State Board of Education, the Board of Transportation, and all other departments, institutions and agencies of the State. The Industrial Commission shall determine whether or not each individual claim arose as a result of the negligence of any officer, employee, involuntary servant or agent of the State while acting within the scope of ~~his~~ that office, employment, service, agency or authority, under circumstances where the State of North Carolina, if a private person, would be liable to the claimant in accordance with the laws of North Carolina. If the Commission finds that there was negligence on the part of an officer, employee, involuntary servant or agent of the State while acting within the scope of ~~his~~ that office, employment, service, agency or authority that was the proximate cause of the injury and that there was no contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted, the Commission shall determine the amount of damages that the claimant is entitled to be paid, including medical and other expenses, and by appropriate order direct the payment of damages as provided in subsection (a1) of this section, but in no event shall the amount of damages awarded exceed the amounts authorized in G.S. 143-299.2 cumulatively to all claimants on account of injury and damage to any one person arising out of a single occurrence. Community colleges and technical colleges shall be deemed State agencies for purposes of this Article. The fact that a claim may be brought under more than one Article under this Chapter shall not increase the foregoing maximum liability of the State.

(a1) The unit of State government that employed the employee at the time the cause of action arose shall pay the first one hundred fifty thousand dollars ($150,000) of liability, and the balance of any payment owed shall be paid in accordance with G.S. 143-299.4.

(b) If a State agency, otherwise authorized to purchase insurance, purchases a policy of commercial liability insurance providing coverage in an amount at least equal to the limits of the State Tort Claims Act, such insurance coverage shall be in lieu of the State's obligation for payment under this Article.

(c) The North Carolina High School Athletic Association, Inc., is a State agency for purposes of this Article, and its liability in tort shall be only under this Article. This subsection does not extend to any independent contractor of the Association. The Association shall be obligated for payments under this Article, through the purchase of commercial insurance or otherwise, in lieu of any responsibility of the State or The University of North Carolina for this payment. The Association shall be similarly obligated to reimburse or have reimbursed the Department of Justice for any expenses in defending any claim against the Association under this Article.

(d) Liability in tort of the State Health Plan for Teachers and State Employees for noncertifications as defined under G.S. 58-50-61 shall be only under this Article.

(e) The Industrial Commission shall have no jurisdiction over any claim brought by an inmate in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile Justice, unless and until the inmate has first exhausted the Department's Administrative Remedy Procedure, as established by G.S. 148-118.2."

SECTION 8.(d) G.S. 148-118.2 reads as rewritten:

"**§ 148-118.2. Effect.**

(a) Upon approval of the Administrative Remedy Procedure by a federal court as authorized and required by 42 U.S.C. 1997(e)(a), and the implementation of the procedure, this procedure shall constitute the administrative remedies available to a prisoner for the purpose of preserving any cause of action under the purview of the Administrative Remedy Procedure, which a prisoner may claim to have against the State of North Carolina, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, or its employees.

(b) No State ~~court~~ court, including the North Carolina Industrial Commission, or administrative body shall entertain a prisoner's grievance or complaint which falls under the purview of the Administrative Remedy Procedure unless and until the prisoner shall have exhausted the remedies as provided in ~~said~~ the procedure. If the prisoner has failed to pursue administrative remedies through this procedure, any petition or complaint ~~he~~ the prisoner files shall be stayed for 90 days to allow the prisoner to file a grievance and for completion of the procedure. If at the end of 90 days the prisoner has failed to timely file ~~his~~ the grievance, then the petition or complaint shall be dismissed. ~~Provided, however, that the court can waive the exhaustion requirement if it finds such waiver to be in the interest of justice.~~"

SECTION 8.(e) G.S. 143-291.2 reads as rewritten:

"**§ 143-291.2. Costs and fees.**

(a) The Industrial Commission may by order tax the costs against the losing party in the same amount and the same manner as costs are taxed in the Superior Court Division of the General Court of Justice. However, in no event shall the Industrial Commission tax the cost against the prevailing party. When a State department, institution, or agency appeals to the full commission the decision rendered by a hearing commissioner, the State department, institution, or agency shall furnish a copy of the transcript of the hearing to the appellee without cost. The State department, institution, or agency concerned may pay the costs taxed against it. When costs are not paid by a party from whom they are due, the Industrial Commission shall issue an execution for the costs and attach a bill of costs to each execution. The Sheriff shall levy upon the execution as provided in Chapter 6 of the General Statutes in civil actions.

(b) The Industrial Commission shall charge a filing fee for each affidavit initiating a claim filed under this Article in an amount equal to the filing fee charged for civil actions in the Superior Court Division of the General Court of Justice. No filing fee shall be required of indigent persons, provided each claim by an indigent complies with all statutory and administrative requirements applicable to the filing of civil actions by indigents in the Superior Court Division of the General Court of Justice.

(c) In no event shall a currently incarcerated inmate, bringing a claim under this Article, be granted indigent status if the inmate has, on three or more prior occasions, while incarcerated or detained in any State facility, brought an action or appeal before the Industrial Commission which was dismissed on the grounds that it is frivolous, malicious, not within the statute of limitations, exceeds the exclusive jurisdiction of the Industrial Commission, or fails to state a claim upon which relief may be granted."

SECTION 8.(f) G.S. 143-295 reads as rewritten:

"**§ 143-295. Settlement of claims.**

(a) Any claims except claims of minors pending or hereafter filed against the various departments, institutions and agencies of the State may be settled upon agreement between the claimant and the Attorney ~~General for an~~ General, or between the various departments, institutions, and agencies of the State and the claimant, for any amount not in excess of twenty-five thousand dollars ($25,000), without the approval of the Industrial Commission. The Attorney General may also make settlements by agreement for claims in excess of twenty-five thousand dollars ($25,000) and claims of infants or persons **non sui juris**, provided such claims have been subject to review and approval by the Industrial Commission.

(b) In settlements under twenty-five thousand dollars ($25,000), agreed upon between the Attorney ~~General~~ General, or the various departments, institutions, and agencies of the State, and the claimant, the filing of an affidavit as set forth in G.S. 143-297 shall not be required.

(c) Transfer of title of a motor vehicle acquired in behalf of the State in settlement of claim pursuant to the provisions of this Article may be transferred by the Attorney General in the same manner as provided for such transfer by an insurance company under the provisions of G.S. 20-75."

SECTION 8.(g) Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-299.5. Limited liability for claims against the Department of Public Safety, Division of Adult Correction and Juvenile Justice.**

The Department of Public Safety, Division of Adult Correction and Juvenile Justice, shall not be liable for damages under this Article for the acts or the omissions of its employees tasked with the supervision, protection, control, confinement, or custody of the State's inmate population, unless such acts or omissions amount to gross negligence."

SECTION 8.(h) G.S. 143-299.1A reads as rewritten:

"**§ 143-299.1A. Limit use of public duty doctrine as an affirmative defense.**

(a) Except as provided in subsection (b) of this section, the public duty doctrine is an affirmative defense on the part of the State department, institution, or agency against which a claim is asserted if and only if the injury of the claimant is the result of any of the following:

(1) The alleged negligent failure to protect the claimant from the action of others or from an act of God by a law enforcement officer as defined in subsection (d) of this section.

(2) The alleged negligent failure of an officer, employee, involuntary servant or agent of the State to perform a health or safety inspection required by statute.

(b) Notwithstanding subsection (a) of this section, the affirmative defense of the public duty doctrine may not be asserted in any of the following instances:

(1) Where there is a special relationship between the claimant and the officer, employee, involuntary servant or agent of the State.

(2) When the State, through its officers, employees, involuntary servants or agents, has created a special duty owed to the claimant and the claimant's reliance on that duty is causally related to the injury suffered by the claimant.

(3) Where the alleged failure to perform a health or safety inspection required by statute was the result of gross negligence.

(c) This section does not apply to a unit of local government or its officers, employees, or agents.

(d) Nothing in subsection (b) of this section shall limit the application of the public duty doctrine in cases where the claimant is an inmate in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile Justice, except where the injury arises as the result of the Department's, or its staff members', gross negligence.

~~(d)~~(e) For purposes of this section, "law enforcement officer" means a full-time or part-time employee or agent of a State department, institution, or agency or an agent of the State operating under an agreement with a State department, institution, or agency of the State who is any of the following:

(1) Actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State or serving civil processes.

(2) Possesses the power of arrest by virtue of an oath administered under the authority of the State.

(3) Is a juvenile justice officer, chief court counselor, or juvenile court counselor.

(4) Is a correctional officer performing duties of custody, supervision, and treatment to control and rehabilitate criminal offenders.
(5) Is a firefighter as defined in G.S. 106-955(1).
(6) Is a probation officer appointed under Article 20 of Chapter 15 of the General Statutes."

PART IX. UPDATE STATUTE TO BECOME PRISM STEP 6 COMPLIANT.

SECTION 9.(a) Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-43.3. Authorization for the collection of data to enforce the Federal Motor Carrier Safety Administration's Performance and Registration Information Systems Management (PRISM) program.**

The Division is authorized to collect and maintain necessary motor carrier or commercial motor vehicle data in a manner that complies with the information system established by the United States Secretary of Transportation under 49 U.S.C. § 31106."

SECTION 9.(b) G.S. 20-54 reads as rewritten:

"**§ 20-54. Authority for refusing registration or certificate of title.**

The Division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

...

(9) The applicant motor carrier is subject to an order issued by the Federal Motor Carrier Safety Administration or the ~~Division to cease all operations based on a finding that the continued operations of the motor carrier pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1).~~Division. The Division shall deny registration of a vehicle of a motor carrier if the applicant fails to disclose material information required, has made a materially false statement on the application, has applied as a subterfuge for the real party in interest who has been issued a Federal Motor Carrier Safety Administration out-of-service order, or if the applicant's business is operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration, including the applicant entity, a relative, family member, corporate officer, or shareholder. The Department shall deny registration for a vehicle that has been assigned for safety to a commercial motor carrier who has been prohibited from operating by the Federal Motor Carrier Safety Administration or a carrier whose business is operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration, including the owner, a relative, family member, corporate officer, or shareholder.

...."

SECTION 9.(c) G.S. 20-110 reads as rewritten:

"**§ 20-110. When registration shall be rescinded.**

...

(m) The Division shall rescind and cancel the registration of vehicles of a motor carrier that is the subject ~~to~~ of an order issued by the Federal Motor Carrier Safety Administration or the ~~Division to cease all operations based on a finding that the continued operations of the motor carrier pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1).~~Division.

(n) The Division shall rescind and cancel the registration of a vehicle of a motor carrier if the applicant fails to disclose material information required, has made a materially false statement on the application, has applied as a subterfuge for the real party in interest who has been issued a Federal Motor Carrier Safety Administration out-of-service order, or if the applicant's business is operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration, including the applicant entity, a relative, family member, corporate

officer, or shareholder. The Division shall rescind and cancel the registration for a vehicle that has been assigned for safety to a commercial motor carrier who has been prohibited from operating by the Federal Motor Carrier Safety Administration or a carrier whose business is operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration, including the owner, a relative, family member, corporate officer, or shareholder."

SECTION 9.(d) G.S. 20-381(a) reads as rewritten:

"**§ 20-381. Specific powers and duties of Department of Public Safety applicable to motor carriers; agricultural exemption.**

(a) The Department of Public Safety has the following powers and duties concerning motor carriers:

...

(4) To determine the safety fitness of intrastate motor carriers, to assign safety ratings to intrastate motor carriers as defined in 49 C.F.R. § 385.3, to direct intrastate motor carriers to take remedial action when required, to prohibit the operation of intrastate motor carriers ~~rated unsatisfactory, to determine whether the continued operations of intrastate motor carriers pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1), and to prohibit the operation of an intrastate motor carrier found to be an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1).~~when subject to an out-of-service order issued by the Federal Motor Carrier Safety Administration or the Department.

(5) To ~~prohibit the intrastate operation of a motor carrier subject to an~~ enforce any order issued by the Federal Motor Carrier Safety Administration ~~to cease all operations based on a finding that the continued operations of the motor carrier pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1).~~including the authority to seize registration plates pursuant to the provisions of G.S. 20-45 from motor carriers whose registration was rescinded and cancelled pursuant to G.S. 20-110(m) or G.S. 20-110(n)."

SECTION 9.(e) This act is effective 90 days after it becomes law.

PART X. RECODIFY DEFINITIONS SECTION FROM ARTICLE 32 OF CHAPTER 14 OF THE GENERAL STATUTES TO ARTICLE 33 OF CHAPTER 14 OF THE GENERAL STATUTES.

SECTION 10. G.S. 14-254.5 is recodified as G.S. 14-259.1.

PART XI. UPDATE PEER SUPPORT STATUTE TO INCLUDE ALL FIRST RESPONDERS.

SECTION 11. G.S. 8-53.10(a) reads as rewritten:

"(a) Definitions. – The following definitions apply in this section:

(1) Client law enforcement employee. – Any law enforcement employee or a member of his or her immediate family who is in need of and receives peer counseling services offered by the officer's employing law enforcement agency.

(1a) Emergency personnel officer. – Firefighting, search and rescue, or emergency medical service personnel, or any employee of any duly accredited State or local government agency possessing authority to enforce the criminal laws of the State who (i) is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State and (ii) possesses the power of arrest by virtue of an oath administered under the authority of the State.

...

(3) Peer counselor. – Any law enforcement ~~officer~~ officer, emergency personnel officer, or civilian employee of a law enforcement agency who:

a. Has received training to provide emotional and moral support and counseling to client law enforcement ~~employees~~ employees, emergency personnel, and their immediate ~~families; and~~families.

b. Was designated by the sheriff, police chief, or other head of a law enforcement or emergency agency to counsel a client law enforcement employee.

(4) Privileged communication. – Any communication made by a client law enforcement ~~employee~~ employee, emergency personnel, or a member of the client law enforcement employee's immediate family to a peer counselor while receiving counseling."

PART XII. EFFECTIVE DATE.

SECTION 12. Except where otherwise provided, the remainder of this act is effective when it becomes law.



NORTH CAROLINA
ADVOCATES for JUSTICE

Abby Hammond
Director of Government Affairs
abby@ncaj.com

Post Office Box 10918, Raleigh, NC 27605
p (800) 688-1413 **fx** (919) 832-6361 **ncaj.com**

HOUSE BILL 757:
Pender County Property Transfer.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 29, 2019
Introduced by:	Rep. C. Smith	**Prepared by:**	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: House Bill 757 would require the State of North Carolina to convey to the Pender County Board of Commissioners, for one dollar ($1.00), all its rights, titles, and interests in approximately 100 acres of land to be used as a jail and law enforcement center.

CURRENT LAW: Article 7 of Chapter 146 governs disposition of State property and requires that sales of land owned by the State must be made by the Department of Administration and approved by the Governor and Council of State. Article 16 of Chapter 146 establishes the form of conveyances for State property and within that Article, G.S. 146-74 requires that proposed conveyances to be submitted to the Governor and Council of State for approval.

BILL ANALYSIS: House Bill 757 would require the State of North Carolina to convey to the Pender County Board of Commissioners, for one dollar ($1.00), all its rights, titles, and interests in approximately 100 acres of land to be used as a jail and law enforcement center. The conveyance would not need approval of the Governor and Council of State. The bill would require the Department of Administration to consult with the Pender County Board of Commissioners to ensure that the property is suitable for use as a jail and law enforcement center. The property would revert back to the State should it cease being used as a jail and law enforcement center. The conveyance would be "as is" and "where is" without representations or warranties concerning the title to the property, its boundaries, uses to which the property may be put, zoning, local ordinances, or to any physical, environmental, health, and safety conditions relating to the property. All costs associated with the conveyance of the property would be paid by Pender County.

EFFECTIVE DATE: The act would be effective when the bill becomes law.

ıren Cochrane-Brown
Director

H757-SMBD-51-E1-V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 757

Short Title:	Pender County Property Transfer.	(Public)
Sponsors:	Representative C. Smith. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

April 16, 2019

A BILL TO BE ENTITLED

AN ACT TO CONVEY CERTAIN STATE-OWNED LANDS TO PENDER COUNTY TO BE USED FOR A NEW JAIL AND LAW ENFORCEMENT CENTER.

The General Assembly of North Carolina enacts:

SECTION 1. The State of North Carolina shall convey to the Pender County Board of Commissioners, for consideration of one dollar ($1.00), all its rights, titles, and interests in approximately 100 acres of the approximately 350-acre parcel identified with Land Asset ID 6095 in the inventory of State-owned land maintained by the Department of Administration pursuant to G.S. 143-341. This is the same property identified with PIN 3229-04-1665-0000 and PIN 3219-86-9643-0000, as seen in the Office of the Tax Administrator in Pender County, and conveyed to the State in Deed Book 211, Page 279, and Deed Book 244, Page 452, Pender County Registry. The Department of Administration, in consultation with the Pender County Board of Commissioners, shall ensure that the property transferred is suitable for carrying out the uses described in Section 2 of this act. The portion of State land to be conveyed is more properly described as follows:

BEGINNING at a found PK nail in the center of Old Savannah Road, said point being the southeast corner of the property of Jeremy Bryan Batts (D.B. 4540, Pg. 214) and the northeast corner of the property herein described; Thence with the center of said Old Savannah Road the following courses:

S 35°04'59" E, 356.90 feet to a point;
S 40°44'44" E, 153.66 feet to a point;
S 43°47'35" E, 919.20 feet to a point;
S 44°51'27" E, 151.61 feet to a point;
S 51°20'38" E, 128.30 feet to a PK Nail set;

Thence leaving said Old Savannah Road and with a new line through the property of the Pender County Correctional Center (D.B. 244, Pg. 452), S 69°34'12" W, 1181.54 feet to an iron pin set; thence S 42°31'45" W, 339.68 feet to an iron pin set; thence S 78°52'12" W, 362.36 feet to an iron pin set; thence S 56°45'56" W, 748.71 feet to an iron pin set; thence S 72°39'01" W, 139.78 feet to an iron pin set; thence N 47°31'10" W, 214.67 feet to an iron pin set; thence N 08°29'51" W, 2064.45 feet to an iron pin set in the center of Bay Branch, said point being on the southerly property line of Samuel J. Hope (D.B. 4026, Pg. 201); thence, generally with Bay Branch and said Samuel J. Hope property (property line follows center of Bay Branch), N 61°51'33" E, 523.32 feet to a point; thence continuing with branch, N 81°25'00" E, 74.64 feet to

a point, thence continuing with said branch, S 89°58'55" E, 1231.45 feet to the POINT OF BEGINNING and being New Tract "A" containing 100.000 Ac.

SECTION 2. The conveyance pursuant to Section 1 of this act is subject to a reversionary interest reserved by the State. The property shall be conveyed to the Pender County Board of Commissioners for so long as it is utilized as a jail and law enforcement center.

SECTION 3. The State of North Carolina shall convey the real property described in Section 1 of this act "as is" and "where is" without warranty. The State makes no representations or warranties concerning the title to the property, the boundaries of the property, the uses to which the property may be put, zoning, local ordinances, or any physical, environmental, health, and safety conditions relating to the property. All costs associated with the conveyance of the property shall be borne by Pender County.

SECTION 4. The conveyance of the State's rights, titles, and interests in the real property described in Section 1 of this act shall be exempt from the provisions of Article 7 of Chapter 146 of the General Statutes. The conveyance shall comply with the provisions of Article 16 of Chapter 146 of the General Statutes, provided that the provisions of G.S. 146-74 shall not apply.

SECTION 5. This act becomes effective July 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 758
PROPOSED COMMITTEE SUBSTITUTE H758-CSSTx-22 [v.4]
04/28/2019 05:39:21 PM

Short Title: MSD Expansion and Governance. (Public)

Sponsors:

Referred to:

April 16, 2019

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE MEMBERSHIP OF CERTAIN METROPOLITAN SEWERAGE DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 162A of the General Statutes is amended by adding a new section to read:

"**§ 162A-68.5. Alternate procedure for inclusion of additional political subdivision.**

(a) Notwithstanding G.S. 162A-67 and G.S. 162A-68, any time subsequent to the creation of a district, the district shall be expanded in accordance with this section to include territory of a requesting county if the governing board of the county submits a resolution requesting inclusion in the district and the county meets all of the following criteria:

(1) The county is contracting with the district for bulk service.

(2) The district has installed a sewage disposal system, sewerage system, sewers, or any portion thereof, in that county.

(3) The district serves customers in that county as of the date of the resolution.

(b) Upon receipt of a resolution described in subsection (a) of this section, the district board shall send to the Environmental Management Commission and the requesting county all of the following:

(1) A map or maps of the district showing each of the following:

a. The present and proposed new boundaries of the district.

b. The existing sewage disposal system, sewerage system, and sewers.

c. Any proposed extension of the sewage disposal system, sewerage system, sewer, including any sewer interceptors and outfalls.

(2) A description of any proposed extension of sewerage services to the requesting county, which shall address all of the following:

a. Extension of sewerage service to the requesting county on substantially the same basis and in the same manner as such services are provided within the rest of the district prior to inclusion of the new territory.

b. A proposed time schedule for extension of sewerage service to the requesting county.

c. The estimated cost of extension of sewerage service to the requesting county; the method by which the district board proposes to finance the extension; the outstanding existing indebtedness of the district, if any; and the valuation of assessable property within the district and within the requesting county.

(3) An analysis of the inclusion of the territory in the district.

(c) The Environmental Management Commission shall review the documents submitted under subsection (b) of this section and shall, in conjunction with the requesting county, set a time and place within the requesting county for a public hearing. The chair of the governing body of the requesting county shall give prior notice of such hearing by posting a notice at the courthouse door of the requesting county at least 30 days prior to the hearing and also by publication at least once a week for four successive weeks in a newspaper or newspapers having general circulation in the district and in the requesting county, the first publication to be at least 30 days prior to such public hearing.

(d) If, after the public hearing, the Environmental Management Commission determines that the inclusion of the territory will not adversely affect customer service in the district and will preserve and promote the public health and welfare of the district, the Environmental Management Commission shall adopt a resolution expanding and defining the boundaries of the district to include the territory in the district. Such resolution shall state an effective date of the inclusion of the territory in the district.

(e) Any action or proceeding in any court to set aside a resolution of the Environmental Management Commission, or to obtain any other relief upon the ground that such resolution or any proceeding or action taken with respect to the inclusion of the requesting county within the district is invalid, must be commenced within 30 days after the effective date of the resolution adopted by the Environmental Management Commission. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the resolution or the inclusion of the requesting county in the district shall be asserted, nor shall the validity of the resolution or the inclusion of the requesting county be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.

(f) Any requesting county included within an existing district by resolution of the Environmental Management Commission shall be subject to all debts of the district.

(g) Upon inclusion in the district, the district board shall be expanded by two members, who shall be qualified registered voters residing in the territory added to the district and appointed by the governing body of the requesting county. The terms of office of the members appointed under this subsection may be varied for a period not to exceed six months from the terms provided for in G.S. 162A-67 so that the appointment of successors to such members may more nearly coincide with the appointment of successors to members of the existing district board. All successor members shall be appointed for the terms provided for in G.S. 162A-67.

(h) G.S. 162A-67(a)(4) and G.S. 162A-68 shall not apply to any expansion under this section."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 758:
MSD Expansion and Governance.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 28, 2019
Introduced by:	Rep. McGrady	**Prepared by:**	Erika Churchill Staff Attorney
Analysis of:	PCS to First Edition H758-CSSTx-22		

OVERVIEW: ***The proposed committee substitute for House Bill 758 would require expansion of a metropolitan sewerage district in certain limited circumstances and upon the Environmental Management Commission finding that the inclusion of the new territory would not adversely affect customer service in the district and would preserve and promote the public health and welfare of the district. Effective when it becomes law.***

CURRENT LAW: Chapter 162A governs water and sewer systems, and in particular metropolitan sewerage districts (MSD). A MSD may be created upon request to the governing body of each political subdivision or upon petition of at least 51% of the qualified voters residing in any unincorporated area, and approval of the Environmental Management Commission. Once approved, a district board is appointed.

Once established, a MSD may expand its territory upon receiving a resolution from a political subdivision or petition of at least 51% of the qualified voters residing in any unincorporated area requesting to be included. If the district board favors the inclusion of the territory in the district, the district board then files a report with the Environmental Management Commission, who in turn shall determine if the request would preserve and promote the public health and welfare and may include the new area in the district. Alternatively, the qualified registered voters of the district may request an election to determine the question of expansion.

If the MSD is expanded, appointments to the district board are to be made by the additional political subdivisions, in accordance with G.S. 162A-68(i), which requires that when the territory of the district is expanding into new territory, any county without representation on the district board must be represented by 3 additional members. The new members must be qualified voters residing within the new territory, and are appointed by the county board of commissioners governing the new territory.

BILL ANALYSIS: The PCS would require the inclusion of new territory in the district, if so requested by a county not currently in the district. The Environmental Management Commission would be required to hold a public hearing, after receiving certain information from the district board and the requesting county. If, after the public hearing, the Environmental Management Commission determines that the inclusion of the territory will not adversely affect customer service in the district and would preserve and promote the public health and welfare of the district, the Environmental Management Commission is required to adopt a resolution expanding the district to include the requesting territory in the district. Upon

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

expansion, the district board would be increased by two board members. The two new board members must be qualified voters residing within the new territory, and are appointed by the county board of commissioners governing the new territory.

EFFECTIVE DATE: Effective when it becomes law.

HOUSE BILL 758

Short Title:	MSD Expansion and Governance.	(Public)
Sponsors:	Representative McGrady. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Environment, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

April 16, 2019

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE MEMBERSHIP OF CERTAIN METROPOLITAN SEWERAGE DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 162A of the General Statutes is amended by adding a new section to read:

"**§ 162A-68.5. Alternate procedure for inclusion of additional political subdivision.**

(a) Notwithstanding G.S. 162A-67 and G.S. 162A-68, any time subsequent to the creation of a district, the district shall be expanded in accordance with this section to include the territory of the requesting county if the governing board of the county submits a resolution requesting inclusion in the district and the county meets all of the following criteria:

(1) The county is contracting with the district for bulk service.

(2) The district has installed a sewage disposal system, sewerage system, sewers, or any portion thereof, in that county.

(3) The district serves customers in that county as of the date of the resolution.

(b) Upon receipt of a resolution described in subsection (a) of this section, the district board shall send to the Environmental Management Commission and the requesting county all of the following:

(1) A map or maps of the district showing each of the following:

a. The present and proposed new boundaries of the district.

b. The existing sewage disposal system, sewerage system, and sewers.

c. Any proposed extension of the sewage disposal system, sewerage system, sewer, including any sewer interceptors and outfalls.

(2) A description of any proposed extension of sewerage services to the requesting county, which shall address all of the following:

a. Extension of sewerage service to the requesting county on substantially the same basis and in the same manner as such services are provided within the rest of the district prior to inclusion of the new territory.

b. A proposed time schedule for extension of sewerage service to the requesting county.

c. The estimated cost of extension of sewerage service to the requesting county; the method by which the district board proposes to finance the extension; the outstanding existing indebtedness of the district, if any;

and the valuation of assessable property within the district and within the requesting county.

(c) The Environmental Management Commission shall review the documents submitted under subsection (b) of this section and shall, in conjunction with the requesting county, set a time and place within the requesting county for a public hearing. The chair of the governing body of the requesting county shall give prior notice of such hearing by posting a notice at the courthouse door of the requesting county at least 30 days prior to the hearing and also by publication at least once a week for four successive weeks in a newspaper or newspapers having general circulation in the district and in the requesting county, the first publication to be at least 30 days prior to such public hearing.

(d) If, after the public hearing, the Environmental Management Commission shall adopt a resolution expanding and defining the boundaries of the district to include the requesting county in the district if the Environmental Management Commission determines that the inclusion of the requesting county will not harm the public health and welfare. Such resolution shall state an effective date of the inclusion of the requesting county in the district.

(e) Any action or proceeding in any court to set aside a resolution of the Environmental Management Commission, or to obtain any other relief upon the ground that such resolution or any proceeding or action taken with respect to the inclusion of the requesting county within the district is invalid, must be commenced within 30 days after the effective date of the resolution adopted by the Environmental Management Commission. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the resolution or the inclusion of the requesting county in the district shall be asserted, nor shall the validity of the resolution or the inclusion of the requesting county be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.

(f) Any requesting county included within an existing district by resolution of the Environmental Management Commission shall be subject to all debts of the district.

(g) Upon inclusion in the district, the district board shall be expanded by two members, who shall be qualified registered voters residing in the requesting county and appointed by the governing body of the requesting county. The terms of office of the members appointed under this subsection may be varied for a period not to exceed six months from the terms provided for in G.S. 162A-67 so that the appointment of successors to such members may more nearly coincide with the appointment of successors to members of the existing district board. All successor members shall be appointed for the terms provided for in G.S. 162A-67.

(h) The district board shall be expanded by up to one additional member, who shall be a qualified registered voter residing in the requesting county and appointed by the governing body of the requesting county, if any of the following occur after the expansion of the district as provided in this section:

(1) A cumulative increase in the number of customers in the requesting county of fifteen percent (15%) or more from the number of customers in the requesting county on the effective date of the resolution adopted by the Environmental Management Commission as provided in this section.

(2) A single calendar year increase in the amount of untreated sewage in the requesting county of ten percent (10%) or more from the amount of untreated sewage on the effective date of the resolution adopted by the Environmental Management Commission as provided in this section.

(i) G.S. 162A-67(a)(4) and G.S. 162A-68 shall not apply to any expansion under this section."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 873
PROPOSED COMMITTEE SUBSTITUTE H873-CSST-21 [v.2]

04/28/2019 06:21:45 PM

Short Title: System Development Fee/Clarify Time of Charge. (Public)

Sponsors:

Referred to:

April 22, 2019

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE TIMING OF COLLECTION OF SYSTEM DEVELOPMENT FEES FOR EACH CATEGORY OF NEW DEVELOPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162A-213 reads as rewritten:

"**§ 162A-213. Time for collection of system development fees.**

(a) Land Subdivision. – For new development ~~involving the subdivision of land,~~ as defined in G.S. 162A-201(6)a., the system development fee shall be collected by a local governmental unit at the later of either of the following:

a. The time of plat recordation.

b. When water or sewer service is committed by the local governmental unit.

(b) ~~Other~~ New Construction Development. – For ~~all~~ other new ~~development,~~ development as defined by G.S. 163A-201(6)b. or c., the local governmental unit shall collect the system development fee at the earlier of either of the following:

a. The time of application for connection of the individual unit of development to the service or facilities.

b. When water or sewer service is committed by the local governmental unit.

(c) Reconstruction and Redevelopment. – For new development as defined by G.S. 163A-201(6)d., the local governmental unit shall collect the system development fee at the time of issuance of the permit under Part 4 of Article 18 of Chapter 153A of the General Statutes or Part 5 of Article 19 of Chapter 160A of the General Statutes. If the local governmental unit collecting the system development fee is not the same as the one issuing the permit under Part 4 of Article 18 of Chapter 153A of the General Statutes or Part 5 of Article 19 of Chapter 160A of the General Statutes, the one issuing the permit shall notify the local governmental unit imposing the fee of the application for a permit.

(d) Amount of Fee. – When imposing and collecting any system development fee, the amount of the system development fee to be imposed is the system development fee, as adopted by the local governmental unit, in effect on the date the system development fee is paid.

(e) Exception. – A system development fee shall not be charged or assessed on new construction development as defined by G.S. 163A-201(6) b. or c. if both the following apply:

(1) The water or sewer lines were installed to the individual unit of development prior to October 1, 2017, or tap fees were paid for the individual unit of development prior to October 1, 2017.

(2) The local governmental unit did not impose a fee for capacity prior to October 1, 2017 or the facility was operated under Article 15 of Chapter 153A of the

General Statutes or Article 16 of Chapter 160A of the General Statutes as of October 1, 2017."

SECTION 2. G.S. 162A-201 reads as rewritten:

"**§ 162A-201. Definitions.**

...

(2) Capital rehabilitation project. – Any repair, maintenance, modernization, upgrade, update, replacement, or correction of deficiencies of a facility, including any expansion or other undertaking to increase the preexisting level of service for ~~existing development.~~

~~(3)~~ ~~Existing development. – Land~~ land subdivisions, structures, and land uses in existence at the start of the ~~written~~ system development fee analysis ~~process required by G.S. 162A-205, no~~ and more than one year prior to the adoption of a system development fee.

...

(6) New development. – Any of the following ~~occurring after the date a local government begins the written analysis process required by G.S. 162A-205, no more than one year prior to the adoption of a system development fee,~~ actions with respect to real property which increases the capacity necessary to serve that development:

a. The subdivision of land.

b. ~~The construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure~~ Initial construction on undeveloped property which increases the number of service units.

c. Any use or extension of the use of land which increases the number of service units.

d. Reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure on developed property which increases the number of service units.

...

(9) System development fee. – A charge or assessment for service imposed ~~with respect to~~ upon new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs, as provided in this Article. The term includes amortized charges, lump-sum charges, and any other fee that functions as described by this definition regardless of terminology. The term does not include any of the following:

a. A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development.

b. Tap or hookup charges for the purpose of reimbursing the local governmental unit for the actual cost of connecting the service unit to the system.

c. Availability charges.

d. Dedication of capital improvements on-site, adjacent, or ancillary to a development absent a written agreement providing for credit or reimbursement to the developer pursuant to G.S. 153A-280, 153A-451, 160A-320, 160A-499 or Part 3A of Article 18, Chapter 153A or Part 3D of Article 19, Chapter 160A of the General Statutes.

e. Reimbursement to the local governmental unit for its expenses in constructing or providing for water or sewer utility capital

improvements adjacent or ancillary to the development if the owner or developer has agreed to be financially responsible for such expenses; however, such reimbursement shall be credited to any system development fee charged as set forth in G.S. 162A-207(c).

...."

SECTION 3. G.S. 162A-203(a) reads as rewritten:

"(a) A local governmental unit may adopt and impose a system development fee for water or sewer service on new development only in accordance with the conditions and limitations of this Article."

SECTION 4. G.S. 162A-205 reads as rewritten:

"**§ 162A-205. Supporting analysis.**

(a) A system development fee shall be calculated based on a written analysis, which may constitute or be included in a capital improvements plan, that:

(1) Is prepared by a financial professional or a licensed professional engineer qualified by experience and training or education to employ generally accepted accounting, engineering, and planning methodologies to calculate system development fees for public water and sewer systems.

(2) Documents in reasonable detail the facts and data used in the analysis and their sufficiency and reliability.

(3) Employs generally accepted accounting, engineering, and planning methodologies, including the buy-in, incremental cost or marginal cost, and combined cost methods for each service, setting forth appropriate analysis as to the consideration and selection of a method appropriate to the circumstances and adapted as necessary to satisfy all requirements of this Article.

(4) Documents and demonstrates the reliable application of the methodologies to the facts and data, including all reasoning, analysis, and interim calculations underlying each identifiable component of the system development fee and the aggregate thereof.

(5) Identifies all assumptions and limiting conditions affecting the analysis and demonstrates that they do not materially undermine the reliability of conclusions reached.

(6) Calculates a final system development fee per service unit of new development and includes an equivalency or conversion table for use in determining the fees applicable for various categories of demand.

(7) Covers a planning horizon of not less than five years nor more than 20 years.

(8) Is adopted by resolution or ordinance of the local governmental unit in accordance with G.S. 162A-209.

(b) For purposes of this section, new development shall include only that new development occurring after the date a local government begins the written analysis process required by G.S. 162A-205, no more than one year prior to the adoption of a system development fee."

SECTION 5. G.S. 162A-209(b) reads as rewritten:

"(b) After expiration of the period ~~for posting,~~ in subsection (a) of this section, the governing body of the local governmental unit shall conduct a public hearing prior to ~~considering~~ adoption of the ~~analysis with any modifications or revisions.~~system development fee. Notice of the public hearing shall be published not less than 10 days nor more than 25 days before the date fixed for the public hearing in a newspaper having general circulation in the area and may be published on the Web site of the local government."

SECTION 6. This act becomes effective July 1, 2019.

HOUSE BILL 873:
System Development Fee/Clarify Time of Charge.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 28, 2019
Introduced by:	Reps. Arp, Boles, McNeill	**Prepared by:**	Erika Churchill Staff Attorney
Analysis of:	PCS to First Edition H873-CSST-21		

OVERVIEW: The proposed committee substitute for House Bill 873 would clarify the time of collection of system development fees imposed upon new development; effective July 1, 2019.

CURRENT LAW: G.S. 153A-331 and G.S. 160A-372 authorize counties and cities, as part of their subdivision ordinances, to require developers to provide: (1) street right-of-ways (ROWs), street construction, or fees in lieu, (2) dedication of utility ROWs, (3) dedication of parkland or fees in lieu, (4) construction of community service facilities, (5) reservation of school sites for later purchase. North Carolina courts have ruled in several cases that there is no implied local government authority to charge school impact fees. See *Lanvale Properties, LLC v. County of Cabarrus*, 366 N.C. 142 (2012).

County and city public enterprise statutes also authorize certain fees and charges related to public enterprise functions, including a variety of fees pertaining to the operation of water and sewer systems. Cities, under G.S. 160A-314, and counties, under G.S. 153A-277, have the authority to establish rents, rates, fees, charges and penalties for the use of or the public enterprises services being furnished. Tap fees are authorized, and are charged at the time a customer connects to a water or sewer system. User fees, as part of a customer's monthly bill, are also authorized, to pay the costs of repair, maintenance or replacement of existing public enterprise facilities when necessary to maintain the existing level of service. *Town of Spring Hope v Bissette, 305 NC 248 (1982).*

'Impact fees' are those fees charged to pay for future services yet to be furnished. *Quality Built Homes Inc. v Town of Carthage, 369 NC 15 (2016).* The North Carolina Supreme Court ruled in *Quality Built Homes Inc.* that there is no implied local government authority to assess water and sewer impact fees on new development unless specifically authorized. In 2017, the General Assembly specifically authorized local governmental units to impose a "system development fee" upon new development that increases the capacity need to serve water or sewer. With that authority, the following apply:

- The local government unit's system development fee must be calculated based upon a written analysis prepared by either a qualified financial professional or professional engineer using either the buy-in, incremental cost, marginal cost, or combined cost methodology that calculates a final system development fee per service unit of new development covering a planning horizon of not less than 10 years nor more than 20 years.
- The use of proceeds from system development fees are limited as follows:

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Fees calculated using the incremental costs or marginal costs method may only pay for the construction costs of capital improvements including the contract price, surveying & engineer fees, land acquisition, and principal and interest on debt obligation used to finance the costs.
- Fees calculated using the buy-in method may be used either for previously completed capital improvement projects for which capacity still exists or for capital rehabilitation projects.

- System development fees involving the subdivision of land are authorized to be collected at the later of the time of plat recording or when the local government unit commits to providing water and sewer service. Fees for any other type of new development are to be collected at earlier of the application for service connection or when the local government unit commits to providing water and sewer service.
- The definition of new development includes any of the following with respect to the land:
  - The subdivision of land.
  - The construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of service units.
  - Any use or extension of the use of land which increases the number of service units.
- System development fees were effective October 1, 2017. Any local ordinances in conflict has to be updated prior to that date to remain effective.

BILL ANALYSIS: The PCS would clarify the timing of collection of system development fees, based upon the type of new development triggering the imposition of the system development fee:

- Land Subdivision. – For new development involving the subdivision of land, the fee would be collected at the later of the time of plat recordation or when water or sewer service is committed.
- New Construction Development. – For initial construction or extension of the use of the land that increases the number of service units, the fee would be collected at the earlier of the time of application for connection or when water or sewer service is committed.
- Reconstruction and Redevelopment. – For reconstruction or redevelopment, the fee would be collected at the time of issuance of the building permit. If the local governmental unit collecting the fee is not the same as the one issuing the building permit, the local government issuing the permit is to notify the local governmental unit imposing the fee of the application for a building permit.
- New construction development would be exempt if both the following apply:
  - The water or sewer lines were installed to the individual unit of development prior to October 1, 2017, or tap fees were paid for the individual unit of development prior to October 1, 2017.
  - The local governmental unit did not impose a fee for capacity prior to October 1, 2017 or the facility was operated as a public enterprise by a county or city as of October 1, 2017.

The PCS would also clarify that the amount of the fee is that which is in effect, per the local ordinance, on the date the system development fee is paid.

EFFECTIVE DATE: Effective July 1, 2019.

HOUSE BILL 873

Short Title:	System Development Fee/Clarify Time of Charge.	(Public)
Sponsors:	Representatives Arp, Boles, and McNeill (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

April 22, 2019

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE TIMING OF COLLECTION OF SYSTEM DEVELOPMENT FEES FOR EACH CATEGORY OF NEW DEVELOPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162A-213 reads as rewritten:

"**§ 162A-213. Time for collection of system development fees.**

(a) Land Subdivision. – For new development ~~involving the subdivision of land,~~ as defined in G.S. 162A-201(6)a., the ~~system development fee shall be collected by a~~ local governmental unit shall specify in the resolution or ordinance adopting the system development fee at ~~the later of either of the following:~~which of the following events the system development fee shall be collected:

a. The time of plat recordation.

b. When water or sewer service is committed by the local governmental unit.

(b) ~~Other~~ New Construction Development. – For ~~all~~ other new ~~development,~~ development as defined by G.S. 163A-201(6)b. or c., the local governmental unit shall ~~collect~~ specify in the resolution or ordinance establishing the system development fee at which of the following events the system development fee ~~at the earlier of either of the following:~~shall be collected:

a. The time of application for connection of the individual unit of development to the service or facilities.

b. When water or sewer service is committed by the local governmental unit.

(c) Reconstruction and Redevelopment. – For new development as defined by G.S. 163A-201(6)d., the local governmental unit shall collect the system development fee at the time of issuance of the permit under Part 4 of Article 18 of Chapter 153A of the General Statutes or Part 5 of Article 19 of Chapter 160A of the General Statutes. If the local governmental unit collecting the system development fee is not the same as the one issuing the permit under Part 4 of Article 18 of Chapter 153A of the General Statutes or Part 5 of Article 19 of Chapter 160A of the General Statutes, the one issuing the permit shall notify the local governmental unit imposing the fee of the application for a permit.

(d) Default. – If the resolution or ordinance establishing the system development fee is silent as to the time of collection, the system development fee shall be collected at the time water or sewer service is committed by the local governmental unit.

(e) Amount of Fee. – When imposing and collecting any system development fee, the amount of the system development fee to be imposed is the system development fee, as adopted by the local governmental unit, in effect on the date the new development action occurs."

SECTION 2. G.S. 162A-201 reads as rewritten:

"**§ 162A-201. Definitions.**

...

(2) Capital rehabilitation project. – Any repair, maintenance, modernization, upgrade, update, replacement, or correction of deficiencies of a facility, including any expansion or other undertaking to increase the preexisting level of service for ~~existing development.~~

~~(3)~~ ~~Existing development. – Land~~ land subdivisions, structures, and land uses in existence at the start of the ~~written~~ system development fee analysis ~~process required by G.S. 162A-205, no~~ and more than one year prior to the adoption of a system development fee.

...

(6) New development. – Any of the following ~~occurring after the date a local government begins the written analysis process required by G.S. 162A-205, no more than one year prior to the adoption of a system development fee,~~ actions with respect to real property which increases the capacity necessary to serve that development:

a. The subdivision of land.

b. ~~The construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure~~ Initial construction on undeveloped property which increases the number of service units.

c. Any use or extension of the use of land which increases the number of service units.

d. Reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure on developed property which requires an expansion of capacity.

...

(9) System development fee. – A charge or assessment for service imposed ~~with respect to~~ upon new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs, as provided in this Article. The term includes amortized charges, lump-sum charges, and any other fee that functions as described by this definition regardless of terminology. The term does not include any of the following:

a. A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development.

b. Tap or hookup charges for the purpose of reimbursing the local governmental unit for the actual cost of connecting the service unit to the system.

c. Availability charges.

d. Dedication of capital improvements on-site, adjacent, or ancillary to a development absent a written agreement providing for credit or reimbursement to the developer pursuant to G.S. 153A-280, 153A-451, 160A-320, 160A-499 or Part 3A of Article 18, Chapter 153A or Part 3D of Article 19, Chapter 160A of the General Statutes.

e. Reimbursement to the local governmental unit for its expenses in constructing or providing for water or sewer utility capital improvements adjacent or ancillary to the development if the owner or developer has agreed to be financially responsible for such expenses; however, such reimbursement shall be credited to any system development fee charged as set forth in G.S. 162A-207(c).

...."

SECTION 3. G.S. 162A-203(a) reads as rewritten:

"(a) A local governmental unit may adopt and impose a system development fee for water or sewer service on new development only in accordance with the conditions and limitations of this Article."

SECTION 4. G.S. 162A-205 reads as rewritten:

"**§ 162A-205. Supporting analysis.**

(a) A system development fee shall be calculated based on a written analysis, which may constitute or be included in a capital improvements plan, that:

(1) Is prepared by a financial professional or a licensed professional engineer qualified by experience and training or education to employ generally accepted accounting, engineering, and planning methodologies to calculate system development fees for public water and sewer systems.

(2) Documents in reasonable detail the facts and data used in the analysis and their sufficiency and reliability.

(3) Employs generally accepted accounting, engineering, and planning methodologies, including the buy-in, incremental cost or marginal cost, and combined cost methods for each service, setting forth appropriate analysis as to the consideration and selection of a method appropriate to the circumstances and adapted as necessary to satisfy all requirements of this Article.

(4) Documents and demonstrates the reliable application of the methodologies to the facts and data, including all reasoning, analysis, and interim calculations underlying each identifiable component of the system development fee and the aggregate thereof.

(5) Identifies all assumptions and limiting conditions affecting the analysis and demonstrates that they do not materially undermine the reliability of conclusions reached.

(6) Calculates a final system development fee per service unit of new development and includes an equivalency or conversion table for use in determining the fees applicable for various categories of demand.

(7) Covers a planning horizon of not less than five years nor more than 20 years.

(8) Is adopted by resolution or ordinance of the local governmental unit in accordance with G.S. 162A-209.

(b) For purposes of this section, new development shall include only that new development occurring after the date a local government begins the written analysis process required by G.S. 162A-205, no more than one year prior to the adoption of a system development fee."

SECTION 5. G.S. 162A-209(b) reads as rewritten:

"(b) After expiration of the period ~~for posting,~~ in subsection (a) of this section, the governing body of the local governmental unit shall conduct a public hearing prior to ~~considering~~ adoption of the ~~analysis with any modifications or revisions.~~system development fee. Notice of the public hearing shall be published not less than 10 days nor more than 25 days before the date fixed for the public hearing in a newspaper having general circulation in the area and may be published on the Web site of the local government."

SECTION 6. This act becomes effective July 1, 2019, and applies to fees imposed on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 899

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

H899-ABK-20 [v.1]

Amends Title [NO]
First Edition

Date April 29 ,2019

Representative Quick

moves to amend the bill on page 2, lines 32-33, by deleting the lines;

and on page 2, line 34, by deleting "(1)" and substituting ""(1)".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 899:
Enact KinCare Act.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 29, 2019
Introduced by:	Reps. Clemmons, Grange, Carney	**Prepared by:**	Jessica Sammons Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 899 would require an employer who provides either paid or unpaid sick leave to employees to allow an employee to use accrued sick leave to provide for care of a family member, for up to five consecutive days.

CURRENT LAW: Article 2A of Chapter 95 is the Wage and Hour Act, which addresses wage levels, hours of labor, wage payment, the well-being of minors, the withholding of wages, and vacation pay plans. The Commissioner of Labor is charged with enforcement of the Article.

Under the Wage and Hour Act, employers must pay its employees at least minimum wage (currently $7.25 per hour) for all hours worked, and not less than time and one half of the regular rate of pay for hours worked in excess of 40 hours in a workweek, unless the employee is exempt. Employers are not required to give mandatory wage benefits such as vacation pay, sick leave, jury duty pay, and holiday pay. Any grant of promised wages or wage benefits is in the discretion of each employer. However, if an employer does provide vacation pay plans for employees, the employer must give all vacation time off or payment in lieu of time off in accordance with company policy or practice. Employees must be notified of any policy or practice which requires or results in loss or forfeiture of vacation time or pay. If the employee is not notified, are not subject to the loss or forfeiture.

The Wage and Hour Act also requires employers to make and keep records of wages, hours, and other conditions and practices of employment.

BILL ANALYSIS: House Bill 899 would amend the Wage and Hour Act to require an employer who provides sick leave, whether paid or unpaid, for employees must allow an employee to use, in any calendar year, any accrued and available sick leave to attend to the care of a family member, for up to five consecutive days.

Any conditions placed on the use of the sick leave by the employee would also apply when used to attend to the care of a family member.

A "family member" would include any of the following:

- The employee's child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent.
- A sibling of a spouse, domestic partner, or civil union partner of the employee.
- Any other individual related by blood to the employee, or whose close association with the employee is the equivalent of a family relationship.

ıren Cochrane-Brown
Director

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

"Sick leave" would be defined to apply to absences from employment for any of the following reasons:

- The employee is physically or mentally unable to perform job duties due to illness, injury, or a medical condition of the employee.
- The employee is obtaining preventative care or professional diagnosis or treatment for a medical condition of the employee.
- The employee has a medical reason, such as pregnancy or obtaining a physical examination.
- The employee, or a family member of the employee, is obtaining any of the following, due to being a victim of stalking or domestic or sexual violence:
    - Medical attention needed to recover from physical or psychological injury to disability caused by stalking or domestic or sexual violence.
    - Services from a designated domestic violence agency or other victim services organization.
    - Psychological therapy or other counseling.
    - Relocation or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding.

This benefit would not apply to:

1) Any benefit provided under an employee welfare benefit plan, subject to the federal Employee Retirement Income Security Act of 1974.
2) Any insurance benefit, workers' compensation benefit, unemployment compensation disability benefit, or other benefit not payable from the employer's general assets.

House Bill 899 would also prohibit an employer from taking retaliatory action against an employee for filing a claim or complaint, initiating an inquiry or investigation, or providing information regarding the use of accrued sick leave to attend to the care of a family member.

EFFECTIVE DATE: Effective October 1, 2019.

HOUSE BILL 899

Short Title:	Enact KinCare Act.	(Public)
Sponsors:	Representatives Clemmons, Grange, and Carney (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Health, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

April 22, 2019

A BILL TO BE ENTITLED

AN ACT AMENDING THE WAGE AND HOUR ACT TO ALLOW EMPLOYEES TO USE SICK LEAVE FOR THE CARE OF FAMILY MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as the "KinCare Act."

SECTION 2. Article 2A of Chapter 95 of the General Statutes is amended by adding a new section to read:

"**§ 95-25.12A. Sick leave plans.**

(a) The following definitions apply in this section:

(1) Child. – A biological, foster, or adopted child; a stepchild; a legal ward; a child of a domestic partner; or, a child of a person standing in loco parentis.

(2) Employer. – Any person employing another under any appointment or contract of hire. The term includes the State and any political subdivision of the State.

(3) Family member. – A child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee; or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee; or a sibling of a spouse, domestic partner, or civil union partner of the employee; or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

(4) Parent. – A biological, foster, or adoptive parent; a stepparent; or a legal guardian.

(5) Sick leave. – Accrued increments of compensated or uncompensated job protected leave provided by an employer to an employee as a benefit of the employment for use by the employee during an absence from the employment for any of the following reasons:

a. The employee is physically or mentally unable to perform his or her duties due to illness, injury, or a medical condition of the employee.

b. The absence is for the purpose of obtaining preventive health care or professional diagnosis or treatment for a medical condition of the employee.

c. The absence is for other medical reasons of the employee, such as pregnancy or obtaining a physical examination.

d. The absence is necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of stalking or domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by stalking or domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the stalking or domestic or sexual violence.

(b) Any employer who provides compensated or uncompensated job protected sick leave for employees shall permit an employee to use, in any calendar year, the employee's accrued and available sick leave entitlement to attend to the care of a family member for no more than five consecutive days. All conditions and restrictions placed by the employer upon the use by an employee of sick leave also shall apply to the use by an employee of sick leave to attend to the care of a family member.

(c) This section does not extend the maximum period of leave to which an employee is entitled under the federal Family and Medical Leave Act of 1993 (29 U.S.C. §. 2606, et seq.), regardless of whether the employee receives sick leave compensation during that leave.

(d) This section does not apply to any of the following:

(1) Any benefit provided under an employee welfare benefit plan subject to the federal Employee Retirement Income Security Act of 1974 (Public Law 93-406, as amended).

(2) Any insurance benefit, workers' compensation benefit, unemployment compensation disability benefit, or other benefit not payable from the employer's general assets.

(e) The rights and remedies specified in this section are cumulative and nonexclusive and are in addition to any other rights or remedies afforded by contract or under other provisions of law."

SECTION 3. G.S. 95-241(a)(1) reads as rewritten:

"(a) No person shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to do any of the following:

(1) File a claim or complaint, initiate any inquiry, investigation, inspection, proceeding or other action, or testify or provide information to any person with respect to any of the following:

a. Chapter 97 of the General Statutes.
b. Article 2A or Article 16 of this Chapter.
c. Article 2A of Chapter 74 of the General Statutes.
d. G.S. 95-28.1.
e. Article 16 of Chapter 127A of the General Statutes.
f. G.S. 95-28.1A.
g. Article 52 of Chapter 143 of the General Statutes.
h. Article 5F of Chapter 90 of the General Statutes.
i. G.S. 95-25.12A."

SECTION 4. This act becomes effective October 1, 2019.

Committee Sergeants at Arms

NAME OF COMMITTEE H C on State and Local Government

DATE: 4/29/2019 Room: 1228/1327

House Sgt-At Arms:

1. Name: Ken Gilbert
2. Name: Jim Moran
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 4/29/2019
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Patience Wall	Duke University
Elizabeth Hudgins	NCTells
John Hatcher	NC Forestry Assn.
Tyler Ford	MUC
Amanda Donovan	KTS
Tom Vitagliano	NC CHILD
Beth Messersmith	MomsRising
Jeffrey Clark	Jane Doe Investigations
Gregory Hatten	TJ Comer and Associates
Ralph Stephenson	Atlas Investigation/Knightdale NC
Phillip Bradshaw	Bradshaw's PI Services

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 4/29/2019
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Arndt	Chair - Private Protective Services Board
Karen Rose	Rep John Sauls Staff
Susan Vea	Duke Energy
Hugh Johnson	NCAcc
Odessa McGlown	Dept of Administration
Margaret Walker	Dept of Admin
Katie Hall	Dept of Admin.
Suzanne Creech	N.C. Premier Investigations, Inc Greenville NC 27858
Melissa Beverly	Precision Dynamics Group Biscoe NC 27209
James Beverly	Precision Dynamics Group Biscoe NC 27209
Charles Mayhue	Precision Dynamics Group Biscoe, NC 27209

VISITOR REGISTRATION SHEET

House State and Local Government — 4/29

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susanna Davis	NC DPS
Brian Jones	Private Protective Services
Jeff Gray	" " "
Ruth Cruz Nichols	
Erin Wynia	NCLM
Demetrius Deloatch	NCLM
Amba Harris	NCACC
Justin Davis	NC DPS
Alicia Davis	NCDPS
Cliff Nichols	NCDPS
Theresa B Stephenson	NCDPS

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 4/29/2019
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Todd Stubbs	Bradshaw Private Insg Services
Carl Dangerfield	Raven Rock Investigations 909 S. Main St, Ste 205, Salisbury, NC 28144
Don Miller	Miller Investigative Services
Frankie E. 'Eddie' Harant	Specialized & Professional Investigations
Jennifer Haigwood	NCDOL
John McHugh	ASPCA
Billy Bailey	CAGC
Claudia Shoemaker	Gov. office
Henry Jones	Jordan Price
Abby Plummer	NCAJ

VISITOR REGISTRATION SHEET

House State and Local Government — 4/29

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Giovanni Mascucci	National Digital Forensics Inc. P.O. Box 17313 Raleigh NC 27619
William Wilke	Confidential Investigative Services of NC LLC PO Box 310 Canton, NC
Shaun Marsh	North Carolina Association of Private Investigators
Tim Minin	NCHBA
Steven Wells	NCHBA
mike Carpenter	NCHBA
Jon Carr	Jordan Price

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 4/29/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ana Pardo	NC JUSTICE CENTER
Alexandra Schmidt	NC Justice Center
Steve Mitchell	CPSI Jamestown PC
Jeff Kiker	Kiker IRV. P+G Secor. Sy

North Carolina General Assembly

STATE & LOCAL GOVERNMENT COMMITTEE

2019-2020 Session

Chairs

Representative Kevin Corbin
Representative Harry Warren

Co-Chairs

Representative George Cleveland
Representative Michael Speciale

Committee Clerks

Cindy Hobbs
Cristy Yates

Updated #4: Add HB808

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Thursday, May 2, 2019
TIME: **10:00 AM**
LOCATION: **423 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 135	Government Immigration Compliance.	Representative Cleveland Representative Presnell Representative Speciale Representative Brody
HB 225	Protect Governmental Accountability.	Representative D. Hall Representative Davis Representative Stevens
HB 420	Board Vacancies/City of Winston-Salem.	Representative Montgomery Representative Lambeth Representative Conrad Representative Terry
HB 784	Traffic Control Certification Program.	Representative Brody Representative McNeill
HB 808	Community Cats/Animal Shelter Disposition.	Representative McElraft Representative Humphrey Representative Harrison
HB 878	Amend Dangerous Dog Laws.	Representative Harrison Representative McElraft
SB 84	Walkertown Zoning Authorizations.	Senator Krawiec

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:50 AM on Thursday, May 02, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #3: Remove HB645 & Add HB225

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Thursday, May 2, 2019
TIME: **10:00 AM**
LOCATION: **423 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 135	Government Immigration Compliance.	Representative Cleveland Representative Presnell Representative Speciale Representative Brody
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HB 420	Board Vacancies/City of Winston-Salem.	Representative Montgomery Representative Lambeth Representative Conrad Representative Terry
HB 784	Traffic Control Certification Program.	Representative Brody Representative McNeill
HB 878	Amend Dangerous Dog Laws.	Representative Harrison Representative McElraft
SB 84	Walkertown Zoning Authorizations.	Senator Krawiec

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:56 AM on Wednesday, May 01, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #2: Room Change & Add HB135

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Thursday, May 2, 2019
TIME: **10:00 AM**
LOCATION: **423 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 135	Government Immigration Compliance.	Representative Cleveland Representative Presnell Representative Speciale Representative Brody
HB 420	Board Vacancies/City of Winston-Salem.	Representative Montgomery Representative Lambeth Representative Conrad Representative Terry
HB 645	Revisions to Outdoor Advertising Laws.	Representative Saine Representative Dixon Representative Jones Representative Wray
HB 784	Traffic Control Certification Program.	Representative Brody Representative McNeill
HB 878	Amend Dangerous Dog Laws.	Representative Harrison Representative McElraft
SB 84	Walkertown Zoning Authorizations.	Senator Krawiec

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:41 AM on Wednesday, May 01, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #1: Add HB420

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Thursday, May 2, 2019
TIME: **10:00 AM**
LOCATION: **643 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 420	Board Vacancies/City of Winston-Salem.	Representative Montgomery Representative Lambeth Representative Conrad Representative Terry
HB 645	Revisions to Outdoor Advertising Laws.	Representative Saine Representative Dixon Representative Jones Representative Wray
HB 784	Traffic Control Certification Program.	Representative Brody Representative McNeill
HB 878	Amend Dangerous Dog Laws.	Representative Harrison Representative McElraft
SB 84	Walkertown Zoning Authorizations.	Senator Krawiec

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:24 PM on Tuesday, April 30, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Thursday, May 2, 2019
TIME: **10:00 AM**
LOCATION: **643 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 645	Revisions to Outdoor Advertising Laws.	Representative Saine Representative Dixon Representative Jones Representative Wray
HB 784	Traffic Control Certification Program.	Representative Brody Representative McNeill
HB 878	Amend Dangerous Dog Laws.	Representative Harrison Representative McElraft
SB 84	Walkertown Zoning Authorizations.	Senator Krawiec

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:12 PM on Tuesday, April 30, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Thursday, May 2, 2019, 10:00 AM
423 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 135	Government Immigration Compliance. **PCS *(Re-refer to Education - Universities)***	Representative Cleveland Representative Presnell Representative Speciale Representative Brody
HB 225	Protect Governmental Accountability.	Representative D. Hall Representative Davis Representative Stevens
HB 420	Board Vacancies/City of Winston-Salem. **PCS *(Re-refer to Rules, Calendar, and Operations of the House)***	Representative Montgomery Representative Lambeth Representative Conrad Representative Terry
HB 784	Traffic Control Certification Program.	Representative Brody Representative McNeill
HB 808	Community Cats/Animal Shelter Disposition.	Representative McElraft Representative Humphrey Representative Harrison
HB 878	Amend Dangerous Dog Laws.	Representative Harrison Representative McElraft
SB 84	Walkertown Zoning Authorizations.	Senator Krawiec

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

SB **84** Walkertown Zoning Authorizations.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Conrad

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **135** Government Immigration Compliance.

Draft Number:	H135-PCS10625-BD-3
Serial Referral:	**EDUCATION - UNIVERSITIES**
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Cleveland

HB **420** Board Vacancies/City of Winston-Salem.

Draft Number:	H420-PCS10624-ST-30
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Montgomery

HB **808** Community Cats/Animal Shelter Disposition.

Draft Number:	H808-PCS40450-BG-42
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McElraft

TOTAL REPORTED: 4



House Committee on State and Local Government
Thursday, May 2, 2019 at 10:00 AM
Room 423 of the Legislative Office Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on May 2, 2019 in Room 423 of the Legislative Office Building. Representative Warren, Chair; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Batch, Boles, Carter, Dobson, Faircloth, Fisher, Jarvis, Lofton, Logan, McElraft, Quick, Ross, von Haefen, and Willingham attended. Ex-Officio Members, Reps. Brenden Jones and Sarah Stevens were also in attendance.

Representative Harry Warren, Chair, presided.

The following bills were considered:

HB 135 - Government Immigration Compliance. (Representatives Cleveland, Presnell, Speciale, Brody)
Chairman Warren recognized Rep. Cleveland to explain the bill. The Chairman opened the floor for discussion. Reps. Lofton, Stevens, Autry, Batch, von Haefen, Speciale, Fisher, Ager, and Ross asked questions and Billy Godwin of Legislative Analysis assisted in answering the questions. Angeline Echeverria, El Pueblo; Javiera Caballero, Durham City Council; Griselda Alsono, Comité Popular Somos Raleigh; and Victoria Crouse, NC Child, addressed the committee. Rep. Speciale was recognized and moved that the PCS for HB 135 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Education - Universities. The Chairman opened the floor for a vote and a division was called. The vote was 11 Yes and 10 No, the motion passed.

HB 225 - Protect Governmental Accountability. (Representatives D. Hall, Davis, Stevens)
Chairman Warren recognized Rep. D. Hall to explain the bill. The Chairman opened the floor for discussion. Rep. Fisher asked a question. Rep. Cleveland was recognized and moved that HB 225 receive a Favorable Report with a referral to Judiciary. The Chairman opened the floor for a vote and the motion passed.

HB 420 - Board Vacancies/City of Winston-Salem. (Representatives Montgomery, Lambeth, Conrad, Terry)
Chairman Warren recognized Rep. Montgomery to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Quick was recognized and moved that the PCS for HB 420 receive a Favorable Report, Unfavorable as to the original bill, with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 784 - Traffic Control Certification Program. (Representatives Brody, McNeill)
Chairman Warren recognized Rep. McNeill to explain the bill. The Chairman opened the floor for discussion. Rep. Stevens asked a question. The Chair moved that HB 784 receive a Favorable

Report with a referral to Finance with a recommendation to strike. The Chairman opened the floor for a vote and the motion passed.

HB 808 – Community Cats/Animal Shelter Disposition
Chairman Warren recognized Rep. McElraft to explain the bill. The Chairman brought an amendment before the committee. Rep. Fisher moved to approve the amendment. The Chairman opened the floor for discussion. There being none, Rep. Stevens was recognized and moved that HB 808 receive a Favorable to new PCS with Amendments rolled in, unfavorable to the original bill with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed. Amendment #1 – McElraft Adopted.

HB 878 - Amend Dangerous Dog Laws. (Representatives Harrison, McElraft)
Chairman Warren recognized Rep. Harrison to explain the bill. The Chairman opened the floor for discussion. Rep. Stevens asked a question and Bob Marotto, Director, Orange County Animal Services, addressed the committee. Rep. Fisher was recognized and moved that HB 135 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

SB 84 - Walkertown Zoning Authorizations. (Senator Krawiec)
Chairman Warren recognized Sen. Krawiec to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Stevens was recognized and moved that SB 84 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

The meeting adjourned at 11:05.

Representative Harry Warren, Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB 135, PCS, Summary, and Committee Report
4. HB 225, Summary
5. HB 420, PCS, Summary, and Committee Report
6. HB 784, Summary
7. HB 808, Amendment, Summary, and Committee Report
8. HB 878, Summary and Guest Speaker
9. SB 84, Summary, Committee Report, Guest Speaker
10. Sergeant-at-Arms
11. Pages
12. Visitor Registration Forms

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 135
PROPOSED COMMITTEE SUBSTITUTE H135-CSBD-3 [v.7]
05/01/2019 07:30:32 PM

Short Title: Government Immigration Compliance. (Public)

Sponsors:

Referred to:

February 21, 2019

A BILL TO BE ENTITLED

AN ACT TO CREATE ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION, TO CREATE A PRIVATE CAUSE OF ACTION TO REMEDY LOCAL GOVERNMENT NONCOMPLIANCE WITH STATE IMMIGRATION LAWS, TO PROHIBIT UNC CONSTITUENT INSTITUTIONS FROM BECOMING SANCTUARY UNIVERSITIES, AND TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF HOMELAND SECURITY.

The General Assembly of North Carolina enacts:

PART I. RECODIFICATION OF STATUTE AND REPEAL OF STATUTORY EXCEPTION

SECTION 1.(a) G.S. 15A-311 is recodified as G.S. 64-6 under Article 1 of Chapter 64 of the General Statutes.

SECTION 1.(b) G.S. 15A-311, as recodified by subsection (a) of this section, reads as rewritten:

"**§ 64-6. ~~Consulate~~ Certain documents not acceptable as identification.**

(a) The following documents are not acceptable for use in determining a person's actual identity or residency by a justice, judge, clerk, magistrate, law enforcement officer, or other government official:

(1) A matricula consular or other similar document, other than a valid passport, issued by a consulate or embassy of another country.

(2) An identity document issued or created by any person, organization, county, city, or other local authority, except where expressly authorized to be used for this purpose by the General Assembly.

(b) No local government or law enforcement agency may establish, by policy or ordinance, the acceptability of any of the documents described in subsection (a) of this section as a form of identification to be used to determine the identity or residency of any person. Any local government policy or ordinance that contradicts this section is hereby repealed.

~~(c) Notwithstanding subsection (a) of this section, documents described in subdivision (2) of subsection (a) of this section may be used by a law enforcement officer to assist in determining the identity or residency of a person when they are the only documents providing an indication of identity or residency available to the law enforcement officer at the time.~~

(d) If a person is unable to provide allowable documentation of identity and residency, a law enforcement officer or agency may at their discretion, use whatever information or

documentation the individual may present as proof of identity or residency and may take a photograph of the person. Any photograph authorized under this subsection and taken by a law enforcement officer or agency:

(1) Shall only be taken from the neck up.

(2) Shall be retained by the law enforcement officer or agency until the final disposition of the case.

(3) Shall not be used for any purpose other than to confirm the identity of the person.

(4) Shall be destroyed by the law enforcement officer or agency upon the final disposition of the matter.

PART II. CREATION OF ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION AND CREATION OF PRIVATE CAUSE OF ACTION

SECTION 2.(a) Chapter 64 of the General Statutes is amended by adding a new Article to read:

"Article 3.

"Local Government Noncompliance With State Laws Related to Immigration.

"**§ 64-49. Findings.**

The General Assembly finds the following:

(1) That the policy objectives it seeks to further by enacting State laws applicable to cities, counties, and law enforcement agencies are frustrated when those entities do not uniformly comply with State law.

(2) That Section 7(1) of Article V and other sections of the North Carolina Constitution grant the General Assembly supreme power and complete discretion over the appropriation of State funds.

(3) That the General Assembly's power over the appropriation of State funds can be used to create additional incentives for cities, counties, and law enforcement agencies to comply with duly enacted laws.

(4) That statutorily setting forth the manner in which the General Assembly elects to exercise its discretion with respect to appropriations provides cities, counties, and law enforcement agencies with a measure of predictability that can be useful to those entities in planning and carrying out their functions and duties.

"**§ 64-50. Definitions.**

The following definitions apply in this Article:

(1) Affected local government. – Any of the following:

a. A municipality found to be not in compliance with a State law related to immigration.

b. A municipality in which a municipal law enforcement agency has been found to be not in compliance with a State law related to immigration.

c. A county found to be not in compliance with a State law related to immigration.

d. A county in which a county law enforcement agency has been found to be not in compliance with a State law related to immigration.

(2) Law enforcement agency. – A municipal police department, a county police department, or a sheriff's office.

(3) State law related to immigration. – G.S. 64-6(b), 153A-145.5, or 160A-205.2.

"**§ 64-51. Attorney General to prepare form.**

(a) Preparation of Form. – The Attorney General shall prescribe a form for a person to allege that a city, county, or law enforcement agency is not in compliance with a State law related

to immigration. The form shall clearly state that completed forms shall be sent to the Attorney General in order to be filed. The form shall be made available to the public on the Attorney General's Web site.

(b) Certain Information Not Required. – A person shall not be required to list the person's Social Security number on the complaint form or to have the form notarized.

"**§ 64-52. Filing of statement alleging noncompliance with a State law related to immigration.**

Any person with a good-faith belief that a municipality, county, or law enforcement agency is not in compliance with a State law related to immigration may file a statement with the Attorney General setting forth the basis for that belief. The statement may be on a form prescribed by the Attorney General pursuant to G.S. 64-51 or may be made in any other form that gives the Attorney General information sufficient to proceed with an investigation under G.S. 64-53. Nothing in this section shall be construed to prohibit the filing of anonymous statements that are not submitted on a prescribed form.

"**§ 64-53. Investigation.**

(a) Investigation. – Within 45 days of receipt of a statement filed in accordance with G.S. 64-52, the Attorney General shall commence an investigation to determine whether the municipality, county, or law enforcement agency is in compliance with a State law related to immigration. Within 60 days of commencing the investigation, the Attorney General shall conclude the investigation and shall issue a written determination on whether the municipality, county, or law enforcement agency is in compliance with a State law related to immigration. The Attorney General shall mail a copy of the written determination by registered or certified mail, return receipt requested, to the municipality, county, or law enforcement agency being investigated.

(b) Assistance by Law Enforcement. – The Attorney General may request that the State Bureau of Investigation assist in an investigation under this section, and the State Bureau of Investigation shall assist in the investigation when it receives such a request.

(c) Production of Documents. – A local government or law enforcement agency under investigation pursuant to this section shall produce records or documents related to alleged noncompliance with a State law related to immigration within 10 business days of a request by the Attorney General to do so.

(d) Confidentiality. – Statements filed with the Attorney General pursuant to G.S. 64-52 and reports and other investigative documents and records of the Attorney General connected to an investigation under this section shall be confidential and not matters of public record, except when the local government or law enforcement agency under investigation pursuant to this section authorizes in writing that these statements, reports, documents and records be made public. Once an investigation under this section is complete, or once 60 days have elapsed since the investigation was commenced, whichever is earlier, the statement and all other reports and other investigative documents and records of the Attorney General connected to an investigation under this section, not otherwise privileged or confidential under law, shall be public records.

"**§ 64-54. Consequences of noncompliance with a State law related to immigration.**

(a) Consequences of Noncompliance Generally. – Upon determination by the Attorney General pursuant to G.S. 64-53 that an affected local government is not in compliance with a State law related to immigration and after any appeal under G.S. 64-56 is final, all of the following shall apply:

(1) The affected local government shall be ineligible to receive distributions under G.S. 105-113.82, 105-164.44F, 105-164.44I, 105-164.44L, 105-187.19(b), and 136-41.1 for one 12-month period beginning as soon as practicable after the date the Department of Transportation, the State Controller, and the Secretary of Revenue are notified of noncompliance with

the State law related to immigration under subdivisions (3) and (4) of this section.

(2) If, within 60 days of the Attorney General's determination, the affected local government fails to demonstrate to the Attorney General's satisfaction that it is in compliance with all State laws related to immigration, the period of ineligibility shall be extended for an additional 12-month period.

(3) The Attorney General shall notify the following entities of the determination that the affected local government is not in compliance with a State law related to immigration and of the duration of the period of ineligibility to receive funds determined pursuant to subdivision (1) of this subsection:

a. The affected local government.

b. The chairs of the Appropriations Committees of the Senate and House of Representatives.

c. The chairs of the Joint Legislative Commission on Governmental Operations.

d. The Office of State Budget and Management.

e. The Secretary of Revenue.

(4) The Office of State Budget and Management shall notify the Department of Transportation and the State Controller of an affected local government's ineligibility to receive the funds described in subdivision (1) of this subsection. The Secretary of Revenue shall withhold any distributions otherwise due to the affected local government under subdivision (1) of this subsection.

(5) The Department of Transportation, the State Controller, and the Secretary of Revenue shall ensure that the funds described in subdivision (1) of this subsection are not distributed to an affected local government and that the funds are instead distributed to other local governments that are eligible for distributions pursuant to the relevant statute.

(b) Consequences of Noncompliance; E-Verify Statutes. – When the Attorney General receives a notification from the Commissioner of Labor pursuant to G.S. 64-33.1(b) that a municipality or county has violated G.S. 143-133.3, all of the provisions of subsection (a) of this section shall apply.

(c) Exceptions. – No enactment by the General Assembly shall be construed as an exception to this section unless it specifically mentions this section.

"**§ 64-55. Attorney General to maintain copies of orders; reporting.**

(a) Database. – The Attorney General shall maintain a database of the affected local governments that are ineligible to receive the funds described in G.S. 64-54(a)(1) and shall make the database accessible to the public through the Attorney General's Web site.

(b) Reporting. – The Attorney General shall report quarterly to the Joint Legislative Commission on Governmental Operations on all of the following:

(1) The number of statements received by the Attorney General pursuant to G.S. 64-52.

(2) The number of investigations performed pursuant to G.S. 64-53.

(3) The number of times consequences for noncompliance with a State law related to immigration were imposed pursuant to G.S. 64-54.

(4) The names of affected local governments.

"**§ 64-56. Appeal.**

(a) A determination made by the Attorney General under this Article may be appealed only to the extent and in the manner required by the United States and North Carolina Constitutions. The imposition of consequences for noncompliance with a State law related to immigration pursuant to G.S. 64-54 shall not occur until an appeal made under this section is

final. However, if an appeal under this section is unsuccessful, the length of the period during which an affected local government shall be ineligible to receive the funds described in G.S. 64-54(a)(1) shall be the same as it would have been had no appeal been made.

(b) A determination by the Attorney General under this Article that an affected local government is not in compliance with a State law related to immigration shall be final, unless within 15 days after receipt of notice of the determination as provided in G.S. 64-53, the affected local government appeals the determination by filing a contested case under Article 3 of Chapter 150B of the General Statutes.

(c) The Attorney General must notify the entities listed in G.S. 64-54(a)(3) of any unsuccessful appeal by an affected local government. Once notified, the Office of State Budget and Management shall notify the Department of Transportation and the State Controller of the unsuccessful appeal. The period of ineligibility under G.S. 64-54(a)(1) and (2) shall begin as soon as practicable after the date the Department of Transportation, the State Controller, and the Secretary of Revenue are notified of the unsuccessful appeal.

"**§ 64-57. Attorney General may designate appointed official to carry out duties.**

The Attorney General may designate a person to carry out the Attorney General's duties under this Article. The designee shall be an individual appointed by the Attorney General and shall not be a member of the Council of State or any other elected official.

"**§ 64-58. Rules.**

The Attorney General shall adopt rules needed to implement this Article.

"**§ 64-59. Private enforcement.**

In addition to any other remedies at law or in equity, any person who resides within the jurisdiction of a municipality, county, or law enforcement agency that the person believes is not in compliance with a State law related to immigration may bring an action for declaratory and injunctive relief. Such action shall be filed in the superior court of any county in which the defendant municipality, county, or local law enforcement agency has jurisdiction. The court shall award the prevailing party in an action brought under this section reasonable attorneys' fees and court costs as authorized by law. The court shall impose a civil penalty against any municipality, county, or law enforcement agency that fails to comply with an order issued as a result of an action pursuant to this section in an amount up to ten thousand dollars ($10,000) per day for each day the municipality, county, or local law enforcement agency fails to comply with the order"

SECTION 2.(b) G.S. 64-33.1 reads as rewritten:

"**§ 64-33.1 Consequences of violation of G.S. 143-133.3.**

(a) All Violations. – For any violation of G.S. 143-133.3, the Commissioner shall notify the board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, found to have committed the violation that the board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, is in violation of the applicable statute. The Department of Labor shall maintain a list of any boards or governing bodies of the State, or of any institutions of the State government, or of any political subdivisions of the State, issued notices pursuant to this section and shall make that list available on its Web site.

(b) Violations by Certain Local Entities. – For a violation of G.S. 143-133.3 by a municipality or county, the Commissioner shall immediately notify the Attorney General of the violation so that the Attorney General can take action in accordance with G.S. 64-54(b). Additionally, the Commissioner shall notify the Attorney General if, within 60 days of the Commissioner's determination that there has been a violation, the political subdivision fails to demonstrate to the Commissioner's satisfaction that the political subdivision is in compliance with G.S. 143-133.3. The Commissioner may hold additional hearings as needed to implement this subsection.

(c) Violations by Local School Administrative Units. – For a violation of G.S. 143-133.3 by a local school administrative unit, the Commissioner shall immediately notify the

Superintendent of Public Instruction in accordance with G.S. 115C-52. Additionally, the Commissioner shall notify the Superintendent if, within 60 days of the Commissioner's determination that there has been a violation, the local school administrative unit fails to demonstrate to the Commissioner's satisfaction that the local school administrative unit is in compliance with G.S. 143-133.3. The Commissioner may hold additional hearings as needed to implement this subsection."

SECTION 2.(c) G.S. 136-41.1 is amended by adding a new subsection to read:

"(e) No city or town shall receive any allocation under this section for any period during which it is ineligible to receive those funds under G.S. 64-54."

SECTION 2.(d) G.S. 105-113.82(a) reads as rewritten:

"(a) Amount. – ~~The~~ Subject to G.S. 64-54, the Secretary must distribute annually a percentage of the net amount of excise taxes collected on the sale of malt beverages and wine during the preceding 12-month period ending March 31 to the counties or cities in which the retail sale of these beverages is authorized in the entire county or city. The percentages to be distributed are as follows:

…."

SECTION 2.(e) G.S. 105-164.44F(a) reads as rewritten:

"(a) Amount. – ~~The~~ Subject to G.S. 64-54, the Secretary must distribute part of the taxes imposed by G.S. 105-164.4(a)(4c) on telecommunications service and ancillary service. The Secretary must make the distribution within 75 days after the end of each calendar quarter. The amount the Secretary must distribute is the following percentages of the net proceeds of the taxes collected during the quarter:

…."

SECTION 2.(f) G.S. 105-164.44I(a) reads as rewritten:

"(a) Distribution. – ~~The~~ Subject to G.S. 64-54, the Secretary must distribute to the counties and cities part of the taxes imposed by G.S. 105-164.4(a)(4c) on telecommunications service and G.S. 105-164.4(a)(6) on video programming service. The Secretary must make the distribution within 75 days after the end of each calendar quarter. The amount the Secretary must distribute is the sum of the revenue listed in this subsection. From this amount, the Secretary must first make the distribution required by subsection (b) of this section and then distribute the remainder in accordance with subsections (c) and (d) of this section. The revenue to be distributed under this section consists of the following:

…."

SECTION 2.(g) G.S. 105-164.44L(a) reads as rewritten:

"(a) Distribution. – ~~The~~ Subject to G.S. 64-54, the Secretary must distribute to cities twenty percent (20%) of the net proceeds of the tax collected under G.S. 105-164.4 on piped natural gas, less the cost to the Department of administering the distribution. Each city's share of the amount to be distributed is its excise tax share calculated under subsection (b) of this section plus its ad valorem share calculated under subsection (c) of this section. A gas city will also receive an amount calculated under subsection (b1) of this section as part of its excise tax share. If the net proceeds of the tax allocated under this section are not sufficient to distribute the excise tax share of each city under subsection (b) of this section and the gas city share under subsection (b1) of this section, the proceeds shall be distributed to each city on a pro rata basis. The Secretary must make the distribution within 75 days after the end of each quarter."

SECTION 2.(h) G.S. 105-187.19(b) reads as rewritten:

"(b) Each quarter, the Secretary shall credit thirty percent (30%) of the net tax proceeds to the General Fund. ~~The~~ Subject to G.S. 64-54, the Secretary shall distribute the remaining seventy percent (70%) of the net tax proceeds among the counties on a per capita basis according to the most recent annual population estimates certified to the Secretary by the State Budget Officer."

SECTION 2.(i) Article 5 of Chapter 115C of the General Statutes is amended by adding a new section to read as follows:

"**§ 115C-52. Consequences of noncompliance by a local school administrative unit with E-verify related to immigration.**

(a) Consequences of Noncompliance; E-Verify Statutes. – The Commissioner of Labor shall include notice to the Superintendent of Public Instruction when notifying a local board of education pursuant to G.S. 64-33.1(c) that a local board of education is not in compliance with G.S. 143-133.3. No State funds shall be allocated to pay the local superintendent's salary for one 12-month period beginning as soon as practicable after the date the Superintendent of Public Instruction is notified of noncompliance.

(b) If, within 60 days of the Commissioner of Labor's notice to the Superintendent the local board of education fails to demonstrate to the Commissioner of Labor's satisfaction that it is in compliance with G.S. 143-133.3, the Commissioner of Labor shall provide notice to the Superintendent of Public Instruction, and no State funds shall be allocated to pay the local superintendent's salary for an additional 12-month period.

(c) The Commissioner of Labor shall notify the following entities of the determination that the local board of education is not in compliance with G.S. 143-133.3 and of the duration of the period of ineligibility for State funds to be used for the salary of the local school superintendent:

(1) The affected local board of education.
(2) The chairs of the Appropriations Committees of the Senate and House of Representatives.
(3) The chairs of the Joint Legislative Commission on Governmental Operations.
(4) The Office of State Budget and Management.
(5) The Superintendent of Public Instruction.
(6) The State Board of Education."

PART III. PRIVATE RIGHT OF ACTION TO SEEK DECLARATORY AND INJUNCTIVE RELIEF BASED ON LOCAL GOVERNMENT ADOPTION OF A PROHIBITED SANCTUARY ORDINANCE.

SECTION 3.(a) G.S. 153A-145.5 is amended by adding a new subsection to read:

"(c) In addition to any other remedies at law or in equity, any person who resides within the jurisdiction of a county that the person believes is not in compliance with this section may bring an action for declaratory and injunctive relief in the superior court of the defendant county. The court shall award the prevailing party in an action brought under this subsection reasonable attorneys' fees and court costs as authorized by law. The court shall impose a civil penalty against any county that fails to comply with an order issued as a result of an action pursuant to this section in an amount up to ten thousand dollars ($10,000) per day for each day the county fails to comply with the order."

SECTION 3.(b) G.S. 160A-205.2 is amended by adding a new subsection to read:

"(c) In addition to any other remedies at law or in equity, any person who resides within the jurisdiction of a city that the person believes is not in compliance with this section may bring an action for declaratory and injunctive relief. Such action shall be filed in the superior court of any county in which the defendant city has jurisdiction. The court shall award the prevailing party in an action brought under this subsection reasonable attorneys' fees and court costs as authorized by law. The court shall impose a civil penalty against any city that fails to comply with an order issued as a result of an action pursuant to this section in an amount up to ten thousand dollars ($10,000) per day for each day the city fails to comply with the order."

PART IV. WAIVER OF LOCAL GOVERNMENT IMMUNITY

SECTION 4.(a) G.S. 153A-145.5 reads as rewritten:

"**§ 153A-145.5. Adoption of sanctuary ordinance ~~prohibited.~~prohibited; waiver of immunity.**

...

(d) A county in violation of this section shall have waived its governmental immunity as provided in G.S. 153A-435.1."

SECTION 4.(b) Article 23 of Chapter 153A of the General Statutes is amended by adding a new section to read as follows:

"**§ 153A-435.1. Waiver of immunity; sanctuary status.**

(a) A county shall have waived its immunity from civil liability in tort if it does not comply with G.S. 153A-145.5 and an unauthorized alien commits a crime against a person or property within the corporate limits of the county.

(b) Immunity shall be waived under subsection (a) of this section even if the county has not purchased insurance as authorized in G.S. 153A-435."

SECTION 4.(c) G.S. 160A-205.2 reads as rewritten:

"**§ 160A-205.2. Adoption of sanctuary ordinances ~~prohibited.~~prohibited; waiver of immunity.**

...

(d) A city in violation of this section shall have waived its governmental immunity as provided in G.S.160A-485.1."

SECTION 4.(d) Article 21 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

"**§ 160A-485.1. Waiver of immunity; sanctuary status.**

(a) A city shall have waived its immunity from civil liability in tort if it does not comply with G.S. 160A-205.2 and an unauthorized alien commits a crime against a person or property within the corporate limits of the city.

(b) Immunity shall be waived under subsection (a) of this section even if the city has not purchased insurance as authorized in G.S. 160A-485 or G.S. 160A-485.5(a)."

PART V. CREATION OF ADDITIONAL INCENTIVES FOR UNC CONSTITUENT INSTITUTIONS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION

SECTION 5. Part 3 of Article 1 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116-40.13. Adoption of sanctuary status prohibited; investigation; penalties.**

(a) No constituent institution may have in effect any policy or procedure that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law.

(b) To the extent permitted by federal and State law, no constituent institution shall do any of the following related to information regarding the citizenship or immigration status, lawful or unlawful, of any individual:

(1) Prohibit law enforcement officials or agencies from gathering such information.

(2) Direct law enforcement officials or agencies not to gather such information.

(3) Prohibit the communication of such information to federal law enforcement agencies.

(c) Within 45 days of receipt of a report that a constituent institution is in violation of either or both subsection (a) or (b) of this section, the President shall commence an investigation. The President shall conclude the investigation and make a determination within 60 days of the investigation's commencement. Upon determining a constituent institution is in violation of either or both subsection (a) or (b) of this section, the President shall immediately notify the Board of Governors.

(d) Upon receipt of a determination from the President under subsection (c) of this section, the Board of Governors shall immediately revoke the constituent institution's status as a special responsibility constituent institution under Part 2A of Article 1 of this Chapter. The

revocation shall apply to the current fiscal year. If, within 60 days of the President's determination, the constituent institution fails to demonstrate to the President's satisfaction that it is in compliance with subsections (a) and (b) of this section, the Board of Governors shall extend the revocation of special responsibility constituent institution status for an additional fiscal year."

PART VI. DPS/ICE MOA

SECTION 6. The Secretary of the Department of Public Safety shall enter into a Memorandum of Agreement (MOA) with the Director of U.S. Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended, to permit designated State law enforcement officers to perform immigration law enforcement functions. The designated State law enforcement officers shall be required to receive appropriate training as provided by ICE and shall function under the supervision of ICE officers when performing under the MOA.

PART VII. ATTORNEY GENERAL NOTIFICATION TO LOCAL GOVERNMENTS

SECTION 7. The Attorney General's office shall take reasonable steps to notify local governments of the provisions of this act so that the local governments can take appropriate steps to comply with this act's requirements.

PART VIII. EFFECTIVE DATE

SECTION 8. Sections 1, 2, and 3 of this act become effective July 1, 2019. The remainder of this act is effective when it becomes law.

HOUSE BILL 135:
Government Immigration Compliance.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Education - Universities. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 2, 2019
Introduced by:	Reps. Cleveland, Presnell, Speciale, Brody	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	PCS to First Edition H135-CSBD-3		

OVERVIEW: The proposed committee substitute to House Bill 135 would do all of the following:

- ***Make various changes to existing State law and would enact new State law relative to the ability of cities, counties, local law enforcement agencies including sheriff departments, and constituent institutions of the University of North Carolina to limit or prohibit law enforcement agencies from enforcing immigration laws.***
- ***Direct the Attorney General to investigate reports of violation of State immigration laws by cities, counties, and local law enforcement agencies and would authorize the withholding of State revenue distributions to those cities, counties, and local law enforcement agencies determined to be in violation of State immigration law.***
- ***Provide that upon a determination by the Commissioner of Labor of noncompliance with State E-Verify law by a local school administrative unit, no State funds shall be allocated to pay the local superintendent's salary for one year.***
- ***Direct the President of the University of North Carolina to investigate reports of any constituent institution adopting a policy limiting or restricting enforcement of federal immigration laws and provide that upon a determination by the President that any constituent institution has adopted such a policy, require the Board of Governors to revoke that constituent institution's status as a special responsibility constituent.***
- ***Require the Secretary of the Department of Public Safety to enter into a Memorandum of Agreement with the Director of U.S. Immigration and Customs Enforcement (ICE) to permit designated State law enforcement officers to perform immigration law enforcement functions.***

[As introduced, this bill was identical to S341, as introduced by Sens. Sanderson, Britt, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: North Carolina law prohibits cities (G.S. 160A-205.2) and counties (G.S. 153A-145.5) from having in effect any policy, ordinance, or procedure that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. Cities and counties are also precluded from doing any of the following related to information regarding the citizenship or immigration status, lawful or unlawful, of any individual:

- Prohibiting law enforcement officials or agencies from gathering such information.

- Directing law enforcement officials or agencies not to gather such information.
- Prohibiting the communication of such information to federal law enforcement agencies.

State agencies, universities, counties, cities, and other political subdivisions of the State are prohibited from entering into a contract unless the contractor, and the contractor's subcontractors, comply with North Carolina's E-Verify hiring requirements of Article 2 of Chapter 64 of the General Statutes.

State law prohibits cities, counties, and law enforcement agencies from establishing by policy or ordinance the acceptance of any documents establishing the identify or residency of a person other than those documents authorized by State law.

BILL ANALYSIS: The PCS would do the following:

Section 1, effective July 1, 2019, would:

- Recodify G.S. 15A-311 as G.S. 64-6.
- Authorize a law enforcement officer to use any documentation or information provided by a person as proof of their identity or residency.
- Would authorize a law enforcement office to take a photograph of the person for purposes of identifying the person.

Section 2, effective July 1, 2019, would add a new Article 3 to Chapter 64 (Aliens) of the General Statutes that would establish a process to allow citizens to initiate an investigation into whether a county, city, or law enforcement agency has failed to comply with State immigration laws as follows:

- Direct the Attorney General to prescribe a form for persons to allege that a city, county, or a municipal or county police department or a sheriff's office is not in compliance with State immigration law and authorize the person to file the form with the Attorney General setting forth a good faith belief of that non-compliance.
- Would define "State law related to immigration" as those State laws pertaining to acceptable documents of identity or residency and those prohibiting cities and counties from adopting sanctuary ordinances.
- Direct the Attorney General to commence investigation within 45 days of receiving an allegation of non-compliance with State immigration laws by local governments and to conclude the investigation , with a determination, within 60 days of commencing the investigation.
- Provide that records of the Attorney General's investigation, not otherwise privileged or confidential under the law, shall be made public records at the earlier of completion of the investigation or 60 days after commencement of the investigation.
- Would make a local government determined by the Attorney General to be noncompliant with State immigration law or determined by the Commissioner of Labor to be non-compliant with E-Verify law, ineligible for one year to receive revenue distributions from:
    - Beer and wine sales.
    - Telecommunication services taxes,
    - Video programing service taxes.
    - Piped natural gas taxes.
    - Powell Bill funds.

- Require the Attorney General to notify certain State officials of a local government's noncompliance with State immigration law.
- Require the Attorney General to maintain a database available on the Attorney General's Web site of those local governments and law enforcement agencies ineligible to receive funds.
- Provide that determinations of noncompliance by the Attorney General may be appealed as provided in the Constitutions of the United States and the State of North Carolina and would require the affected local government to appeal the Attorney General's determination through a contested case proceeding initiated under the Administrative Procedure Act.
- Authorize the Attorney General to designate a person to carry out the Attorney General's duties under the Article and to adopt rules needed to implement the Article.
- Authorize a citizen to bring a private cause of action in superior court against a city, county, or law enforcement agency (including the sheriff's office) that the person believes is not in compliance with State immigration law and would authorize a court to (i) impose a civil penalty of up to $10,000 per day for each day a city, county, or law enforcement agency fails to comply with a court order issued pursuant to such action, and (ii) award court costs and reasonable attorney fees to the prevailing party in any such action.
- Require the Commissioner of Labor to:
    - Notify the Attorney General of a violation of State E-Verify law by a political subdivision of the State.
    - Notify the Superintendent of Public Instruction of a violation of State E-Verify law by a local school administrative unit.
- Provide that upon a determination by the Commissioner of Labor of noncompliance with State E-Verify law by a local school administrative unit, no State funds shall be allocated to pay the local superintendent's salary for one year.

Section 3, effective July 1, 2019, would be conforming changes.

Section 4, effective when the bill becomes law, would:

- Waive governmental immunity from tort liability for cities and counties who adopt sanctuary ordinances, whether or not insurance has been purchased.

Section 5, effective when the bill becomes law, would:

- Preclude any of the 16 public constituent institutions of the University of North Carolina from:
    - Adopting any policy or procedure limiting or restricting enforcement of federal immigration laws.
    - Prohibiting the:
        - Gathering of information regarding the citizenship or immigration status of an individual by law enforcement officials or agencies.
        - Directing of law enforcement officials to not gather immigration status information.
        - Communication of immigration status information to federal law enforcement agencies.
- Require the President of the University of North Carolina to conduct an investigation upon receipt of a report that any constituent institution has adopted a prohibited policy, limiting or restricting

enforcement of federal immigration laws and provide that upon a determination by the President that the constituent institution has adopted such a policy, require the Board of Governors to revoke that constituent institution's status as a special responsibility constituent institution under Part 2A of Article 1 of Chapter 116 of the General Statutes.

Section 6, effective when the bill becomes law, would require the Secretary of the Department of Public Safety to enter into a Memorandum of Agreement with the Director of U.S. Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 as amended to permit designated State law enforcement officers to perform immigration law enforcement functions.

Section 7, effective when the bill becomes law, would require the Attorney General to take reasonable steps to notify local governments of the provisions of the act.

EFFECTIVE DATE: As noted above.

HOUSE BILL 135

Short Title:	Government Immigration Compliance.	(Public)
Sponsors:	Representatives Cleveland, Presnell, Speciale, and Brody (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Education - Universities, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House	

February 21, 2019

A BILL TO BE ENTITLED

AN ACT TO REPEAL LAW ENFORCEMENT AUTHORITY TO USE PROHIBITED FORMS OF IDENTIFICATION UNDER CERTAIN CIRCUMSTANCES, TO CREATE ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION, TO CREATE A PRIVATE CAUSE OF ACTION TO REMEDY LOCAL GOVERNMENT NONCOMPLIANCE WITH STATE IMMIGRATION LAWS, TO PROHIBIT UNC CONSTITUENT INSTITUTIONS FROM BECOMING SANCTUARY UNIVERSITIES, AND TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF HOMELAND SECURITY.

The General Assembly of North Carolina enacts:

PART I. RECODIFICATION OF STATUTE AND REPEAL OF STATUTORY EXCEPTION

SECTION 1.(a) G.S. 15A-311 is recodified as G.S. 64-6 under Article 1 of Chapter 64 of the General Statutes.

SECTION 1.(b) G.S. 15A-311, as recodified by subsection (a) of this section, reads as rewritten:

"**§ 64-6. ~~Consulate~~ Certain documents not acceptable as identification.**

(a) The following documents are not acceptable for use in determining a person's actual identity or residency by a justice, judge, clerk, magistrate, law enforcement officer, or other government official:

(1) A matricula consular or other similar document, other than a valid passport, issued by a consulate or embassy of another country.

(2) An identity document issued or created by any person, organization, county, city, or other local authority, except where expressly authorized to be used for this purpose by the General Assembly.

(b) No local government or law enforcement agency may establish, by policy or ordinance, the acceptability of any of the documents described in subsection (a) of this section as a form of identification to be used to determine the identity or residency of any person. Any local government policy or ordinance that contradicts this section is hereby repealed.

~~(c) Notwithstanding subsection (a) of this section, documents described in subdivision (2) of subsection (a) of this section may be used by a law enforcement officer to assist in~~

~~determining the identity or residency of a person when they are the only documents providing an indication of identity or residency available to the law enforcement officer at the time.~~"

PART II. CREATION OF ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION AND CREATION OF PRIVATE CAUSE OF ACTION

SECTION 2.(a) Chapter 64 of the General Statutes is amended by adding a new Article to read:

"Article 3.

"Local Government Noncompliance With State Laws Related to Immigration.

"**§ 64-49. Findings.**

The General Assembly finds the following:

(1) That the policy objectives it seeks to further by enacting State laws applicable to cities, counties, and law enforcement agencies are frustrated when those entities do not uniformly comply with State law.

(2) That Section 7(1) of Article V and other sections of the North Carolina Constitution grant the General Assembly supreme power and complete discretion over the appropriation of State funds.

(3) That the General Assembly's power over the appropriation of State funds can be used to create additional incentives for cities, counties, and law enforcement agencies to comply with duly enacted laws.

(4) That statutorily setting forth the manner in which the General Assembly elects to exercise its discretion with respect to appropriations provides cities, counties, and law enforcement agencies with a measure of predictability that can be useful to those entities in planning and carrying out their functions and duties.

"**§ 64-50. Definitions.**

The following definitions apply in this Article:

(1) Affected local government. – Any of the following:

a. A municipality found to be not in compliance with a State law related to immigration.

b. A municipality in which a municipal law enforcement agency has been found to be not in compliance with a State law related to immigration.

c. A county found to be not in compliance with a State law related to immigration.

d. A county in which a county law enforcement agency has been found to be not in compliance with a State law related to immigration.

(2) Law enforcement agency. – A municipal police department, a county police department, or a sheriff's office.

(3) State law related to immigration. – G.S. 64-6(b), 153A-145.5, or 160A-205.2.

"**§ 64-51. Attorney General to prepare form.**

(a) Preparation of Form. – The Attorney General shall prescribe a form for a person to allege that a city, county, or law enforcement agency is not in compliance with a State law related to immigration. The form shall clearly state that completed forms shall be sent to the Attorney General. The form shall be made available to the public on the Attorney General's Web site.

(b) Certain Information Not Required. – A person shall not be required to list the person's Social Security number on the complaint form or to have the form notarized.

"**§ 64-52. Filing of statement alleging noncompliance with a State law related to immigration.**

Any person with a good-faith belief that a city, county, or law enforcement agency is not in compliance with a State law related to immigration may file a statement with the Attorney

General setting forth the basis for that belief. The statement may be on a form prescribed by the Attorney General pursuant to G.S. 64-51 or may be made in any other form that gives the Attorney General information sufficient to proceed with an investigation under G.S. 64-53. Nothing in this section shall be construed to prohibit the filing of anonymous statements that are not submitted on a prescribed form.

"**§ 64-53. Investigation.**

(a) Investigation. – Within 45 days of receipt of a statement filed in accordance with G.S. 64-52, the Attorney General shall commence an investigation of whether the city, county, or law enforcement agency is in fact not in compliance with a State law related to immigration. The Attorney General shall make a determination and conclude an investigation commenced pursuant to this subsection within 60 days of the investigation's commencement.

(b) Assistance by Law Enforcement. – The Attorney General may request that the State Bureau of Investigation assist in an investigation under this section, and the State Bureau of Investigation shall assist in the investigation when it receives such a request.

(c) Production of Documents. – A local government shall produce records or documents related to alleged noncompliance with a State law related to immigration within 10 business days of a request by the Attorney General to do so.

(d) Confidentiality. – Statements filed with the Attorney General pursuant to G.S. 64-52 and reports and other investigative documents and records of the Attorney General connected to an investigation under this section shall be confidential and not matters of public record, except when the local government under investigation requests in writing that these documents be made public. Once an investigation under this section is complete, or once 60 days have elapsed since the investigation was commenced, whichever is earlier, the statement and all other reports and other investigative documents and records of the Attorney General connected to an investigation under this section, not otherwise privileged or confidential under law, shall be public records.

"**§ 64-54. Consequences of noncompliance with a State law related to immigration.**

(a) Consequences of Noncompliance Generally. – If the Attorney General determines that an affected local government is not in compliance with a State law related to immigration, all of the following shall apply:

(1) The affected local government shall be ineligible to receive distributions under G.S. 105-113.82, 105-164.44F, 105-164.44I, 105-164.44L, 105-187.19(b), and 136-41.1 for one 12-month period beginning as soon as practicable after the date the Department of Transportation, the State Controller, and the Secretary of Revenue are notified of noncompliance with the State law related to immigration under subdivisions (3) and (4) of this section.

(2) If, within 60 days of the Attorney General's determination, the affected local government fails to demonstrate to the Attorney General's satisfaction that it is in compliance with all State laws related to immigration, the period of ineligibility shall be extended for an additional 12-month period.

(3) The Attorney General shall notify the following entities of the determination that the affected local government is not in compliance with a State law related to immigration and of the duration of the period of ineligibility to receive funds determined pursuant to subdivision (1) of this subsection:

a. The affected local government.

b. The chairs of the Appropriations Committees of the Senate and House of Representatives.

c. The chairs of the Joint Legislative Commission on Governmental Operations.

d. The Office of State Budget and Management.

e. The Secretary of Revenue.

(4) The Office of State Budget and Management shall notify the Department of Transportation and the State Controller of an affected local government's ineligibility to receive the funds described in subdivision (1) of this subsection. The Secretary of Revenue shall withhold any distributions otherwise due to the affected local government under subdivision (1) of this subsection.

(5) The Department of Transportation, the State Controller, and the Secretary of Revenue shall ensure that the funds described in subdivision (1) of this subsection are not distributed to an affected local government and that the funds are instead distributed to other local governments that are eligible for distributions pursuant to the relevant statute.

(b) Consequences of Noncompliance; E-Verify Statutes. – When the Attorney General receives a notification from the Commissioner of Labor pursuant to G.S. 64-33.1(b), the Attorney General, the Office of State Budget and Management, the State Controller, the Secretary of Revenue, and the Department of Transportation shall take all of the actions described in subsection (a) of this section except that those actions shall be taken with respect to only the following entities, as applicable:

(1) A municipality found by the Commissioner of Labor to have violated G.S. 143-133.3.

(2) A county found by the Commissioner of Labor to have violated G.S. 143-133.3.

(c) Exceptions. – No enactment by the General Assembly shall be construed as an exception to this section unless it specifically mentions this section.

"**§ 64-55. Attorney General to maintain copies of orders; reporting.**

(a) Database. – The Attorney General shall maintain a database of the local governments and law enforcement agencies that are ineligible to receive the funds described in G.S. 64-54(a)(1) and shall make the database accessible to the public through the Attorney General's Web site.

(b) Reporting. – The Attorney General shall report quarterly to the Joint Legislative Commission on Governmental Operations on all of the following:

(1) The number of statements received by the Attorney General pursuant to G.S. 64-52.

(2) The number of investigations performed pursuant to G.S. 64-53.

(3) The number of times consequences for noncompliance with a State law related to immigration were imposed pursuant to G.S. 64-54.

(4) The names of cities, counties, and law enforcement agencies found not to be in compliance with a State law related to immigration.

"**§ 64-56. Appeal.**

(a) A determination made by the Attorney General under this Article may be appealed only to the extent and in the manner required by the United States and North Carolina Constitutions. The imposition of consequences for noncompliance with a State law related to immigration pursuant to G.S. 64-54 shall not occur until an appeal made under this section is complete. However, if an appeal under this section is unsuccessful, the length of the period during which an affected local government shall be ineligible to receive the funds described in G.S. 64-54(a)(1) shall be the same as it would have been had no appeal been made.

(b) The Attorney General must notify the entities listed in G.S. 64-54(a)(3) of the unsuccessful appeal. Once notified, the Office of State Budget and Management shall notify the Department of Transportation and the State Controller of the unsuccessful appeal. The period of ineligibility under G.S. 64-54(a)(1) and (2) shall begin as soon as practicable after the date the Department of Transportation, the State Controller, and the Secretary of Revenue are notified of the unsuccessful appeal.

(c) A determination made by the Attorney General under this Article shall be final, unless within 15 days after receipt of notice thereof by certified mail with return receipt, by signature confirmation as provided by the U.S. Postal Service, by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, or via hand delivery, the affected local government charged with the violation takes exception to the determination, in which event final determination shall be made in an administrative proceeding pursuant to Article 3 of Chapter 150B of the General Statutes and in a judicial proceeding pursuant to Article 4 of Chapter 150B of the General Statutes.

"**§ 64-57. Attorney General may designate appointed official to carry out duties.**

The Attorney General may designate a person to carry out the Attorney General's duties under this Article. The designee shall be an individual appointed by the Attorney General and shall not be a member of the Council of State or any other elected official.

"**§ 64-58. Rules.**

The Attorney General shall adopt rules needed to implement this Article.

"**§ 64-59. Private enforcement.**

In addition to any other remedies at law or in equity, any person who resides within the jurisdiction of a city, county, or law enforcement agency that the person believes is not in compliance with a State law related to immigration may bring an action for declaratory and injunctive relief. Such action shall be filed in the superior court of any county in which the defendant city, county, or local law enforcement agency has jurisdiction. The court shall award the prevailing party in an action brought under this section reasonable attorneys' fees and court costs as authorized by law. The court shall impose a civil penalty against any city, county, or law enforcement agency that fails to comply with an order issued as a result of an action pursuant to this section in an amount up to ten thousand dollars ($10,000) per day for each day the city, county, or local law enforcement agency fails to comply with the order. As used in this section, the phrase "local law enforcement agency" means a city police department, a county police department, or a sheriff's office."

SECTION 2.(b) G.S. 64-33.1 reads as rewritten:

"**§ 64-33.1 Consequences of violation of G.S. 143-133.3.**

(a) All Violations. – For any violation of G.S. 143-133.3, the Commissioner shall notify the board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, found to have committed the violation that the board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, is in violation of the applicable statute. The Department of Labor shall maintain a list of any boards or governing bodies of the State, or of any institutions of the State government, or of any political subdivisions of the State, issued notices pursuant to this section and shall make that list available on its Web site.

(b) Violations by Certain Local Entities. – For a violation of G.S. 143-133.3 by a political subdivision of the State, the Commissioner shall immediately notify the Attorney General of the violation so that the Attorney General can take action in accordance with G.S. 64-54(b). Additionally, the Commissioner shall notify the Attorney General if, within 60 days of the Commissioner's determination that there has been a violation, the political subdivision fails to demonstrate to the Commissioner's satisfaction that the political subdivision is in compliance with G.S. 143-133.3. The Commissioner may hold additional hearings as needed to implement this subsection.

(c) Violations by Local School Administrative Units. – For a violation of G.S. 143-133.3 by a local school administrative unit, the Commissioner shall immediately notify the Superintendent of Public Instruction in accordance with G.S. 115C-52. Additionally, the Commissioner shall notify the Superintendent if, within 60 days of the Commissioner's determination that there has been a violation, the local school administrative unit fails to demonstrate to the Commissioner's satisfaction that the local school administrative unit is in

compliance with G.S. 143-133.3. The Commissioner may hold additional hearings as needed to implement this subsection."

SECTION 2.(c) The Attorney General's office shall take reasonable steps to notify local governments of the provisions of this act so that the local governments can take appropriate steps to comply with this act's requirements.

SECTION 2.(d) G.S. 136-41.1 is amended by adding a new subsection to read:

"(e) No city or town shall receive any allocation under this section for any period during which it is ineligible to receive those funds under G.S. 64-54."

SECTION 2.(e) G.S. 105-113.82(a) reads as rewritten:

"(a) Amount. – ~~The~~ Subject to G.S. 64-54, the Secretary must distribute annually a percentage of the net amount of excise taxes collected on the sale of malt beverages and wine during the preceding 12-month period ending March 31 to the counties or cities in which the retail sale of these beverages is authorized in the entire county or city. The percentages to be distributed are as follows:

...."

SECTION 2.(f) G.S. 105-164.44F(a) reads as rewritten:

"(a) Amount. – ~~The~~ Subject to G.S. 64-54, the Secretary must distribute part of the taxes imposed by G.S. 105-164.4(a)(4c) on telecommunications service and ancillary service. The Secretary must make the distribution within 75 days after the end of each calendar quarter. The amount the Secretary must distribute is the following percentages of the net proceeds of the taxes collected during the quarter:

...."

SECTION 2.(g) G.S. 105-164.44I(a) reads as rewritten:

"(a) Distribution. – ~~The~~ Subject to G.S. 64-54, the Secretary must distribute to the counties and cities part of the taxes imposed by G.S. 105-164.4(a)(4c) on telecommunications service and G.S. 105-164.4(a)(6) on video programming service. The Secretary must make the distribution within 75 days after the end of each calendar quarter. The amount the Secretary must distribute is the sum of the revenue listed in this subsection. From this amount, the Secretary must first make the distribution required by subsection (b) of this section and then distribute the remainder in accordance with subsections (c) and (d) of this section. The revenue to be distributed under this section consists of the following:

...."

SECTION 2.(h) G.S. 105-164.44L(a) reads as rewritten:

"(a) Distribution. – ~~The~~ Subject to G.S. 64-54, the Secretary must distribute to cities twenty percent (20%) of the net proceeds of the tax collected under G.S. 105-164.4 on piped natural gas, less the cost to the Department of administering the distribution. Each city's share of the amount to be distributed is its excise tax share calculated under subsection (b) of this section plus its ad valorem share calculated under subsection (c) of this section. A gas city will also receive an amount calculated under subsection (b1) of this section as part of its excise tax share. If the net proceeds of the tax allocated under this section are not sufficient to distribute the excise tax share of each city under subsection (b) of this section and the gas city share under subsection (b1) of this section, the proceeds shall be distributed to each city on a pro rata basis. The Secretary must make the distribution within 75 days after the end of each quarter."

SECTION 2.(i) G.S. 105-187.19(b) reads as rewritten:

"(b) Each quarter, the Secretary shall credit thirty percent (30%) of the net tax proceeds to the General Fund. ~~The~~ Subject to G.S. 64-54, the Secretary shall distribute the remaining seventy percent (70%) of the net tax proceeds among the counties on a per capita basis according to the most recent annual population estimates certified to the Secretary by the State Budget Officer."

SECTION 2.(j) Article 5 of Chapter 115C of the General Statutes is amended by adding a new section to read as follows:

"**§ 115C-52. Consequences of noncompliance by a local school administrative unit with E-verify related to immigration.**

(a) Consequences of Noncompliance; E-Verify Statutes. – The Commissioner of Labor shall include notice to the Superintendent of Public Instruction when notifying a local board of education pursuant to G.S. 64-33.1(c) that a local board of education is not in compliance with G.S. 143-133.3. No State funds shall be allocated to pay the local superintendent's salary for one 12-month period beginning as soon as practicable after the date the Superintendent of Public Instruction is notified of noncompliance.

(b) If, within 60 days of the Commissioner of Labor's notice to the Superintendent the local board of education fails to demonstrate to the Commissioner of Labor's satisfaction that it is in compliance with G.S. 143-133.3, the Commissioner of Labor shall provide notice to the Superintendent of Public Instruction, and no State funds shall be allocated to pay the local superintendent's salary for an additional 12-month period.

(c) The Commissioner of Labor shall notify the following entities of the determination that the local board of education is not in compliance with G.S. 143-133.3 and of the duration of the period of ineligibility for State funds to be used for the salary of the local school superintendent:

(1) The affected local board of education.
(2) The chairs of the Appropriations Committees of the Senate and House of Representatives.
(3) The chairs of the Joint Legislative Commission on Governmental Operations.
(4) The Office of State Budget and Management.
(5) The Superintendent of Public Instruction.
(6) The State Board of Education."

PART III. PRIVATE RIGHT OF ACTION TO SEEK DECLARATORY AND INJUNCTIVE RELIEF BASED ON LOCAL GOVERNMENT ADOPTION OF A PROHIBITED SANCTUARY ORDINANCE.

SECTION 3.(a) G.S. 153A-145.5 is amended by adding a new subsection to read:

"(c) In addition to any other remedies at law or in equity, any person who resides within the jurisdiction of a county that the person believes is not in compliance with this section may bring an action for declaratory and injunctive relief in the superior court of the defendant county. The court shall award the prevailing party in an action brought under this subsection reasonable attorneys' fees and court costs as authorized by law. The court shall impose a civil penalty against any county that fails to comply with an order issued as a result of an action pursuant to this section in an amount up to ten thousand dollars ($10,000) per day for each day the county fails to comply with the order."

SECTION 3.(b) G.S. 160A-205.2 is amended by adding a new subsection to read:

"(c) In addition to any other remedies at law or in equity, any person who resides within the jurisdiction of a city that the person believes is not in compliance with this section may bring an action for declaratory and injunctive relief. Such action shall be filed in the superior court of any county in which the defendant city has jurisdiction. The court shall award the prevailing party in an action brought under this subsection reasonable attorneys' fees and court costs as authorized by law. The court shall impose a civil penalty against any city that fails to comply with an order issued as a result of an action pursuant to this section in an amount up to ten thousand dollars ($10,000) per day for each day the city fails to comply with the order."

PART IV. WAIVER OF LOCAL GOVERNMENT IMMUNITY

SECTION 4.(a) G.S. 153A-145.5 reads as rewritten:

"**§ 153A-145.5. Adoption of sanctuary ordinance ~~prohibited.~~prohibited; waiver of immunity.**

...

(d) A county in violation of this section shall have waived its governmental immunity as provided in G.S. 153A-435.1."

SECTION 4.(b) Article 23 of Chapter 153A of the General Statutes is amended by adding a new section to read as follows:

"**§ 153A-435.1. Waiver of immunity; sanctuary status.**

(a) A county shall have waived its immunity from civil liability in tort if it does not comply with G.S. 153A-145.5 and an unauthorized alien commits a crime against a person or property within the corporate limits of the county.

(b) Immunity shall be waived under subsection (a) of this section even if the county has not purchased insurance as authorized in G.S. 153A-435."

SECTION 4.(c) G.S. 160A-205.2 reads as rewritten:

"**§ 160A-205.2. Adoption of sanctuary ordinances ~~prohibited.~~prohibited; waiver of immunity.**

...

(d) A city in violation of this section shall have waived its governmental immunity as provided in G.S.160A-485.1."

SECTION 4.(d) Article 21 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

"**§ 160A-485.1. Waiver of immunity; sanctuary status.**

(a) A city shall have waived its immunity from civil liability in tort if it does not comply with G.S. 160A-205.2 and an unauthorized alien commits a crime against a person or property within the corporate limits of the city.

(b) Immunity shall be waived under subsection (a) of this section even if the city has not purchased insurance as authorized in G.S. 160A-485 or G.S. 160A-485.5(a)."

PART V. CREATION OF ADDITIONAL INCENTIVES FOR UNC CONSTITUENT INSTITUTIONS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION

SECTION 5. Part 3 of Article 1 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116-40.13. Adoption of sanctuary status prohibited; investigation; penalties.**

(a) No constituent institution may have in effect any policy or procedure that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law.

(b) To the extent permitted by federal and State law, no constituent institution shall do any of the following related to information regarding the citizenship or immigration status, lawful or unlawful, of any individual:

(1) Prohibit law enforcement officials or agencies from gathering such information.

(2) Direct law enforcement officials or agencies not to gather such information.

(3) Prohibit the communication of such information to federal law enforcement agencies.

(c) Within 45 days of receipt of a report that a constituent institution is in violation of either or both subsection (a) or (b) of this section, the President shall commence an investigation. The President shall conclude the investigation and make a determination within 60 days of the investigation's commencement. Upon determining a constituent institution is in violation of either or both subsection (a) or (b) of this section, the President shall immediately notify the Board of Governors.

(d) Upon receipt of a determination from the President under subsection (c) of this section, the Board of Governors shall immediately revoke the constituent institution's status as a special responsibility constituent institution under Part 2A of Article 1 of this Chapter. The

revocation shall apply to the current fiscal year. If, within 60 days of the President's determination, the constituent institution fails to demonstrate to the President's satisfaction that it is in compliance with subsections (a) and (b) of this section, the Board of Governors shall extend the revocation of special responsibility constituent institution status for an additional fiscal year."

PART VI. DPS/ICE MOA

SECTION 6. The Secretary of the Department of Public Safety shall enter into a Memorandum of Agreement (MOA) with the Director of U.S. Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended, to permit designated State law enforcement officers to perform immigration law enforcement functions. The designated State law enforcement officers shall be required to receive appropriate training as provided by ICE and shall function under the supervision of ICE officers when performing under the MOA.

PART VII. EFFECTIVE DATE

SECTION 7. Sections 1, 2, and 3 of this act become effective July 1, 2019. The remainder of this act is effective when it becomes law.

HOUSE BILL 225:
Protect Governmental Accountability.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 2, 2019
Introduced by:	Reps. D. Hall, Davis, Stevens	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 225 expands the protections of the North Carolina Human Resources Act to State employees who report to agents or employees of legislative panels, evidence of illegal, fraudulent, or other improper or dangerous activity by a State agency or employee, and requires all officers, agents, agencies and departments of the State to provide information and data when requested by agents or employees of legislative panels.

[As introduced, this bill was identical to S127, as introduced by Sens. Brown, Daniel, Hise, which is currently in House Judiciary.]

CURRENT LAW: State employees have a duty under the North Carolina Human Resources Act (NCHRA) to report verbally or in writing to their supervisor, department head, or other appropriate authority, evidence of activity by a State agency or State employee constituting any of the following:

- A violation of State or federal law, rule or regulation.
- Fraud.
- Misappropriation of State resources.
- Substantial and specific danger to the public health and safety.
- Gross mismanagement, a gross waste of monies, or gross abuse of authority.

The NCHRA prohibits retaliation, discharge, threats or discrimination regarding compensation, terms, conditions, location, or privileges of employment by supervisory authorities or by other State employees against any State employee who reports or is about to report, verbally or in writing, any prohibited activity, unless the State employee knows or has reason to believe that the report is inaccurate. State law also requires all officers, agents, agencies and departments of the State to give to any committee of either house of the General Assembly, or to any individual member of the General Assembly or one of its standing committees or the chair of a standing committee, all requested information and data within their possession, or ascertainable from their records.

BILL ANALYSIS: House Bill 225 extends the protections from retaliation, provided by the NCHRA, to the reporting by a State employee to an agent or employee of a legislative panel, of illegal, fraudulent, or other improper or dangerous activity by a State agency or employee. The bill would also require all officers, agents, agencies and departments of the State to provide information and data when requested by agents or employees of legislative panels.

EFFECTIVE DATE: The act is effective when the bill becomes law.

aren Cochrane-Brown
Director

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 225

Short Title:	Protect Governmental Accountability.	(Public)
Sponsors:	Representatives D. Hall, Davis, and Stevens (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House	

February 28, 2019

A BILL TO BE ENTITLED

AN ACT TO CLARIFY STATE AGENCIES' OBLIGATIONS TO REFRAIN FROM INTERFERENCE WITH STATE EMPLOYEES' DUTY TO REPORT VIOLATIONS OF STATE OR FEDERAL LAW, FRAUD, MISAPPROPRIATION OF STATE RESOURCES, AND OTHER GOVERNMENTAL IMPROPRIETIES; AND MAKE OTHER CHANGES TO FOSTER GOVERNMENTAL ACCOUNTABILITY TO PREVENT VIOLATIONS OF STATE OR FEDERAL LAW, FRAUD, MISAPPROPRIATION OF STATE RESOURCES, AND OTHER GOVERNMENTAL IMPROPRIETIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 126-84 reads as rewritten:

"**§ 126-84. Statement of policy.**

(a) It is the policy of this State that State employees shall have a duty to report verbally or in writing to their supervisor, department head, or other appropriate authority, evidence of activity by a State agency or State employee constituting any of the following:

(1) A violation of State or federal law, rule or regulation.
(2) Fraud.
(3) Misappropriation of State resources.
(4) Substantial and specific danger to the public health and safety.
(5) Gross mismanagement, a gross waste of monies, or gross abuse of authority.

(b) Further, it is the policy of this State that State employees be free of intimidation or harassment when reporting to public bodies about matters of public concern, including offering testimony to or testifying before appropriate legislative ~~panels.~~panels, or providing statements or testimony to agents and employees of legislative panels designated to conduct inquiries on behalf of legislative panels."

SECTION 2. G.S. 126-85 reads as rewritten:

"**§ 126-85. Protection from retaliation.**

(a) No head of any State department, agency or institution or other State employee exercising supervisory authority shall discharge, threaten or otherwise discriminate against a State employee regarding the State employee's compensation, terms, conditions, location, or privileges of employment because the State employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, any activity described in G.S. 126-84, unless the State employee knows or has reason to believe that the report is inaccurate.

(a1) No State employee shall retaliate against another State employee because the employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, any activity described in G.S. 126-84.

(b) No head of any State department, agency or institution or other State employee exercising supervisory authority shall discharge, threaten or otherwise discriminate against a State employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the State employee has refused to carry out a directive which in fact constitutes a violation of State or federal law, rule or regulation or poses a substantial and specific danger to the public health and safety.

(b1) No State employee shall retaliate against another State employee because the employee has refused to carry out a directive which may constitute a violation of State or federal law, rule or regulation, or poses a substantial and specific danger to the public health and safety.

(c) The protections of this Article shall include State employees who report any activity described in G.S. 126-84 to the State Auditor as authorized by ~~G.S. 147-64.6B or to~~ G.S. 147-64.6B, the Program Evaluation Division as authorized by ~~G.S. 120-36.12(10).~~G.S. 120-36.12(10), or a legislative panel or an agent or employee of a legislative panel as authorized by G.S. 120-19."

SECTION 3. G.S. 120-19 reads as rewritten:

"**§ 120-19. State officers, etc., upon request, to furnish data and information to legislative committees or commissions.**

Except as provided in G.S. 105-259, all officers, agents, agencies and departments of the State are required to give to any committee of either house of the General Assembly, or any committee or commission whose funds are appropriated or transferred to the General Assembly or to the Legislative Services Commission for disbursement, upon request, all information and all data within their possession, or ascertainable from their records. This requirement is mandatory and shall include requests made by any individual member of the General ~~Assembly or~~ Assembly, one of its standing committees or the chair of a standing ~~committee.~~committee, or any other legislative panel or an agent or employee of a legislative panel."

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 420
PROPOSED COMMITTEE SUBSTITUTE H420-CSST-30 [v.2]

04/30/2019 09:49:02 PM

Short Title: Board Vacancies/City of Winston-Salem. (Local)

Sponsors:

Referred to:

March 25, 2019

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE PROCESS FOR FILLING VACANCIES ON THE CITY COUNCIL IN THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 1 through 3 of Chapter 1248 of the Session Laws of 1971 are incorporated as Section 12K in the Charter of the City of Winston-Salem. Section 12K of the Charter of the City of Winston-Salem, being Chapter 232 of the Private Laws of 1927, as amended, reads as rewritten:

"Section ~~1.~~12K. Vacancies.

(a) Should a vacancy exist on the ~~Board of Aldermen~~ City Council of the City of Winston-Salem by death, resignation, or otherwise than by expiration of term, and should the unexpired term at the time the vacancy ~~occurs~~ is effective be for twelve months or more, then the ~~Forsyth County Executive Committee of each political party shall immediately designate a candidate for said vacancy and the Board of Aldermen~~ City Council shall ~~cause to be held,~~ adopt a resolution calling for a special primary and election in the Ward which the vacating ~~Alderman represented, an election to fill said vacancy. The candidate receiving a majority of the votes cast shall assume office forthwith. The election shall be held no later than 60 days after the vacancy occurs. Insofar as possible, the~~ member represented to fill the vacancy for the unexpired term. Regarding a resignation, a vacancy is deemed to exist once the City Council accepts the resignation of a member, even if the effective date of the resignation is a future date. The candidate elected shall be installed at the next regular or special meeting of the City Council, or if the resigning member is still seated, the next regular or special meeting following the effective date of the resignation. The effective date of the resignation and installation of the elected candidate may occur at the same meeting, provided the resignation occurs before the installation. The primary and election shall be called and conducted in accordance with G.S. 163A-1592 and the remainder of the laws governing other municipal elections in the City of ~~Winston-Salem.~~ Winston-Salem, as modified by the following provisions:

(1) The Forsyth County Board of Elections shall conduct a special primary and election and determine the results of the election in accordance with the partisan primary and election method set out in G.S. 163A-1615.

(2) The Forsyth County Board of Elections shall set the date and time candidates seeking party nomination may file notices of candidacy, provided that the filing period opens within 14 business days after the adoption of the resolution and is open for 14 business days. Each candidate shall be a resident of the ward that the vacating member represented.

(3) The Forsyth County Board of Elections shall hold the primary election no later than 60 calendar days after the close of the filing period, or as soon thereafter as practicable, and shall allow for absentee ballots to be applied for and cast.

(4) The Forsyth County Board of Elections shall hold the general election no later than 60 calendar days after the primary, or as soon thereafter as practicable, and shall allow for absentee ballots to be applied for and cast.

(5) The City Council shall reimburse the Forsyth County Board of Elections for the actual cost involved in the administration of the primary and election.

~~Sec. 2.~~(b) Should a vacancy exist on ~~said Board~~ the City Council for any of the reasons stated ~~above,~~ in subsection (a) of this section, and should the unexpired term at the time the vacancy occurs be for less than twelve months, then the Mayor of the City of Winston-Salem shall immediately appoint for the unexpired part of the term the person recommended by the Forsyth County Executive Committee of the political party with which the former member was affiliated when elected.

~~Sec. 3.~~(c) Should a member of the ~~Board of Aldermen~~ City Council of the City of Winston-Salem remove himself or herself from the City, ~~or fail to attend the meetings of the Board~~ City Council ~~for 90 consecutive days, or should he willfully neglect or refuse to serve,~~ a vacancy to be filled as provided in ~~Sections 1 and 2~~ subsections (a) and (b) of this section shall be deemed to have been created."

SECTION 2. This act is effective when it becomes law and applies to vacancies existing on or after that date.

HOUSE BILL 420:
Board Vacancies/City of Winston-Salem.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 1, 2019
Introduced by:	Reps. Montgomery, Lambeth, Conrad, Terry	**Prepared by:**	Erika Churchill Staff Attorney
Analysis of:	PCS to First Edition H420-CSST-30		

OVERVIEW: The proposed committee substitute for House Bill 420 would amend the city charter of Winston-Salem to provide when a vacancy occurs in the city council, and the unexpired term of the vacating member is twelve months or more, the vacancy would be filled by a special primary and general election.

[As introduced, this bill was identical to S237, as introduced by Sen. Lowe, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: Officers for the City of Winston-Salem consist of a mayor and eight city council members, each elected on a partisan basis for a four-year term at the time of the general election for county officers. City council members are elected from single-member wards by the voters in that ward. The newly-elected mayor and city council members take office the first Monday in December following the election.

Vacancies are filled as follows, depending upon the amount of time remaining in the unexpired term of the vacating member:

- If the unexpired term is twelve months or more, then the Forsyth County Executive Committee of each political party is to immediately designate a candidate for said vacancy and there is an election to the vacancy. The election is to be held no later than 60 days after the vacancy occurs.
- If the unexpired term is less than twelve months, then the Mayor of the City of Winston-Salem is to immediately appoint the person recommended by the Forsyth County Executive Committee of the political party with which the former member was affiliated when elected. The appointment is for the unexpired part of the term of the vacating member.

Chapter 1248 of the Session Laws of 1971.

BILL ANALYSIS: The PCS would change the process for the filling of vacancies in the city council of the City of Winston-Salem when the unexpired term of the vacating member is twelve months or more as follows:

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- The city council would be specifically required to adopt a resolution calling for a special primary and election in the Ward in which the vacating Alderman represented.
- A member of the city council could resign on a date certain, in the future, but that resignation would be treated as a vacancy upon acceptance of the resignation by the city council for the purposes of filling the vacancy by election. The candidate elected would be installed at the next regular or special meeting of the city council following both the results of the election and the effective date of the resignation.
- The primary and election would be conducted in accordance with G.S. 163A 1592, Special Elections; Procedure for Calling, and the remainder of the statewide laws governing other municipal elections in Winston-Salem, except as stated below:
    - The Forsyth County Board of Elections is to set the date and time candidates seeking party nomination may file notices of candidacy. The filing period is to open within 14 business days after the adoption of the resolution calling for the special election, and is to be open for 14 business days.
    - The special primary election is to be held no later than 60 calendar days after the close of the filing period, or as soon thereafter as practicable, and is to allow for absentee ballots to be applied for and cast.
    - The special general election is to be held no later than 60 calendar days after the primary, or as soon thereafter as practicable, and is to allow for absentee ballots to be applied for and cast.

The bill would also remove obsolete language from the city charter.

EFFECTIVE DATE: Effective when it becomes law, and applies to vacancies existing on or after that date.

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HOUSE BILL 420*

Short Title:	Board Vacancies/City of Winston-Salem.	(Local)
Sponsors:	Representatives Montgomery, Lambeth, Conrad, and Terry (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 25, 2019

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE PROCESS FOR FILLING VACANCIES ON THE CITY COUNCIL IN THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Sections 1 through 3 of Chapter 1248 of the Session Laws of 1971 are incorporated as Section 12K in the Charter of the City of Winston-Salem. Section 12K of the Charter of the City of Winston-Salem, being Chapter 232 of the Private Laws of 1927, as amended, reads as rewritten:

"Section ~~1.~~12K. Vacancies.

(a) Should a vacancy exist on the ~~Board of Aldermen~~ City Council of the City of Winston-Salem by death, resignation, or otherwise than by expiration of term, and should the unexpired term at the time the vacancy occurs be for twelve months or more, then the ~~Forsyth County Executive Committee of each political party shall immediately designate a candidate for said vacancy and the Board of Aldermen~~ City Council shall ~~cause to be held,~~ adopt a resolution calling for a special primary and election in the Ward which the vacating ~~Alderman represented, an election to fill said vacancy. The candidate receiving a majority of the votes cast shall assume office forthwith. The election shall be held no later than 60 days after the vacancy occurs. Insofar as possible, the~~ member represented to fill the vacancy for the unexpired term. Regarding a resignation, a vacancy is deemed to exist once the City Council accepts the resignation of a member, even if the effective date of the resignation is a future date. The candidate elected shall be installed at the next regular or special meeting of the City Council, or if the resigning member is still seated, the next regular or special meeting following the effective date of the resignation. The effective date of the resignation and installation of the elected candidate may occur at the same meeting, provided the resignation occurs before the installation. The primary and election shall be called and conducted in accordance with G.S. 163A-1592 and the remainder of the laws governing other municipal elections in the City of ~~Winston-Salem.~~Winston-Salem, as modified by the following provisions:

(1) The Forsyth County Board of Elections shall conduct a special primary and election and determine the results of the election in accordance with the partisan primary and election method set out in G.S. 163A-1615.

(2) The Forsyth County Board of Elections shall set the date and time candidates seeking party nomination may file notices of candidacy, provided that the filing period opens within 14 business days after the adoption of the resolution

and is open for 14 business days. Each candidate shall be a resident of the ward that the vacating member represented.

(3) The Forsyth County Board of Elections shall hold the primary election no later than 60 calendar days after the close of the filing period, or as soon thereafter as practicable, and shall allow for absentee ballots to be applied for and cast.

(4) The Forsyth County Board of Elections shall hold the general election no later than 60 calendar days after the primary, or as soon thereafter as practicable, and shall allow for absentee ballots to be applied for and cast. A space for write-in candidates shall be printed on the ballot.

(5) The City Council shall reimburse the Forsyth County Board of Elections for the actual cost involved in the administration of the primary and election.

~~**Sec. 2.**~~(b) Should a vacancy exist on ~~said Board~~ the City Council for any of the reasons stated ~~above,~~ in Section 1 of this act, and should the unexpired term at the time the vacancy occurs be for less than twelve months, then the Mayor of the City of Winston-Salem shall immediately appoint for the unexpired part of the term the person recommended by the Forsyth County Executive Committee of the political party with which the former member was affiliated when elected.

~~**Sec. 3.**~~(c) Should a member of the ~~Board of Aldermen~~ City Council of the City of Winston-Salem remove himself from the City, or fail to attend the meetings of the ~~Board~~ City Council for 90 consecutive days, or should he willfully neglect or refuse to serve, a vacancy to be filled as provided in Sections 1 and 2 shall be deemed to have been created."

SECTION 1.(b) This section is effective when it becomes law and applies to vacancies existing on or after that date.

SECTION 2.(a) Any seat that meets all of the following shall be subject to a special primary and election, to be conducted using the process described in Section 1 of Chapter 1248 of the Session Laws of 1971, as amended by Section 1 of this act:

(1) A vacancy for that seat occurs in 2018 or 2019.

(2) The vacancy was filled by the City Council using the appointment process set forth in G.S. 160A-63.

(3) The Forsyth County Board of Elections receives a petition calling for a special primary and election signed by at least one percent (1%) of the total number of registered voters in the ward which the seat represents, as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the petition is received. The chair or director of the Forsyth County Board of Elections shall verify signatures on the petition no later than 15 business days after receipt of the petition as provided in G.S. 163A-1005(a)(1)b.

(4) The unexpired term of office for the seat is 12 months or more, as of the date the petition, signed by at least one percent (1%) of the residents of the ward, is received by the Forsyth County Board of Elections.

SECTION 2.(b) The City Council of the City of Winston-Salem shall reimburse the Forsyth County Board of Elections for the actual cost involved in the administration of any special primary and election conducted under this section.

SECTION 2.(c) This section is effective when it becomes law and applies to any seat that was vacated in 2018 or 2019.

SECTION 3. This act is effective when it becomes law.

HOUSE BILL 784:
Traffic Control Certification Program.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 2, 2019
Introduced by:	Reps. Brody, McNeill	**Prepared by:**	Howard Marsilio Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 784 would:

- ***Increase the minimum age requirement for a traffic control officer appointment by a law enforcement agency.***
- ***Increase the amount and substance of training for new traffic control officers.***
- ***Require agencies to provide the training, and require trainees to pay for the training.***

CURRENT LAW: The chief of police or sheriff is authorized to appoint traffic control officers who are 18 years or older; and they must complete at least 3 hours of training in directing, controlling, or regulating traffic under supervision of a law enforcement officer.

BILL ANALYSIS: House Bill 784 would:

- Increase the minimum age requirement for a traffic control officer from 18 years old to 21 years old.
- Specify that training must include:
  - A training course in traffic laws and traffic control; and
  - At least 4 hours of roadside training in directing, controlling, or regulating traffic under the supervision of a law-enforcement officer.
- Require law enforcement agencies provide the training course and roadside training, the costs of which would be paid by the trainee.

EFFECTIVE DATE: This act would become effective October 1, 2019.

ɹren Cochrane-Brown
Director

H784-SMBG-89 E1 -V-3

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 784

Short Title:	Traffic Control Certification Program.	(Public)
Sponsors:	Representatives Brody and McNeill (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

April 18, 2019

A BILL TO BE ENTITLED

AN ACT TO DIRECT LOCAL LAW ENFORCEMENT AGENCIES TO INCREASE THE AGE REQUIREMENT FOR TRAFFIC CONTROL OFFICERS AND TO OFFER A TRAFFIC CONTROL TRAINING COURSE AND ROADSIDE TRAINING REGIMEN FOR THOSE THAT WOULD BE APPOINTED AS A TRAFFIC CONTROL OFFICER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-114.1(c) reads as rewritten:

"(c) The chief of police of a local or county police department or the sheriff of any county is authorized to appoint traffic-control officers, who shall have attained the age of ~~18~~ 21 years and who are hereby authorized to direct, control, or regulate traffic within their respective jurisdictions at times and places specifically designated in writing by the police chief or the sheriff. A traffic-control officer, when exercising this authority, must be attired in a distinguishing uniform or jacket indicating that he is a traffic-control officer and must possess a valid authorization card issued by the police chief or sheriff who appointed him. Unless an earlier expiration date is specified, an authorization card shall expire two years from the date of its issuance. In order to be appointed as a traffic-control officer, a person shall ~~have received~~ complete a training course in traffic laws and traffic control and shall complete at least ~~three~~ four hours of roadside training in directing, controlling, or regulating traffic under the supervision of a law-enforcement officer. Both the training course and roadside training shall be conducted by the law enforcement agency issuing the authorization card, and any costs of the training shall be borne by the traffic control officer trainee. A traffic-control officer shall be subject to the rules and regulations of the respective local or county police department or sheriff's office as well as the lawful command of any other law-enforcement officer. The appointing police chief or sheriff shall have the right to revoke the appointment of any traffic-control officer at any time with or without cause. The appointing police chief or sheriff shall not be held liable for any act or omission of a traffic-control officer. A traffic-control officer shall not be deemed to be an agent or employee of the respective local or county police department or of the sheriff's office, nor shall he be considered a law-enforcement officer except as provided herein. A traffic-control officer shall not have nor shall he exercise the power of arrest."

SECTION 2. This act becomes effective October 1, 2019.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 808

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H808-ABK-23 [v.2]

Amends Title [NO]
First Edition

Date 5-2 ,2019

Representative McElraft

moves to amend the bill on page 1, line 31, by rewriting the line to read:

"manners: returned to the owner; returned to an animal advocate group;".

SIGNED Pat McElraft
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 808:
Community Cats/Animal Shelter Disposition.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 2, 2019
Introduced by:	Reps. McElraft, Humphrey, Harrison	**Prepared by:**	Howard Marsilio Staff Attorney
Analysis of:	PCS to First Edition H808-CSBG-42		

OVERVIEW: House Bill 808 would amend the laws relating to animal rabies vaccine tag requirements and disposition of animals surrendered to animal shelters.

CURRENT LAW: Current law requires:

- That cats and ferrets must wear rabies vaccination tags unless they are exempt from wearing tags by local ordinance.
- Animals not wearing a vaccination tag that are required to wear a tag, for which an owner cannot be found, maybe impounded. The duration of the impoundment is established by the county board of commissioners, but must not be less than 72 hours. If the animal is not reclaimed during the impoundment period, the animal must either be:
    - Returned to the owner.
    - Adopted as a pet by a new owner.
    - Put to death by approved procedures.
- An animal that is surrendered to an animal shelter by the animal's owner and not reclaimed by that owner during the minimum holding period may be disposed of in one of the following manners:
    - Returned to the owner.
    - Adopted as a pet by a new owner.
    - Euthanized by an approved procedure.

BILL ANALYSIS:

House Bill 808 would:

- Exempt unowned outdoor cats that have been eartipped to indicate vaccination from the rabies vaccination tag requirement.
- Clarify that duration of impoundment and disposition is established by the county board of commissioners, and shall not be less than 72 hours.
- Add that animals impounded for not having rabies vaccination tags as required may be transferred to another shelter or returned to an animal advocate group.
- Add that an animal that is surrendered to an animal shelter by an owner may be transferred to another animal shelter.

EFFECTIVE DATE: This act becomes effective October 1, 2019.

aren Cochrane-Brown
Director

H808-SMBG-92 CSBG-42 -V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 808

Short Title:	Community Cats/Animal Shelter Disposition.	(Public)
Sponsors:	Representatives McElraft, Humphrey, and Harrison (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Health, if favorable, Rules, Calendar, and Operations of the House	

April 18, 2019

A BILL TO BE ENTITLED

AN ACT REGARDING THE DISPOSITION OF UNOWNED CATS AND TO AMEND LAWS FOR DISPOSAL OF ANIMALS SURRENDERED TO AN ANIMAL SHELTER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-190(a) reads as rewritten:

"(a) Issuance. – A person who administers a rabies vaccine shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "rabies vaccine." Dogs shall wear rabies vaccination tags at all times. Cats and ferrets must wear rabies vaccination tags unless they are exempt from wearing the tags by local ~~ordinance.~~ordinance, or are unowned outdoor cats that have been eartipped to indicate vaccination."

SECTION 2. G.S. 130A-192 reads as rewritten:

"**§ 130A-192. Animals not wearing required rabies vaccination tags.**

(a) The Animal Control Officer shall canvass the county to determine if there are any animals not wearing the required rabies vaccination tag. If an animal required to wear a tag is found not wearing one, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag with information enabling the owner of the animal to be contacted, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment and the disposition of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the Animal Control Officer has access at no cost or at a reasonable cost to a microchip scanning device, the Animal Control Officer shall scan the animal and utilize any information that may be available through a microchip to locate the owner of the animal, if possible. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; returned to the wild after sterilization and vaccination for rabies; adopted as a pet by a new owner; transferred to another shelter; or put to death by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.

...."

SECTION 3. G.S. 19A-32.1 reads as rewritten:

"**§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.**

...

(f) An animal that is surrendered to an animal shelter by the animal's owner and not reclaimed by that owner during the minimum holding period may be disposed of in one of the following manners:

(1) Returned to the owner.

(2) Adopted as a pet by a new owner.

(3) Euthanized by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association.

(4) Transferred to another animal shelter.

...."

SECTION 4. This act becomes effective October 1, 2019.

HOUSE BILL 878:
Amend Dangerous Dog Laws.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 2, 2019
Introduced by:	Reps. Harrison, McElraft	**Prepared by:**	Jessica Sammons Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 878 would provide the following:

- ***A dog that is owned or harbored primarily or in part for the purpose of dog fighting or is trained for dog fighting is not automatically classified as a dangerous dog.***
- ***Any ordinance adopted and enforced by a local government for the control of dangerous dogs must be consistent with the requirements under State law for dangerous dogs.***

CURRENT LAW: Under Article 1A of Chapter 67 of the General Statutes, a dog may be classified as "dangerous" or "potentially dangerous". The local government authority responsible for animal control must designate a person or board to be responsible for these classifications and a separate board to hear any appeal from that initial determination. Before the dog is considered potentially dangerous, the person or board making the determination must give written notice to the owner. The notice must inform the owner that the dog has been found potentially dangerous and the reasons for that determination. The owner has three days to appeal the determination to the appellate board, and if unfavorable, within 10 days to the superior court division.

A "potentially dangerous dog" is a dog that is determined by the designated person or board to have done any of the following:

1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.
2) Killed or inflicted severe injury upon a domestic animal when not on the owner's property.
3) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

A "dangerous dog" is a dog that meets any of the following:

1) Has killed or inflicted severe injury on a person without provocation.
2) Is owned primarily or in part for the purpose of dog fighting, or is trained for dog fighting.
3) Is determined to be potentially dangerous (as defined above) by the designated person or board.

Because the definition for "dangerous dog" includes a "potentially dangerous dog," a dog found to be potentially dangerous by the person or board responsible for such determinations is treated the same as a dangerous dog under the Article.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

As the statutes apply equally to dangerous dogs and potentially dangerous dogs, the following applies to both:

- It is a Class 3 misdemeanor for an owner to leave the dog unattended on the owner's property unless the dog is confined indoors or in a securely enclosed and locked pen or structure.
- It is a Class 3 misdemeanor for an owner to allow the dog to leave the owner's property without the dog being leashed and muzzled or otherwise securely restrained and muzzled.
- It is a Class 3 misdemeanor for an owner to sell or give the dog to someone else without giving written notice to both local government about the change and to the person taking possession of the dog about the dog's dangerous behavior and the authority's determination.
- It is a Class 1 misdemeanor for an owner if the dog inflicts physical injuries requiring medical treatment in excess of $100.
- The owner is strictly liable for any injuries or property damage caused by the dog.

Under G.S. 67-4.5, cities and counties are permitted to adopt and enforce its own local ordinance for the control of dangerous dogs. Many local governments have adopted ordinances that supplement state law, and these ordinances operate in a variety of ways.

BILL ANALYSIS: House Bill 878 would do the following:

- Amend the definition of "dangerous dog" to provide that any dog owned or harbored primarily or in part for the purpose of dog fighting or is trained in dog fighting is not automatically classified as a dangerous dog. A dog that is owned primarily or in part for the purpose of dog fighting or is trained in dogfighting would have to do one of the following to be classified as a dangerous dog:
    1) Kill or inflict severe injury on a person without provocation.
    2) Be determined by the designated person or Board to have done one of the following:
        - Inflict a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.
        - Kill or inflict severe injury upon a domestic animal when not on the owner's property.
        - Approach a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
- Require that any local ordinances for the control of dangerous dogs adopted and enforced by a city or county to be consistent with the requirements in State law for dangerous dog.

EFFECTIVE DATE: Effective October 1, 2019.

HOUSE BILL 878

Short Title:	Amend Dangerous Dog Laws.	(Public)
Sponsors:	Representatives Harrison and McElraft (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Rules, Calendar, and Operations of the House	

April 22, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DANGEROUS DOG LAWS TO PERMIT A CASE-BY-CASE DETERMINATION AS TO WHETHER A DOG TRAINED FOR DOG FIGHTING IS DANGEROUS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 67-4.1 reads as rewritten:

"**§ 67-4.1. Definitions and procedures.**

(a) As used in this Article, unless the context clearly requires otherwise and except as modified in subsection (b) of this section, the term:

(1) "Dangerous dog" means

~~a.~~ ~~A~~ a dog that:

~~1.~~a. Without provocation has killed or inflicted severe injury on a person; or

~~2.~~b. Is determined by the person or Board designated by the county or municipal authority responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in subdivision (2) of this subsection.

~~b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.~~

(2) "Potentially dangerous dog" means a dog that the person or Board designated by the county or municipal authority responsible for animal control determines to have:

a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or

b. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or

c. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

(3) "Owner" means any person or legal entity that has a possessory property right in a dog.

(4) "Owner's real property" means any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

(5) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

(b) The provisions of this Article do not apply to:

(1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;

(2) A dog being used in a lawful hunt;

(3) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or

(4) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(c) The county or municipal authority responsible for animal control shall designate a person or a Board to be responsible for determining when a dog is a "potentially dangerous dog" and shall designate a separate Board to hear any appeal. The person or Board making the determination that a dog is a "potentially dangerous dog" must notify the owner in writing, giving the reasons for the determination, before the dog may be considered potentially dangerous under this Article. The owner may appeal the determination by filing written objections with the appellate Board within three days. The appellate Board shall schedule a hearing within 10 days of the filing of the objections. Any appeal from the final decision of such appellate Board shall be taken to the superior court by filing notice of appeal and a petition for review within 10 days of the final decision of the appellate Board. Appeals from rulings of the appellate Board shall be heard in the superior court division. The appeal shall be heard de novo before a superior court judge sitting in the county in which the appellate Board whose ruling is being appealed is located."

SECTION 1.(b) G.S. 67-4.5 reads as rewritten:

"**§ 67-4.5. Local ordinances.**

Nothing in this Article shall be construed to prevent a city or county from adopting or enforcing its own program for control of dangerous ~~dogs.~~dogs consistent with this Article."

SECTION 2. This act becomes effective October 1, 2019.


ORANGE COUNTY
NORTH CAROLINA
Bob Marotto
DIRECTOR
Animal Services
1601 Eubanks Rd.
Chapel Hill, NC 27516
Direct Line: 919.932.4963
Main Line: 919.942.7387
bmarotto@orangecountync.gov

SENATE BILL 84:
Walkertown Zoning Authorizations.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 2, 2019
Introduced by:	Sen. Krawiec	**Prepared by:**	Howard Marsilio
Analysis of:	First Edition		Staff Attorney

OVERVIEW: Senate Bill 84 would amend the Charter of the Town of Walkertown to permit the Town to create general use zoning districts and special use zoning districts, and to provide that the issuance of a special use district permit is a legislative act.

[As introduced, this bill was identical to H181, as introduced by Rep. Conrad, which is currently in House Rules, Calendar, and Operations of the House.]

CURRENT LAW: Article 19 of Chapter 160A authorizes cities to adopt zoning ordinances for the purpose of promoting health, safety, morals, or the general welfare of the community. For those purposes, a city may divide its territorial jurisdiction into districts of any number, shape, and area and may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. These districts may include general use districts in which a variety of uses are permissible in accordance with general standards, and special use districts or conditional use districts in which uses are permitted only upon the issuance of a special use permit or a conditional use permit. The act of a governing body to rezone property is a legislative decision. The act of a governing body to issue a special use permit or a conditional use permit is a quasi-judicial decision. The governing board procedures for legislative decisions are different from those for quasi-judicial decisions.

BILL ANALYSIS: Senate Bill 84 would amend the Charter of the Town of Walkertown to authorize the Town to create general use zoning districts to allow a variety of uses, and to create special use zoning districts to allow a single use upon the issuance by the Walkertown Town Council of a special use permit prescribing the conditions upon which the special use will be permitted.

Additionally, the bill would (i) deem the issuance of a special use permit by the Town Council to be a legislative act and (ii) would make the procedural standards for legislative acts applicable to the Council's consideration and issuance of a special use permit.

EFFECTIVE DATE: The act is effective when the bill becomes law and would apply to rezoning petitions filed on or after that date.

**Billy Godwin, counsel to House State & Local Government, substantially contributed to this summary.*

aren Cochrane-Brown
Director

S84-SMBG-88 E1 -V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 1

SENATE BILL 84

Short Title:	Walkertown Zoning Authorizations.	(Local)
Sponsors:	Senators Krawiec (Primary Sponsor); and Lowe.	
Referred to:	Rules and Operations of the Senate	

February 20, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WALKERTOWN TO ALLOW THE TOWN TO ENACT CERTAIN PROCEDURES RELATED TO ZONING AND SPECIAL USE PERMITTING.

The General Assembly of North Carolina enacts:

SECTION 1. The Town Charter of the Town of Walkertown, being Chapter 936 of the Session Laws of 1983, is amended by adding a new section to read:

"Section 10.1. The Town Council of the Town of Walkertown is hereby empowered by ordinance to regulate in any portion or portions of the Town the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry, or other purposes.

For any or all of these purposes, the Town may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this section; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts; provided, however, that the Town may provide for the creation of special use districts in addition to general use districts.

It is the purpose and intent of this section to permit the Town to create general use districts in which a variety of uses are permitted, and to also create special use districts in which a single use is permitted upon the issuance by the Town Council of a special use permit prescribing the conditions under which such use will be permitted.

A person petitioning for rezoning of a tract of land, where special use districts are authorized by ordinance, may elect to request general use district zoning for said tract, or the person may elect to request special use district zoning for said tract.

If a person elects to petition for general use district zoning, the person may not refer, either in the petition or at any hearings related to the petition, to the use intended for the property upon rezoning. The Town Council may not consider the intended use in determining whether to approve or disapprove the petition, but shall consider the full range of uses permitted within the requested general use district. If the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district.

If the petitioner elects to petition for special use district zoning, the petition must specify the actual use intended for the property specified in the petition, and the intended use must be one permitted in the corresponding general use district. If the petition is for special use district zoning, the Town Council is to approve or disapprove the petition on the basis of the specific use

requested. If the petition is approved, the Town Council shall issue a special use district permit authorizing the requested use with such reasonable conditions as the Town Council determines to be desirable in promoting public health, safety, and general welfare. The act of issuing a special use district permit shall be deemed to be a legislative act of the Town Council, and the procedural standards applicable to the legislative acts shall apply to the consideration and issuance of a special use permit.

The conditions contained in a special use permit issued by the Town Council may include: location of the proposed use on the property; the number of dwelling units; the location and extent of support facilities such as parking lots, driveways, and access streets; location and extent of buffer areas and other special purpose areas; the timing of development; and such other matters as the petitioner may propose and the Town Council may find appropriate.

It is the further intent of this section to permit the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety, and welfare, and ensure that substantial justice be done."

SECTION 2. This act is effective when it becomes law and applies to petitions filed on or after that date.

Committee Sergeants at Arms

NAME OF COMMITTEE State and Local Government

DATE: May 2 2019 Room: 423/424

House Sgt-At Arms:

1. Name: Dean Marshbourne
2. Name: Bill Bass
3. Name: Glen Wall
4. Name:
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Wednesday, May 01, 2019
Session: 8:30 AM

Committee	Room	Time	Staff	Comments	Member
Pensions and Retirement	415	9:00 AM	Isabelle Lam		Rep. Debra Conrad
Energy/Public Utilities	1228/1327	9:00 AM	Jacob Dillman		Rep. Cecil Brockman
Insurance	1228/1327	10:00 AM	Rowan Marquez		Speaker Tim Moore
			Colin Vess		Rep. Jon Hardister
State and Local Government I	422	10:00 AM	Ethan Brooks		Speaker Tim Moore
			Bronwyn McVeigh		Rep. James L. Boles, Jr.
Regulatory Reform	1228/1327	11:00 AM	Jesse Ellis		Speaker Tim Moore
			Mya Hernandez		Speaker Tim Moore
Wildife Resources	425	11:00 AM	Gerald Blohm		Rep. John Fraley

VISITOR REGISTRATION SHEET

State and Local Government — May 2 2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Edward Hanes	The Hanes Group
Demetrius Delsath	ACLM
Rose Williams	NCLM
Amber Harris	NCACC
Rhaegan Jackson	FPA
April Neumann	MWC
JUSTIN DAVIS	NCDPS
Alicia Davis	NCDPS
Caroline Hall	NCDOJ
Sallie James	Governor's office
McKenzie, PA MPH	Duke

VISITOR REGISTRATION SHEET

State and Local Government
Name of Committee

May 2 2019
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Richard Bostic	NC SCSA
Lisa Matta	Cyp Ad
Angeline Echeverría	El Pueblo
Moises Serrano	El Pueblo
Victoria Crause	NC Child
Griselda Alonso	Comite P Somos Raleigh
Javiera Caballero	Durham Nc city council
Lee John	Secy of State
Doug Miskin	PSG
Fred Baggett	Pol. Chief's assn
Brian Lewis	New Frame

VISITOR REGISTRATION SHEET

State and Local Government — Name of Committee

May 2 2019 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tiffany Gladney	NC Rural Center
Carter Grimes	NCDOL
John Mcthyl	ASPCA
WALTER GOMEZ	EL COLECTIVO NC
Ann Webb	ACLU-NC
Susanna Birdsong	ACLU-NC
JOHN MIDGETTE	NCPBA
RANDY BYRD	NCPBA

VISITOR REGISTRATION SHEET

State and Local Government — May 2 2019

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Claudia Swemaker	governors office
Lindsay Robinson	PPSAT

House Committee on State and Local Government
Tuesday, May 7, 2019 at 8:30 AM
Room 544 of the Legislative Office Building

MINUTES

The House Committee on State and Local Government met at 8:30 AM on May 7, 2019 in Room 544 of the Legislative Office Building. Representatives Corbin and Warren, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Boles, Carter, Dobson, Faircloth, Fisher, Jarvis, Lofton, Logan, McElraft, Quick, Ross, Sasser, Setzer, von Haefen, and Willingham attended.

Representative Kevin Corbin, Chair, presided.

The following bills were considered:

HB 345 - Funds for Elizabeth City Homeless Shelter. (Representative Hunter)
Chairman Corbin recognized Rep. Hunter to explain the bill. The Chairman opened the floor for discussion. Rep. Jarvis asked a question. Rep. Fisher was recognized and moved that HB 345 receive a Favorable Report with a referral to Appropriations, General Government. The Chairman opened the floor for a vote and the motion passed.

HB 458 - Henderson Meals Tax. (Representative Garrison)
Chairman Corbin recognized Rep. Garrison to explain the bill. The Chairman opened the floor for discussion. Reps. McElraft, Jarvis, Speciale, and Boles asked questions. Frank Frazier, Henderson City Manager, was recognized to address the committee. Rep. Quick was recognized and moved that HB 458 receive a Favorable Report with a referral to Finance. The Chairman opened the floor for a vote and the motion passed. Rep. Lofton recused himself from voting.

HB 505 - SE Raleigh YMCA Funds. (Representatives Holley, Jackson, Gill)
Chairman Corbin recognized Rep. Holley to explain the bill. The Chairman opened the floor for discussion. Rep. Dobson asked a question. Rep. Fisher was recognized and moved that HB 505 receive a Favorable Report with a referral to Appropriations, General Government. The Chairman opened the floor for a vote and the motion passed.

HB 530 - Official NC Dogwood Festival. (Representatives Richardson, Lucas)
Chairman Corbin recognized Rep. Richardson to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Speciale was recognized and moved that HB 530 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

HB 647 - Adopt Haywood Co. Elk Capital of NC. (Representatives Queen, Presnell)
Chairman Corbin recognized Rep. Queen and Presnell to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Fisher was recognized and moved that HB 647 receive a Favorable Report. The Chairman opened the floor for a vote and the motion passed.

The meeting adjourned at 8:51.

Representative Kevin Corbin, Chair
Presiding

Cindy Hobbs, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB 345, Summary, and Committee Report
4. HB 458, Summary, and Committee Report, and Guest Speaker
5. HB 505, Summary, and Committee Report
6. HB 530, Summary, and Committee Report
7. HB 647, Summary, Committee Report, and Hand-Out
8. Sergeant-at-Arms
9. Pages
10. Visitor Registration Forms

Updated #3: Time Change & Remove HB526

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Tuesday, May 7, 2019
TIME: **8:30 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 345	Funds for Elizabeth City Homeless Shelter.	Representative Hunter
HB 458	Henderson Meals Tax.	Representative Garrison
HB 505	SE Raleigh YMCA Funds.	Representative Holley Representative Jackson Representative Gill
HB 530	Official NC Dogwood Festival.	Representative Richardson Representative Lucas
HB 647	Adopt Haywood Co. Elk Capital of NC.	Representative Queen Representative Presnell

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:12 PM on Monday, May 06, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #2: Remove HB338

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Tuesday, May 7, 2019
TIME: **9:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 345	Funds for Elizabeth City Homeless Shelter.	Representative Hunter
HB 458	Henderson Meals Tax.	Representative Garrison
HB 505	SE Raleigh YMCA Funds.	Representative Holley Representative Jackson Representative Gill
HB 526	Reinstate Mtn Island Lake Marine Commission.	Representative Logan Representative Alexander
HB 530	Official NC Dogwood Festival.	Representative Richardson Representative Lucas
HB 647	Adopt Haywood Co. Elk Capital of NC.	Representative Queen Representative Presnell

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:36 AM on Monday, May 06, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #1: Remove HB435

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Tuesday, May 7, 2019
TIME: **9:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 338	Coltrane Jazz & Blues Festival/Funds.	Representative Brockman Representative Faircloth Representative Hardister Representative Quick
HB 345	Funds for Elizabeth City Homeless Shelter.	Representative Hunter
HB 458	Henderson Meals Tax.	Representative Garrison
HB 505	SE Raleigh YMCA Funds.	Representative Holley Representative Jackson Representative Gill
HB 526	Reinstate Mtn Island Lake Marine Commission.	Representative Logan Representative Alexander
HB 530	Official NC Dogwood Festival.	Representative Richardson Representative Lucas
HB 647	Adopt Haywood Co. Elk Capital of NC.	Representative Queen Representative Presnell

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:52 AM on Monday, May 06, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Tuesday, May 7, 2019
TIME: **9:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 338	Coltrane Jazz & Blues Festival/Funds.	Representative Brockman Representative Faircloth Representative Hardister Representative Quick
HB 345	Funds for Elizabeth City Homeless Shelter.	Representative Hunter
HB 435	Public Meeting/Simultaneous Communication/W-S.	Representative Montgomery
HB 458	Henderson Meals Tax.	Representative Garrison
HB 505	SE Raleigh YMCA Funds.	Representative Holley Representative Jackson Representative Gill
HB 526	Reinstate Mtn Island Lake Marine Commission.	Representative Logan Representative Alexander
HB 530	Official NC Dogwood Festival.	Representative Richardson Representative Lucas
HB 647	Adopt Haywood Co. Elk Capital of NC.	Representative Queen Representative Presnell

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:43 PM on Friday, May 03, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Tuesday, May 7, 2019, 8:30 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 345	Funds for Elizabeth City Homeless Shelter.	Representative Hunter
HB 458	Henderson Meals Tax.	Representative Garrison
HB 505	SE Raleigh YMCA Funds.	Representative Holley Representative Jackson Representative Gill
HB 530	Official NC Dogwood Festival.	Representative Richardson Representative Lucas
HB 647	Adopt Haywood Co. Elk Capital of NC.	Representative Queen Representative Presnell

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **345** Funds for Elizabeth City Homeless Shelter.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, GENERAL GOVERNMENT**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Hunter

HB **458** Henderson Meals Tax.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Garrison

HB **505** SE Raleigh YMCA Funds.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, GENERAL GOVERNMENT**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Holley

HB **530** Official NC Dogwood Festival.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Richardson

HB **647** Adopt Haywood Co. Elk Capital of NC.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Queen



TOTAL REPORTED: 5

HOUSE BILL 345:
Funds for Elizabeth City Homeless Shelter.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, General Government. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 7, 2019
Introduced by:	Rep. Hunter	**Prepared by:**	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: House Bill 345 would appropriate the sum of one hundred thousand dollars ($100,000) from the General Fund to the City of Elizabeth City to renovate a homeless shelter.

BILL ANALYSIS: House Bill 345 would appropriate the sum of one hundred thousand dollars ($100,000) from the General Fund to the City of Elizabeth City in nonrecurring funds for the 2019-2020 fiscal year to renovate a homeless shelter.

EFFECTIVE DATE: The act would become effective July 1, 2019.

aren Cochrane-Brown
Director

H345-SMBD-62 E1 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

HOUSE BILL 345

Short Title:	Funds for Elizabeth City Homeless Shelter.	(Public)
Sponsors:	Representative Hunter. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, General Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

March 14, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO RENOVATE A HOMELESS SHELTER IN ELIZABETH CITY.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the City of Elizabeth City the sum of one hundred thousand dollars ($100,000) in nonrecurring funds for the 2019-2020 fiscal year to renovate a homeless shelter.

SECTION 2. This act becomes effective July 1, 2019.

HOUSE BILL 458:
Henderson Meals Tax.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 7, 2019
Introduced by:	Rep. Garrison	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 458 would authorize the City of Henderson, by resolution, to levy a prepared food and beverages tax of up to one percent (1%).

BILL ANALYSIS: House Bill 458 would authorize the Henderson City Council to pass a resolution, after not less than 10 days' public notice and a public hearing, to levy a prepared food and beverages tax of up to 1%. This tax would be in addition to the State and local sales tax. The bill also has administrative provisions to address the collection, administration, authority to repeal, and refunds of the tax. Applicable penalties would be addressed by existing general statutes, which state that generally the same civil and criminal penalties that apply to sales and use taxes also apply to local meals taxes.[1] The net proceeds of the tax could only be used for the promotion of travel and tourism as well as tourism related expenditures in the City.

CURRENT LAW: Under current law, Cumberland County, Dare County, Mecklenburg County, the City of Charlotte, Wake County, and the Town of Hillsborough are authorized to levy a prepared food and beverages tax of 1%.

"Prepared food" is defined as food that meets at least one of the following conditions:[2]

a. It is sold in a heated state or it is heated by the retailer.
b. It consists of two or more foods mixed or combined by the retailer for sale as a single item. This does not include foods containing raw eggs, fish, meat, or poultry that require cooking by the consumer as recommended by the Food and Drug Administration to prevent food borne illnesses.
c. It is sold with eating utensils provided by the retailer, such as plates, knives, forks, spoons, glasses, cups, napkins, and straws. A plate does not include a container or packaging used to transport the food.

Prepared food does not include food the retailer sliced, repackaged, or pasteurized but did not heat, mix, or sell with eating utensils.

The term **"beverage"** refers to an alcoholic beverage that contains at least one half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.[3]

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[1] G.S. 160A-214.1 and 153A-154.1.
[2] G.S. 105-164.3(28).
[3] G.S. 18B-101(4).

aren Cochrane-Brown
Director

H458-SMBA-55 E1 -V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

EFFECTIVE DATE: This act would be effective when it becomes law.

BACKGROUND: Below is a summary of all prior local meal tax acts.

Local Meals Tax Acts[4]

Jurisdiction	Session Laws
Cumberland County	S.L. 1993-413, as amended by Section 2.19 of S.L. 2001-347
Dare County	S.L. 1991-177, as amended by Section 2.20 of S.L. 2001-347 and by Section 9 of S.L. 2002-141.
Mecklenburg County and City of Charlotte	S.L. 1989-821, as amended by Section 2.18 of S.L. 2001-347, by S.L. 2001-402, and by S.L. 2011-160.
Wake County	S.L. 1991-594, as amended by S.L. 1995-458 and by Section 2.22 of S.L. 2001-347
Town of Hillsborough	S.L. 1993-449, as amended by S.L. 1999-304 and by Section 2.21 of S.L. 2001-347
City of Monroe	S.L. 2005-261, as amended by Section 9 of S.L. 2006-171, w/referendum in 2006 or 2007[5]
Durham County	S.L. 2008-116, w/ referendum[6]

[4]Subject to exemptions, each municipality and county that levies the tax charges a 1% tax on the sales price of prepared food and beverage sold at retail within their corporate limits.

[5] A proposed prepared food and beverages tax was defeated in a Union County Board of Elections referendum on October 9, 2007, with 37.18% of the voters voting for the tax and 62.82% voting against the tax.

[6] A proposed prepared food and beverages tax was defeated in the Durham County General Election on November 4, 2008, with 28.22% of the voters voting for the tax and 71.78% voting against the tax.

HOUSE BILL 458

Short Title:	Henderson Meals Tax.	(Local)
Sponsors:	Representative Garrison. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

March 27, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF HENDERSON TO LEVY A PREPARED FOOD AND BEVERAGES TAX.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Authority. – The Henderson City Council may, by resolution and after not less than 10 days' public notice and a public hearing, levy a prepared food and beverages tax of up to one percent (1%) of the sales price of prepared food and beverages sold within the City of Henderson at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1) upon the occurrence of an action listed in this subsection. For purposes of catering, the tax applies to food served in the City without regard to the residency of the caterer. This tax is in addition to State and local sales tax.

SECTION 1.(b) Definitions. – The definitions in G.S. 105-164.3 apply to this section to the extent they are not inconsistent with the provisions of this section. In addition, the following definitions apply in this act:

(1) Net proceeds. – Gross proceeds less the cost to the City of administering and collecting the tax.

(2) Prepared food and beverages. – The term includes the following:

a. Prepared food. – Defined in G.S. 105-164.3.

b. An alcoholic beverage. – Defined in G.S. 18B-101.

SECTION 1.(c) Exemptions. – The prepared food and beverages tax does not apply to the following sales of prepared food and beverages:

(1) Prepared food and beverages served to residents in boardinghouses and sold together on a periodic basis with rental of a sleeping room or lodging.

(2) Retail sales exempt from taxation under G.S. 105-164.13.

(3) Retail sales through or by means of vending machines.

(4) Prepared food and beverages served by a retailer subject to the local occupancy tax if the charge for the prepared food and beverages is included in a single, nonitemized sales price together with the charge for rental of a room, lodging, or accommodation furnished by the retailer.

(5) Prepared food and beverages furnished without charge by an employer to an employee.

(6) Retail sales by grocers or by grocery sections of supermarkets or other diversified retail establishments, other than sales of prepared food and

beverages in the delicatessen or similar department of the grocer or grocery section.

(7) Prepared food and beverages served on a federal military reservation.

SECTION 1.(d) Collection. – Every retailer subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing prepared food and beverages. The tax shall be stated separately on the sales document and shall be paid by the purchaser to the retailer as trustee for and on account of the municipality. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the retailer. The entity collecting the tax shall design, print, and furnish to all appropriate businesses and persons in the City the necessary forms for filing returns and instructions to ensure the full collection of the tax.

SECTION 1.(e) Administration. – The City of Henderson may enter into an agreement with Vance County for the administration and collection of the tax levied under this section. In the absence of an agreement, the City shall administer the tax levied under this section. A tax levied under this section is due and payable to the local administering authority as agent for the taxing entity in monthly installments on or before the twentieth day of the month following the month in which the tax accrues. Every retailer liable for the tax shall, on or before the twentieth day of each month, prepare and render a return on a form prescribed by the City or, at the City's direction, the entity administering and collecting the tax. The return shall show the total gross receipts derived in the preceding month from sales to which the tax applies. A return filed under this section is not a public record and may not be disclosed except in accordance with G.S. 160A-208.1.

The provisions of Article 5 and Article 9 of Chapter 105 of the General Statutes apply to this section to the extent they are not inconsistent with the provisions of this section. The uniform meals tax penalty provisions of G.S. 160A-214.1 apply to a tax levied under this section.

SECTION 1.(f) Refunds. – The entity administering the tax shall refund to a nonprofit or governmental entity the prepared food and beverages tax paid by the entity on eligible purchases of prepared food and beverages. A nonprofit or governmental entity's purchase of prepared food and beverages is eligible for a refund under this subsection if the entity is entitled to a refund under G.S. 105-164.14(b) or (c) of local sales and use tax paid on the purchase or if the sale is exempt under G.S. 105-164.13. The time limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(b), (d), and (d1) apply to refunds to nonprofit entities; the time, limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(c), (d), and (d1) apply to refunds to governmental entities. When an entity applies for a refund of the prepared food and beverages tax paid by it on purchases, it shall attach to its application a copy of the application submitted to the Department of Revenue under G.S. 105-164.14 for a refund of the sales and use tax on the same purchases or a written statement that the purchases were exempt from the tax. An applicant for a refund under this subsection shall provide any information required by the entity administering the tax to substantiate the claim.

SECTION 1.(g) Use of Proceeds. – The proceeds of a tax levied under this section shall be used as provided in this subsection. The entity administering and collecting the tax may deduct from the gross proceeds of the taxes collected under this act an amount not to exceed three percent (3%) of the gross proceeds to pay for the direct cost of administering and collecting the taxes. The remaining proceeds shall be used for the promotion of travel and tourism in and tourism-related expenditures in the City of Henderson. For purposes of this act, the phrase "promote travel and tourism" means to advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area, as well as administrative expenses incurred in engaging in the listed activities, and the term "tourism-related expenditures" means expenditures that, in the judgment of the City, are designed to increase the

use of lodging facilities, meeting facilities, or convention facilities in the City or to attract tourists or business travelers to the City, including tourism-related capital expenditures.

SECTION 1.(h) Effective Date of Levy. – A tax levied under this section shall become effective on the date specified in the resolution levying the tax. The date shall be the first day of a calendar month and may not be before the first day of the fourth month after the date the resolution is adopted.

SECTION 1.(i) Repeal. – Repeal or reduction of a tax levied under this section does not affect a liability for a tax that attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction. Any repeal or reduction shall become effective on the first day of a month. Any repeal or reduction may not become effective until the end of the fiscal year in which the repeal resolution is adopted.

SECTION 2. This act is effective when it becomes law.

Frank Frazier
CITY MANAGER

City of Henderson
NORTH CAROLINA

P.O. BOX 1434
134 ROSE AVENUE
HENDERSON, NC 27536

PHONE: 252-430-5701
FAX: 252-492-7935
Email: ffrazier@ci.henderson.nc.us
www.ci.henderson.nc.us

HOUSE BILL 505:
SE Raleigh YMCA Funds.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, General Government. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 7, 2019
Introduced by:	Reps. Holley, Jackson, Gill	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 505 would appropriate one million dollars ($1,000,000) from the General Fund to The Young Men's Christian Association of the Triangle Area, Inc., to support the programs of the Southeast Raleigh YMCA.

CURRENT LAW: The Young Men's Christian Association of the Triangle Area, Inc., is a non-profit corporation organized and existing under the laws of the State of North Carolina. According to its website, the corporation is a 501(c)3 entity with 21 locations throughout 7 counties.[1] The Southeast Raleigh YMCA is located at 1436 Rock Quarry Road, Raleigh, N.C. 27610.

BILL ANALYSIS: House Bill 505 would appropriate the sum of five hundred thousand dollars ($500,000) for the 2019-2020 fiscal year and the sum of five hundred thousand dollars ($500,000) for the 2020-2021 fiscal year in nonrecurring funds to support the programs of the Southeast Raleigh YMCA.

EFFECTIVE DATE: The act would become effective July 1, 2019.

[1] https://www.ymcatriangle.org/.

aren Cochrane-Brown
Director

H505-SMBD-61 E1 -V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 1

HOUSE BILL 505

Short Title:	SE Raleigh YMCA Funds.	(Public)
Sponsors:	Representatives Holley, Jackson, and Gill (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, General Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

April 1, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE SOUTHEAST RALEIGH YMCA.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to The Young Men's Christian Association of the Triangle Area, Inc., a nonprofit corporation, the sum of five hundred thousand dollars ($500,000) for the 2019-2020 fiscal year and the sum of five hundred thousand dollars ($500,000) for the 2020-2021 fiscal year in nonrecurring funds to support the programs of the Southeast Raleigh YMCA.

SECTION 2. This act becomes effective July 1, 2019.

HOUSE BILL 530:
Official NC Dogwood Festival.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 7, 2019
Introduced by:	Reps. Richardson, Lucas	**Prepared by:**	Billy Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 530 would adopt the Fayetteville Dogwood Festival as the official dogwood festival of the State of North Carolina. The bill would become effective when it becomes law.

CURRENT LAW: State symbols and other official adoptions of the State are found in Chapter 145 of the General Statutes.

Currently, North Carolina does not have an official dogwood festival. Other festivals, however, have been adopted by the State as official designations, including the following:

- The Ayden Collard Festival as the official collard festival. G.S. 145-27.
- The Sneads Ferry Shrimp Festival as the official shrimp festival. G.S. 145-37.
- The Swansboro Mullet Festival as the official mullet festival. G.S. 145-40.

BILL ANALYSIS: House Bill 530 would amend Chapter 145 of the General Statutes by adding a new section to establish the Fayetteville Dogwood Festival as the official dogwood festival of the State of North Carolina.

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

Staff attorney Jessica Sammons substantially contributed to this summary.

Karen Cochrane-Brown
Director

H530-SMBK-31 E1 -V-4

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 530

Short Title:	Official NC Dogwood Festival.	(Public)
Sponsors:	Representatives Richardson and Lucas (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

April 1, 2019

A BILL TO BE ENTITLED

AN ACT ADOPTING THE FAYETTEVILLE DOGWOOD FESTIVAL AS THE OFFICIAL DOGWOOD FESTIVAL OF THE STATE OF NORTH CAROLINA.

Whereas, the Fayetteville Dogwood Festival is a three to four day festival held annually in the City of Fayetteville and is celebrated the fourth weekend in April. The Festival has been held for the past 37 years and began in 1982 due to the efforts of then Mayor Bill Hurley; and

Whereas, in 2018, over 250,000 people attended the Dogwood Festival; and

Whereas, of that number, 70% attended previous festivals and 97% stated that they would attend future festivals; and

Whereas, the Dogwood Festival produced an economic impact of $8,188,850 for the local economy; and

Whereas, daily attendees spent around $23 per day and overnight guests spent about $130 per night, of which 83% stayed at least two nights; and

Whereas, every year, the Dogwood Festival brings in national, regional, and local artists who entertain attendees to free concerts; and

Whereas, over the years, the Dogwood Festival has earned many accolades, including being nominated as the "Best Festival in North Carolina" by Southern Living Magazine; and

Whereas, for the years 2009, 2010, and 2013, the Dogwood Festival has been voted as the "Event of the Year" by NC Festivals & Events; and

Whereas, in 2011, the Dogwood Festival was named a "Top 20 Event of the Year" by Southeast Tourism Society; and

Whereas, in 2012, the Dogwood Festival was a "Grand Pinnacle Winner" by International Festivals and Events; and

Whereas, in 2018, the Dogwood Festival was named the "Kaleidoscope Event of the Year" by Southeast Festivals and Events Association; and

Whereas, each year, the Governor of North Carolina is encouraged to proclaim the Fayetteville Dogwood Festival dates in honor of the Festival and commend its observance to all North Carolina citizens; and

Whereas, the Fayetteville Dogwood Festival should be adopted as the official dogwood festival of the State of North Carolina; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-52. North Carolina Dogwood Festival.**

The Fayetteville Dogwood Festival is adopted as the official dogwood festival of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 647:
Adopt Haywood Co. Elk Capital of NC.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 7, 2019
Introduced by:	Reps. Queen, Presnell	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 647 would adopt Haywood County as the official elk capital of the State of North Carolina.

CURRENT LAW: State symbols and other official adoptions of the State are found in Chapter 145 of the General Statutes. Currently, North Carolina does not have an official elk capital.

BILL ANALYSIS: House Bill 647 would amend Chapter 145 of the General Statutes by adding a new section to establish Haywood County as the official elk capital of the State of North Carolina.

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

Chris Saunders, counsel to House Wildlife Resources, substantially contributed to this summary.

aren Cochrane-Brown
Director

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 647

Short Title:	Adopt Haywood Co. Elk Capital of NC.	(Public)
Sponsors:	Representatives Queen and Presnell (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Wildlife Resources, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

April 10, 2019

A BILL TO BE ENTITLED

AN ACT ADOPTING HAYWOOD COUNTY AS THE ELK CAPITAL OF THE STATE OF NORTH CAROLINA.

Whereas, due to overhunting and habitat loss in the mid-1800s, the elk population was drastically reduced in the Great Smoky Mountains National Park; and

Whereas, in 2001, an initial 52 elk were released in Cataloochee Valley, a section of the Great Smoky Mountains National Park, located in Haywood County as an experimental project to reintroduce elk in the area; and

Whereas, reintroducing the elk has been a resounding success in Haywood County, resulting in a herd that has grown to 200 elk; and

Whereas, the herd can be spotted in Cataloochee Valley, Maggie Valley, and other parts of Haywood County; and

Whereas, the elk project has played a large role in tourism to Haywood County; and

Whereas, local restaurants and shops in Haywood County proudly post pictures of the elk in front of their establishments and on social media to attract more customers; and

Whereas, the elk is a great part of Haywood County's brand and is used heavily in its logo and marketing; and

Whereas, Haywood County is developing the Smoky Mountain Elk Festival for September 2019 to celebrate the reintroduction of the elk and the conservation and habitat of the elk; and

Whereas, Haywood County should be adopted as the official elk capital of the State of North Carolina; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-52. State elk capital.**

Haywood County is adopted as the official elk capital of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.

Elk FACTS



- Scientific Name: Cervus Elaphus. Elk are part of the deer family, which includes moose, caribou, mule deer and white-tailed deer.
- The 52 elk released in the Cataloochee Valley of the Great Smoky Mountains National Park are the Subspecies Manitoban translocated from "Land Between the Lakes" in 2001 and from Elk Island National Park, Alberta, Canada in 2002.
- Newborn calves weigh 35 pounds. Adult female elk, called cows, weigh on the average around 500 pounds. Male elk are called bulls and weigh on the average about 700 pounds. However, some bulls have weighed nearly 1000 pounds.
- Bull elk grow and shed a new set of antlers every year. New growth begins soon after the existing antlers drop off and will grow as much as one inch per day. The new growth is covered in fuzzy skin called "velvet". The antlers harden by late summer and the velvet is peeled away by rubbing on tree limbs. By September, antlers are solid bone and can weigh as much as 40 pounds on a mature bull.
- Cow elk give birth to one calf every year, with twins being very rare. Calves are born spotted and scentless.
- The mating call of bulls is called a bugle and can be heard during the breeding season, called the rut, which runs primarily from September through October.
- The best time to see elk is early morning and late afternoon. Always view elk from a distance using binoculars or a spotting scope to view up-close. If the elk becomes alert or nervous and begins to move away – you are too close!

Seasonal

Calving Season: Late Spring

Most of the calves in Cataloochee and WNC are born in late May thru June. The cows hide their calves in the high grass. For safety and to avoid disturbing the calves, visitors should stay out of the fields. Cows can be aggressive in protecting their young. By late June, visitors can often see the calves up and moving with the herd.

Growing Season: Summer

The herd can often be seen grazing in the fields. Bulls are "in velvet," rapidly growing new antlers. The calves are growing quickly and will gain as much as 140 pounds by winter.

The Rut: Fall

The mating season for elk is called the rut, which occurs from mid-September through the end of October. Large bulls bugle and fight for domination and the right to breed with the cows. This can be a dangerous time for visitors as the bulls can be aggressive with unpredictable behavior. For your protection, please remain on the roadway and near your vehicle during the rut.

Winter In Cataloochee

Winter is a quiet time in the valley. The elk herd retreats to the woods and may not be seen in the fields for weeks. The road becomes treacherous with snow. The road will often be closed when snow is on the peaks around Jonathan Valley.

HAYWOOD COUNTY

VisitNCSmokies.com

800-334-9036

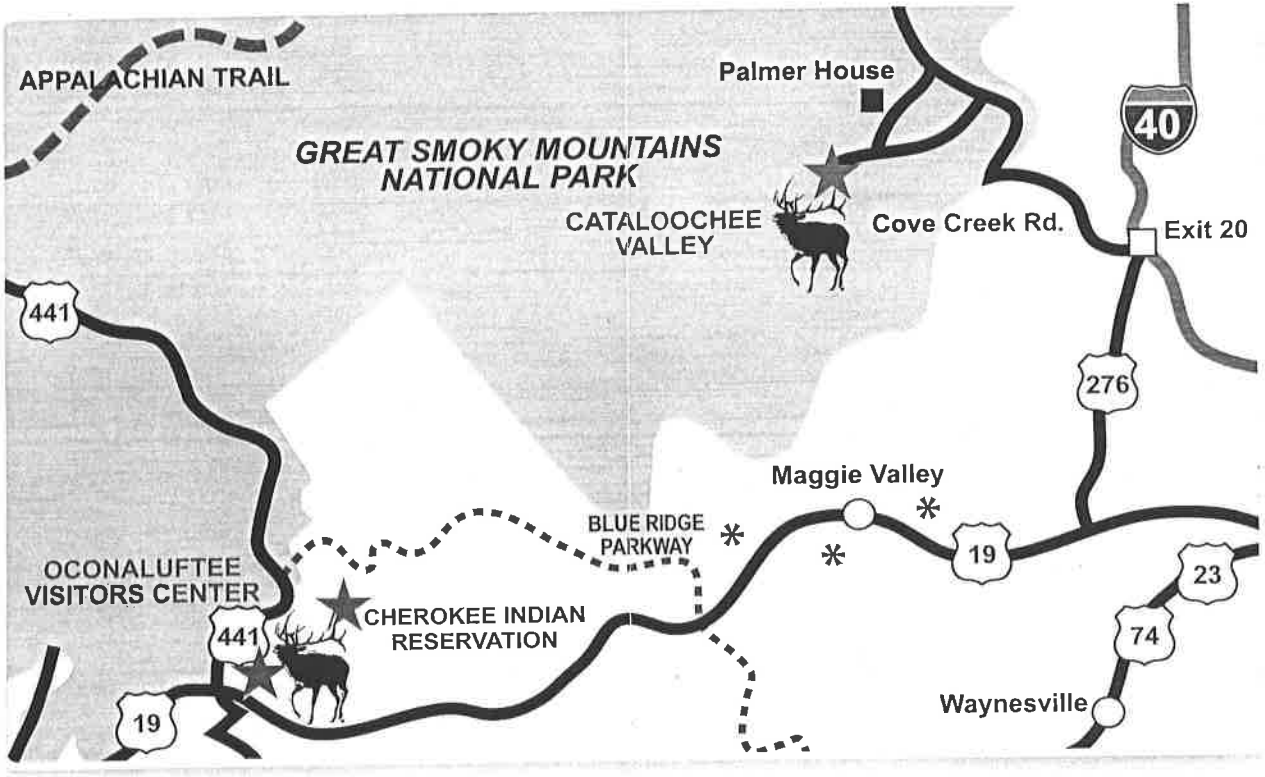
1110 SOCO ROAD • MAGGIE VALLEY, NC 28751

Friends of the Smokies and **Rocky Mountain Elk Foundation** provided information contained in this brochure.

Elk IN THE NC Smokies



Elk were once abundant throughout the United States, but by the mid-1800's, overhunting and habitat loss wiped out eastern elk herds. In 2001, after a five-year study, the GSM National Park Service, the GSM Chapter of the Rocky Mountain Elk Foundation, and other partners joined together to restore wild elk to the Smoky Mountains in Cataloochee Valley. The initial 52 elk that were released have grown to a herd of more than 150.



* – Frequent Elk Sightings

Safety

When elk are present, federal regulations require that you do not approach an elk within 150 feet or any distance that disturbs the animal(s). Failure to do so can result in fines and/or arrest.

Viewing the Elk

Most elk are located in the Cataloochee Valley area in the southeastern section of the Great Smoky Mountains National Park. Elk have migrated out of the park and can frequently be seen in Maggie Valley (the "Elk Capital of North Carolina"), the Oconaluftee and Ravensford areas and the lands of the Eastern Band of Cherokee Indians near Cherokee, NC.

What to Expect

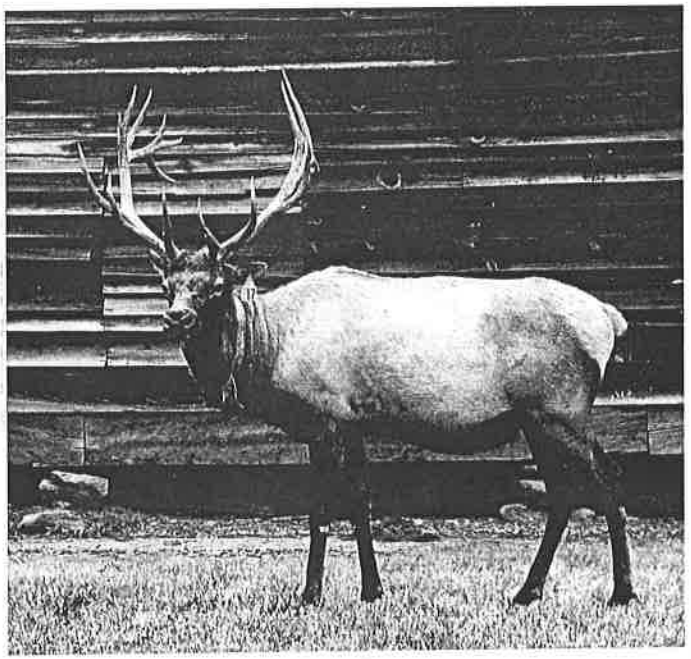
Cataloochee is a remote area of Great Smoky Mountains National Park. Once you leave US 276, there is no gas, food, or other commercial services available to you. In the valley there are some historic structures and exhibits, trailheads leading to over 800 miles of trails, camping, and the opportunity to see wildlife including the reintroduced elk herd. The herd is strong and growing. The best time to view the elk is approximately two hours before sunset.

Directions

The easiest way to reach Cataloochee Valley is to take 276 North (Jonathan Creek Road) off Highway 19 in Maggie Valley. Go about 6 miles and turn left onto Cove Creek Road, the last left turn before coming to I-40 intersection. Travel on Cove Creek Road into Cataloochee Valley (see below).

From I-40: Take exit 20 towards Maggie Valley. After ¼ mile, turn right on Cove Creek Road. Go about 13 miles to the Cataloochee Valley. The road turns into a narrow dirt road and intersects a paved road. Follow directional signs for "Cataloochee Camp Ground."

**Cove Creek Road is a steep, ten-mile, narrow, curving mountain road. There is a three-mile unpaved section leading up and over Cove Creek Gap, and then winding down the other side of the mountain. Early settlers built this road by hand in the 1800s and called it Cataloochee Turnpike. This graveled section remains as a vital reminder of Cataloochee's history and a tribute to its builders. When you again reach pavement, turn left and enjoy your easy descent into the valley.*



Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Government

DATE: 5-7-19 Room: 544 LOB

House Sgt-At Arms:

1. Name: Reggie Sills
2. Name: Marvin Lee
3. Name: Warren Hawkins
4. Name: Bill Riley
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Monday, May 06, 2019
Session: 9:30 AM

Committee	Room	Time	Staff	Comments	Member
State and Local Government I	544	8:30 AM	Gracie Goldberg		Speaker Tim Moore
			Abgail Higgins		Rep. Ashton Clemmons
			Emily Prusia		Rep. John A. Torbett
			Martha Winkles		Rep. Mark Brody

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 5-7-19

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tim Mills	NCHBA
Doug Lassiter	NCSTA
Frank Gray	NCRLA
Isabel Villa-Garcia	NCRLA
Frank Fragin	City of Henderson
Taylor Sprull	City of Henderson
Hana Nuru	SA

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 5-7-19

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jon Mills	YMCA of Triangle
Dexter Haberl	YMCA of Triangle
Bruce Ham	YMCA of Triangle
	NWC
Richard Bostic	NCSBA
Leanne Winner	NCSBA

House Committee on State and Local Government
Wednesday, May 22, 2019 at 10:00 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on May 22, 2019 in Room 1228/1327 of the Legislative Building. Representatives Warren and Corbin, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Boles, Carter, Dobson, Faircloth, Fisher, Graham, Jarvis, Lofton, Logan, McElraft, Quick, Ross, Sasser, Setzer, von Haefen, and Willingham attended.

Representative Kevin Corbin, Chair, presided.

The following bills were considered:

HB 281 - Expand Special Assessments for Dam Repair. (Representatives Boles, McNeill)
Chairman Corbin recognized Reps. Boles and McNeill to explain the bill. The Chairman opened the floor for discussion. Reps. Cleveland, Autry, and Ager asked questions. Rep. Cleveland was recognized and moved that HB 281 receive a Favorable Report with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

HB 321 - Pilot Project to Treat Opioid Overdose. (Representative Davis)
Chairman Corbin recognized Rep. Davis to explain the bill. The Chairman opened the floor for discussion. Rep. Cleveland asked a question. Rep. Fisher was recognized and moved that HB 321 receive a Favorable Report with a referral to Appropriations, Justice & Public Saftey. The Chairman opened the floor for a vote and the motion passed.

HB 413 - Funds to Support Greensboro/US Figure Skating. (Representatives Faircloth, Hardister, Quick, Clemmons)
Chairman Corbin recognized Rep. Faircloth to explain the bill. The Chairman opened the floor for discussion. Reps. Boles, Cleveland, Quick, Speciale, and McElraft asked questions. Hill Carrow, Chairman, US Figure Skating addressed the committee. Rep. Quick was recognized and moved that HB 413 receive a Favorable Report with a referral to Appropriations, General Government. The Chairman opened the floor for a vote and the motion passed.

HB 461 - Funds for Fort Fisher Aquarium. (Representatives Davis, McElraft)
Chairman Corbin recognized Rep. Davis to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that HB 461 receive a Favorable Report with a referral to Appropriations, Agriculture & Natural & Economic Resources. The Chairman opened the floor for a vote and the motion passed.

HB 557 - Municipal Omnibus Bill. (Representatives Ross, Adcock)
Chairman Corbin recognized Reps. Ross and Adcock to explain the bill. The Chairman opened the floor for discussion. Reps. Boles, Cleveland, McElraft, Warren, and Willingham asked questions. Erin Wynia, Chief Legislative Counsel, NC League of Municipalities, addressed the committee. Rep. Cleveland brought forth an amendment to increase the age from 55 to 60. Reps. Autry, von Haeffen, Ager, Cleveland, and Lofton asked questions on the amendment. Ms. Wynia addressed the committee again. The Chair opened the floor for a vote on the amendment and Rep. Autry called for a Division. The Chairs asked for a show of hands and the motion failed 10 – 10 (no majority). Rep. Cleveland was recognized

and moved that HB 557 receive a Favorable to new PCS with Amendments rolled in, Unfavorable to original bill with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

Amendment #1 - Cleveland failed.

The following bills were removed from the calendar:

HB 272 - Lumbee Indian Cultural Center Site (Representatives Jones, Saine, Bell, and D. Hall)
Displaced until further notice.

HB 384 - Town of Midland/Funds (Representative Sasser)
Rolled into the budget.

HB 407 - Spindale Drainage (Representative Rogers)
Rep. Rogers had to attend court.

HB 417 - Food Commercialization Funds. (Representatives Humphrey, K. Smith, Murphy)
Rolled into the budget.

HB 547 - Oak Ridge Park Security System Funds (Representatives Faircloth and Hardister)
Rolled into the budget.

The meeting adjourned at 11:02.

Representative Kevin Corbin, Chair
Presiding

Cindy Hobbs, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB 281, Summary, Committee Report, and Hand-Out
4. HB 321, Summary and Committee Report
5. HB 413, Summary, Committee Report, and Guest Speaker
6. HB 461, Summary, and Committee Report
7. HB 557, Amendment, PCS, Summary, and Guest Speaker
8. Sergeant-at-Arms
9. Pages
10. Visitor Registration Forms

Updated #4: Remove HB407

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, May 22, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 281	Expand Special Assessments for Dam Repair.	Representative Boles Representative McNeill
HB 321	Pilot Project to Treat Opioid Overdose.	Representative Davis
HB 413	Funds to Support Greensboro/US Figure Skating.	Representative Faircloth Representative Hardister Representative Quick Representative Clemmons
HB 417	Food Commercialization Funds.	Representative Humphrey Representative K. Smith Representative Murphy
HB 461	Funds for Fort Fisher Aquarium.	Representative Davis Representative McElraft
HB 557	Municipal Omnibus Bill.	Representative Ross Representative Adcock

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:41 AM on Wednesday, May 22, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #3: Remove HB384

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, May 22, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 281	Expand Special Assessments for Dam Repair.	Representative Boles Representative McNeill
HB 321	Pilot Project to Treat Opioid Overdose.	Representative Davis
HB 407	Spindale Drainage.	Representative Rogers
HB 413	Funds to Support Greensboro/US Figure Skating.	Representative Faircloth Representative Hardister Representative Quick Representative Clemmons
HB 417	Food Commercialization Funds.	Representative Humphrey Representative K. Smith Representative Murphy
HB 461	Funds for Fort Fisher Aquarium.	Representative Davis Representative McElraft
HB 557	Municipal Omnibus Bill.	Representative Ross Representative Adcock

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:24 PM on Tuesday, May 21, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #2: Remove HB272

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, May 22, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 281	Expand Special Assessments for Dam Repair.	Representative Boles Representative McNeill
HB 321	Pilot Project to Treat Opioid Overdose.	Representative Davis
HB 384	Town of Midland/Funds.	Representative Sasser
HB 407	Spindale Drainage.	Representative Rogers
HB 413	Funds to Support Greensboro/US Figure Skating.	Representative Faircloth Representative Hardister Representative Quick Representative Clemmons
HB 417	Food Commercialization Funds.	Representative Humphrey Representative K. Smith Representative Murphy
HB 461	Funds for Fort Fisher Aquarium.	Representative Davis Representative McElraft
HB 557	Municipal Omnibus Bill.	Representative Ross Representative Adcock

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:21 AM on Tuesday, May 21, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #1: Remove HB547

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, May 22, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 272	Lumbee Indian Cultural Center Site.	Representative Jones Representative Saine Representative Bell Representative D. Hall
HB 281	Expand Special Assessments for Dam Repair.	Representative Boles Representative McNeill
HB 321	Pilot Project to Treat Opioid Overdose.	Representative Davis
HB 384	Town of Midland/Funds.	Representative Sasser
HB 407	Spindale Drainage.	Representative Rogers
HB 413	Funds to Support Greensboro/US Figure Skating.	Representative Faircloth Representative Hardister Representative Quick Representative Clemmons
HB 417	Food Commercialization Funds.	Representative Humphrey Representative K. Smith Representative Murphy
HB 461	Funds for Fort Fisher Aquarium.	Representative Davis Representative McElraft
HB 557	Municipal Omnibus Bill.	Representative Ross Representative Adcock

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:49 AM on Tuesday, May 21, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, May 22, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 272	Lumbee Indian Cultural Center Site.	Representative Jones Representative Saine Representative Bell Representative D. Hall
HB 281	Expand Special Assessments for Dam Repair.	Representative Boles Representative McNeill
HB 321	Pilot Project to Treat Opioid Overdose.	Representative Davis
HB 384	Town of Midland/Funds.	Representative Sasser
HB 407	Spindale Drainage.	Representative Rogers
HB 413	Funds to Support Greensboro/US Figure Skating.	Representative Faircloth Representative Hardister Representative Quick Representative Clemmons
HB 417	Food Commercialization Funds.	Representative Humphrey Representative K. Smith Representative Murphy
HB 461	Funds for Fort Fisher Aquarium.	Representative Davis Representative McElraft
HB 547	Oak Ridge Park Security System Funds.	Representative Faircloth Representative Hardister
HB 557	Municipal Omnibus Bill.	Representative Ross Representative Adcock

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:16 PM on Monday, May 20, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, May 22, 2019, 10:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 281	Expand Special Assessments for Dam Repair.	Representative Boles Representative McNeill
HB 321	Pilot Project to Treat Opioid Overdose.	Representative Davis
HB 413	Funds to Support Greensboro/US Figure Skating.	Representative Faircloth Representative Hardister Representative Quick Representative Clemmons
HB 417	Food Commercialization Funds.	Representative Humphrey Representative K. Smith Representative Murphy
HB 461	Funds for Fort Fisher Aquarium.	Representative Davis Representative McElraft
HB 557	Municipal Omnibus Bill.	Representative Ross Representative Adcock

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **281** Expand Special Assessments for Dam Repair.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Boles

HB **321** Pilot Project to Treat Opioid Overdose.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, JUSTICE AND PUBLIC SAFETY**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Davis

HB **413** Funds to Support Greensboro/US Figure Skating.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, GENERAL GOVERNMENT**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Faircloth

HB **461** Funds for Fort Fisher Aquarium.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, AGRICULTURE AND NATURAL AND ECONOMIC RESOURCES**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Davis

TOTAL REPORTED: 4



HOUSE BILL 281:
Expand Special Assessments for Dam Repair.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 22, 2019
Introduced by:	Reps. Boles, McNeill	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: House Bill 281 would authorize counties to impose a special assessment for dam repair if the dam meets certain conditions. The only known dam the conditions would apply to would be Woodlake dam in Moore County. The authority would expire July 1, 2022.

[As introduced, this bill was identical to S190, as introduced by Sen. McInnis, which is currently in Senate Finance.]

CURRENT LAW: In 2008, the General Assembly gave counties and cities the opportunity to use special assessments on benefitted property as a financing tool for long-term capital projects. In 2014, the General Assembly allowed counties to use this authority to repair a privately-owned dam formerly used for textile mill purposes forming a lake between 225 and 325 acres in area.[1]

A county or city may only impose special assessments if it receives a petition for the project to be financed through assessments that meets a two-prong test:

- The petition must be signed by a majority of the owners of the property assessed.
- And those owners must represent ownership of at least 66% of the assessed value of the property to be assessed.[2]

If the assessment is pledged to secure financing, the city or county must covenant to enforce the payment of assessments.[3] Special assessments must be paid in annual installments over a period not to exceed 30 years.

The county board of commissioners or city must adopt a preliminary assessment resolution that describes the project, the proposed basis for making the assessment, and information concerning the cost of the work and the terms of payment of the assessment. The proposed basis for making the assessment method must accurately assess property according to the benefits conferred upon it by the project for which the assessment is made. The county or city must hold a public hearing on the matter, prepare a preliminary

[1] The only known dam these conditions apply is in Richmond County. The authority to use special assessment financing for this purpose expires July 1, 2019.

[2] For example, if there are 21 owners involved and 10 hold 67% of the assessed value of the property to be assessed, at least one of the other 11 owners would have to sign the petition for the county or city to be able to impose the special assessments. Likewise, if 21 owners are involved and one owner owns 67% of the assessed value of the property, that one owner would have to be one of the signatures on the petition for the county or city to impose the special assessments.

[3] Unpaid assessments bear interest at a rate fixed in the assessment resolution. A county or city may foreclose assessment liens under procedures provided by law for the foreclosure of property tax liens.

Karen Cochrane-Brown
Director

H281-SMBA-63 E2 -V-6

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

.ssessment roll, and publish a confirmation of the assessment roll once it is adopted. An owner of property against which an assessment is made may file a notice of appeal to the General Court of Justice if the owner is dissatisfied with the amount of the assessment.

BILL ANALYSIS: House Bill 281 would allow 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 of that lake if the dam is privately-owned, formerly used for recreational and flood control, and forms a lake between 1,100 and 1,300 acres,[4] provided the following conditions are met:

1. The board of county commissioners directs the county board of elections to conduct a referendum on the special assessment.[5]
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 approve the special assessment.
4. The board of county commissioners, by resolution, makes the special assessment.

EFFECTIVE DATE: This act would be effective when it becomes law and the authorization for the use of the assessment procedure for dam repair would expire on July 1, 2022.

---

[4] Article V, Section 4 of the North Carolina Constitution requires that the General Assembly enact general laws relating to the contracting of debts by local government units. At this time, the only known dam the conditions of this bill would apply to would be Woodlake dam in Moore County.

[5] The earliest a referendum could be held would be in March, 2020.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 2

HOUSE BILL 281
Corrected Copy 3/11/19

Short Title:	Expand Special Assessments for Dam Repair.	(Public)
Sponsors:	Representatives Boles and McNeill (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

March 7, 2019

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE AUTHORIZATION FOR A COUNTY TO IMPOSE A SPECIAL ASSESSMENT FOR DAM REPAIR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-210.1(b) reads as rewritten:

"(b) Sunset. – This Article expires July 1, 2020, for projects that have not been approved under a final assessment resolution. For projects authorized in G.S. 153A-210.2(a1), this Article expires July 1, ~~2019.~~ 2022. The expiration does not affect the validity of assessments imposed or to be imposed or bonds issued or authorized or to be issued or authorized under the provisions of this Article if a final assessment resolution has been adopted prior to the effective date of the expiration."

SECTION 2. G.S. 153A-210.2(a1) reads as rewritten:

"(a1) Dam Repair Project. – The board of commissioners of a county may make special assessments as provided in this Article against property that is contiguous to a lake, and benefits from access to the same lake, for the purpose of repairing the dam of that lake. The provisions of this subsection only apply to ~~a~~ the following:

(1) A privately owned dam formerly used for textile mill purposes, forming a lake between 225 and 325 acres in area.

(2) A privately owned dam formerly used for recreational and flood control purposes, forming a lake between 1,100 and 1,300 acres. The authority provided in this subdivision applies only if all of the following conditions are met:

a. The board of county commissioners directs the county board of elections to conduct an advisory referendum on the question of whether to make the special assessment authorized in this subdivision.

b. The election is held in accordance with the procedures of G.S. 163A-1592, and the form of the question to be presented on the ballot concerning the special assessment authorized by this subdivision is as follows:

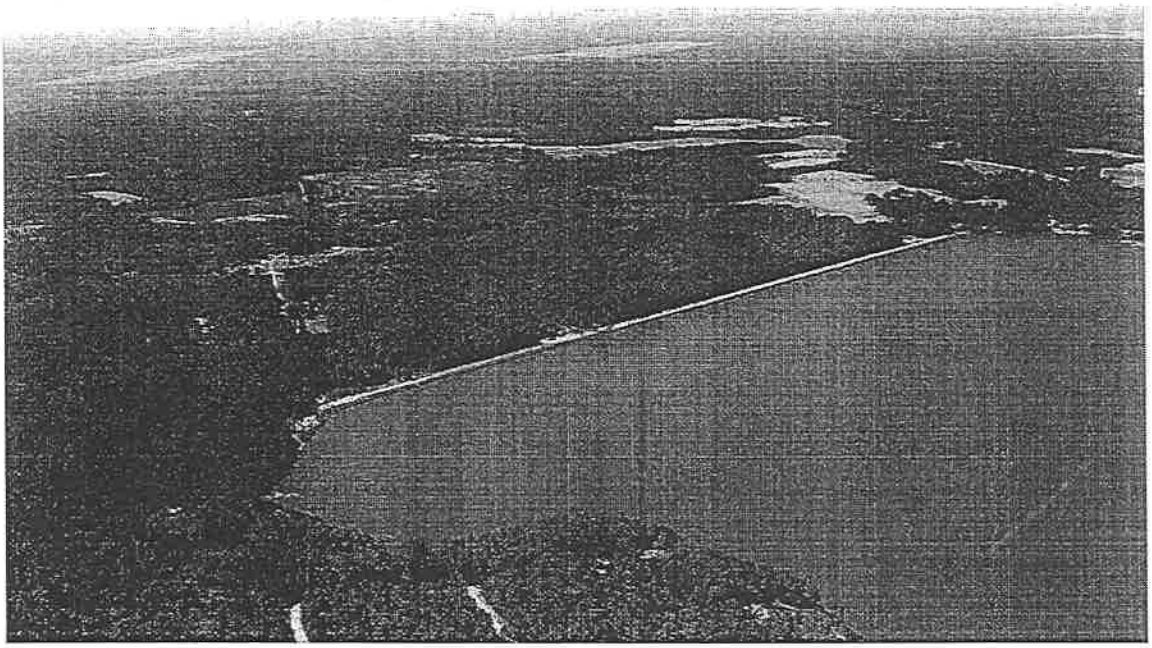
"[ ] FOR [ ] AGAINST
Special assessment for repairing a dam formerly used for recreational and flood control purposes and forming a lake between 1,100 and 1,300 acres."

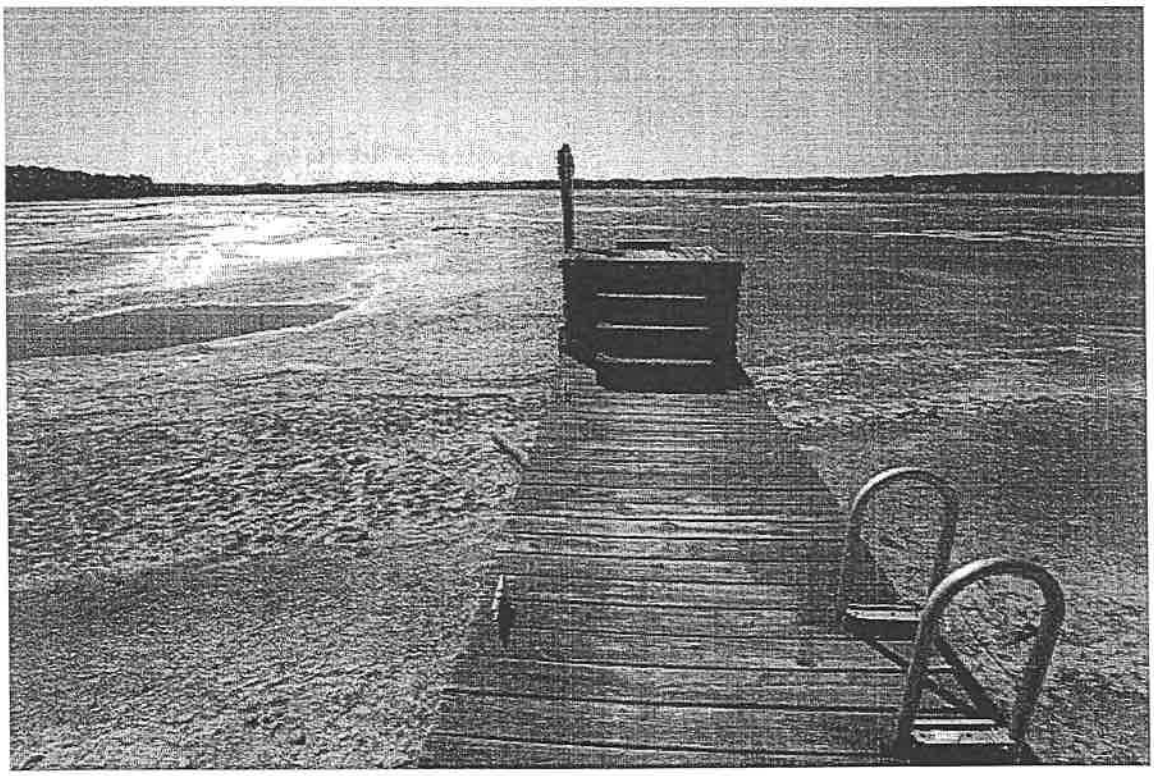
c. A majority of those voting in the referendum vote for the special assessment authorized in this subdivision.

d. The board of county commissioners, by resolution and after 10 days' public notice, makes the special assessment authorized in this subdivision."

SECTION 3. This act is effective when it becomes law.

HB 281





REPRESENTATIVE ALLEN R. McNEILL
N.C. HOUSE OF REPRESENTATIVES
78TH DISTRICT
RANDOLPH COUNTY MOORE COUNTY

LEGISLATIVE OFFICE
411 LEGISLATIVE OFFICE BUILDING
RALEIGH, NC 27603-5925
(919) 715-4946
ALLEN.MCNEILL@NCLEG.NET

DISTRICT ADDRESS:
4172 NC HIGHWAY 49S
ASHEBORO, NC 27205
(336) 302-0263
ARMCNEILL@RTMC.NET

HOUSE BILL 321:
Pilot Project to Treat Opioid Overdose.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, Justice and Public Safety. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 22, 2019
Introduced by:	Rep. Davis	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***House Bill 321 would direct the Department of Public Safety (DPS) and the City of Wilmington to continue to develop and implement the Quick Response Team Pilot Project to address the needs of opiate and heroin overdose victims who are not getting follow-up treatment and appropriates to DPS from the General Fund, two hundred fifty thousand dollars ($250,000) in nonrecurring funds for the 2020-2021 fiscal year to fund the continuation of the pilot project.***

CURRENT LAW: S.L. 2017-257, the 2017 Appropriations Act, directed DPS, in conjunction with the City of Wilmington, to develop and implement a pilot project to establish a Quick Response Team (QRT) to address the needs of opiate and heroin overdose victims who are not getting follow-up treatment. The QRT is staffed by firefighters, police officers, medics, behavioral health specialists, and other law enforcement selected by DPS and the City of Wilmington. DPS and the City of Wilmington were to report on the results of the pilot project to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2019.

BILL ANALYSIS: House Bill 321 would direct DPS and the City of Wilmington, to continue to develop and implement the as "Quick Response Team" (QRT) pilot project to address the needs of opiate and heroin overdose victims who are not getting follow-up treatment and to report the results of the pilot project to the Joint Legislative Oversight Committee on Justice and Public Safety of the 2021 Regular Session of the General Assembly, upon its reconvening. The bill would appropriates from the General Fund to DPS, the sum of two hundred fifty thousand dollars ($250,000) in nonrecurring funds for the 2020-2021 fiscal year to fund the continued development and implementation of the pilot program in the City of Wilmington.

EFFECTIVE DATE: The bill would be effective July 1, 2020.

Karen Cochrane-Brown
Director

H321-SMBD-68 E1 -V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

HOUSE BILL 321

Short Title:	Pilot Project to Treat Opioid Overdose.	(Public)
Sponsors:	Representative Davis. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, Justice and Public Safety, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

March 12, 2019

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE CITY OF WILMINGTON TO CONTINUE TO DEVELOP AND IMPLEMENT THE QUICK RESPONSE TEAM PILOT PROJECT TO ADDRESS UNMET NEEDS OF OPIATE OVERDOSE VICTIMS WHO ARE IN NEED OF FOLLOW-UP TREATMENT, COUNSELING, SUPPORT, AND OTHER RECOVERY SERVICES.

Whereas, since the implementation of the Quick Response Team Pilot Project, there has been an immediate increase in the Wilmington area of opioid overdose survivors agreeing to follow-up treatment for their drug use; and

Whereas, the Quick Response Team Pilot Project has funding for the 2018-2019 and 2019-2020 fiscal years, but not for the 2020-2021 fiscal year; and

Whereas, the ability to gather three years of data related to the Quick Response Team Pilot Project would be helpful in justifying a request that the Quick Response Team Pilot Project continue as a permanent program with recurring funding; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Pilot Project. – The Department of Public Safety, in conjunction with the City of Wilmington, shall continue to develop and implement the pilot project known as "Quick Response Team" (QRT) to address the needs of opiate and heroin overdose victims who are not getting follow-up treatment.

SECTION 2. Report. – The Department of Public Safety and the City of Wilmington shall report on the results of the QRT Pilot Project to the Joint Legislative Oversight Committee on Justice and Public Safety of the 2021 Regular Session of the General Assembly, upon its reconvening.

SECTION 3. Appropriation. – There is appropriated from the General Fund to the Department of Public Safety the sum of two hundred fifty thousand dollars ($250,000) in nonrecurring funds for the 2020-2021 fiscal year to fund the continued development and implementation of the Quick Response Team to address the needs of opiate and heroin overdose victims in the City of Wilmington.

SECTION 4. Effective Date. – This act becomes effective July 1, 2020.

HOUSE BILL 413:
Funds to Support Greensboro/US Figure Skating.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, General Government. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 22, 2019
Introduced by:	Reps. Faircloth, Hardister, Quick, Clemmons	**Prepared by:**	Howard Marsilio Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***House Bill 413 would appropriate $150,000 to the Office of State Budget and Management for the purpose of providing assistance to the City of Greensboro for the cost of renting out the Greensboro Coliseum for the 2020 U.S. Figure Skating Championships.***

CURRENT LAW/BILL ANALYSIS: House Bill 413 would appropriate $150,000 to the Office of State Budget and Management for the 2019-2020 fiscal year to be released to the City of Greensboro to assist offset the cost of renting the Greensboro Coliseum for the 2020 U.S. Figure Skating Championships. OSBM must release the funds to the City of Greensboro upon receipt of an executed lease between the City and U.S. Figure Skating containing a provision that the City of Greensboro shall reduce the rental fee by an amount that is equal to any State appropriation received for the purpose of this offset.

EFFECTIVE DATE: This act would become effective July 1, 2019.

Karen Cochrane-Brown
Director

H413-SMBG-103 E1 -V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 413

Short Title:	Funds to Support Greensboro/US Figure Skating.	(Public)
Sponsors:	Representatives Faircloth, Hardister, Quick, and Clemmons (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, General Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

March 21, 2019

A BILL TO BE ENTITLED

AN ACT TO ASSIST THE CITY OF GREENSBORO WITH HOSTING THE NATIONAL FIGURE SKATING CHAMPIONSHIP IN 2020.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Office of State Budget and Management (OSBM) the sum of one hundred fifty thousand dollars ($150,000) for the 2019-2020 fiscal year to the City of Greensboro to offset the cost of renting the Greensboro Coliseum for the 2020 U.S. Figure Skating Championships. OSBM shall release the funds to the City of Greensboro upon receipt of a copy of an executed lease between the City and U.S. Figure Skating which contains a provision that the City shall reduce the rental fee by an amount that is equal to any State appropriation for the purpose of offset.

SECTION 2. This act becomes effective July 1, 2019.

Hill Carrow
Chairman

US FIGURE SKATING
CHAMPIONSHIPS 2020
GREENSBORO, NORTH CAROLINA

919.678.1651 w • 919.616.3175 c • 919.678.1655 f
401 Harrison Oaks Boulevard, Suite 210 • Cary, NC 27513
hcarrow@ncskate2020.com • www.ncskate2020.com

HOUSE BILL 461:
Funds for Fort Fisher Aquarium.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, Agriculture and Natural and Economic Resources. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 22, 2019
Introduced by:	Reps. Davis, McElraft	**Prepared by:**	Howard Marsilio Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***House Bill 461 would appropriate $10,000,000 to the Department of Natural and Cultural Resources for the expansion of the North Carolina Aquarium at Fort Fisher.***

CURRENT LAW/BILL ANALYSIS: House Bill 461 would appropriate $10,000,000 of nonrecurring funds to the Division of Aquariums of the Department of Natural and Cultural Resources for the 2019-2020 fiscal year for the expansion and renovation of the North Carolina Aquarium at Fort Fisher.

EFFECTIVE DATE: This act would become effective July 1, 2019.

Karen Cochrane-Brown
Director

H461-SMBG-105 E1 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 461

Short Title:	Funds for Fort Fisher Aquarium.	(Public)
Sponsors:	Representatives Davis and McElraft (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, Agriculture and Natural and Economic Resources, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

March 27, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE EXPANSION OF THE NORTH CAROLINA AQUARIUM AT FORT FISHER.

Whereas, the Aquarium at Fort Fisher is the most popular of the State's three aquariums and the most visited attraction in southeastern North Carolina, having 493,603 visitors in 2018; and

Whereas, annually, the Aquarium hosts more than 25,000 North Carolina school students, reaches an additional 10,000 students through its Outreach programs with travelling classrooms, and attracts over 120,000 participants to its educational programs, camps, and field trips; and

Whereas, the Aquarium is an important resource for youth groups such as the 4-H, scouts, YMCA, and Boys and Girls Clubs, all of which participate in camps and programs at the facility; and

Whereas, the Aquarium also has a large and active volunteer force with over 505 local volunteers who contributed nearly 32,000 hours of service during 2018, working in education and animal care; and

Whereas, the Aquarium structure is over 40 years old, having had its last capital renovation in 2002; and

Whereas, since 2002, the Aquarium has had more than 6.4 million visitors; and

Whereas, a refresh of the Aquarium's galleries and exhibits is needed to sustain the Aquarium's popularity and to better serve its educational mission; and

Whereas, plans have been made for the renovation of the facility to include structural upgrades, updated displays, redesigned classroom spaces, a new otter habitat, a new large feature aquarium to display sand tiger sharks, and other improvements; and

Whereas, the expansion project is estimated to cost $20 million, of which the Aquarium plans to raise $5 million through its capital campaign by the North Carolina Aquarium Society and $5 million through admission receipts; and

Whereas, State funds are needed to complete the project; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Natural and Cultural Resources, Division of North Carolina Aquariums, the sum of ten million dollars ($10,000,000) for the 2019-2020 fiscal year in nonrecurring funds for expansion of the North Carolina Aquarium at Fort Fisher.

SECTION 2. This act becomes effective July 1, 2019.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 557

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H557-ABDf-12 [v.1]

Amends Title [NO]
Date 22 MAY ,2019
PCS to First Edition: H557-CSSTxf-33

Representative Cleveland

moves to amend the bill on page 3, line 42, through page 4, line 5, by deleting those lines.

SIGNED George G. Cleveland
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 557
PROPOSED COMMITTEE SUBSTITUTE H557-CSSTxf-33 [v.4]
05/21/2019 11:21:10 AM

Short Title: Municipal Omnibus Bill. (Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING MUNICIPALITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-373 is amended by adding a new subsection to read:

"(i) Relief from Collecting Unpaid Taxes After Ten Years. – The governing body of any taxing unit may, in its discretion, relieve the tax collector of the charge of taxes owed that are ten or more years past due when it appears to the governing body that such taxes are uncollectible."

SECTION 2.(a) G.S. 105-472(b) reads as rewritten:

"(b) Distribution Between Counties and Cities. – The Secretary shall divide the amount allocated to each taxing county among the county and its municipalities in accordance with the method determined by the county. The board of county commissioners shall, by resolution, choose one of the following methods of distribution:

(1) Per Capita Method. – The net proceeds of the tax collected in a taxing county shall be distributed to that county and to the municipalities in the county on a per capita basis according to the total population of the taxing county, plus the total population of the municipalities in the county. In the case of a municipality located in more than one county, only that part of its population living in the taxing county is considered its "total population". In order to make the distribution, the Secretary shall determine a per capita figure by dividing the amount allocated to each taxing county by the total population of that county plus the total population of all municipalities in the county. The Secretary shall then multiply this per capita figure by the population of the taxing county and by the population of each municipality in the county; each respective product shall be the amount to be distributed to the county and to each municipality in the county. To determine the population of each county and each municipality, the Secretary shall use the most recent annual estimate of population certified by the State Budget Officer.

(2) Ad Valorem Method. – The net proceeds of the tax collected in a taxing county shall be distributed to that county and the municipalities in the county in proportion to the total amount of ad valorem taxes levied by each on property having a tax situs in the taxing county during the fiscal year next preceding the distribution. For purposes of this section, the amount of the ad valorem taxes levied by a county or municipality includes ad valorem taxes levied by the county or municipality in behalf of a taxing district and collected by the county or municipality. In addition, the amount of taxes levied by a county

includes ad valorem taxes levied by a merged school administrative unit described in G.S. 115C-513 in the part of the unit located in the county. In computing the amount of tax proceeds to be distributed to each county and municipality, the amount of any ad valorem taxes levied but not substantially collected shall be ignored. Each county and municipality receiving a distribution of the proceeds of the tax levied under this Article shall in turn immediately share the proceeds with each district in behalf of which the county or municipality levied ad valorem taxes in the proportion that the district levy bears to the total levy of the county or municipality. Any county or municipality that fails to provide the Department of Revenue with information concerning ad valorem taxes levied by it adequate to permit a timely determination of its appropriate share of tax proceeds collected under this Article may be excluded by the Secretary from each monthly distribution with respect to which the information was not provided in a timely manner, and those tax proceeds shall then be distributed only to the remaining counties or municipalities, as appropriate. For the purpose of computing the distribution of the tax under this subsection to any county and the municipalities located in the county for any month with respect to which the property valuation of a public service company is the subject of an appeal and the Department of Revenue is restrained by law from certifying the valuation to the county and the municipalities in the county, the Department shall use the last property valuation of the public service company that has been certified.

The board of county commissioners in each taxing county shall, by resolution adopted during the month of ~~April~~ November of each year, determine which of the two foregoing methods of distribution shall be in effect in the county during the next succeeding fiscal year. In order for the resolution to be effective, a certified copy of it must be delivered to the Secretary in Raleigh within 15 calendar days after its adoption. If the board fails to adopt a resolution choosing a method of distribution not then in effect in the county, or if a certified copy of the resolution is not timely delivered to the Secretary, the method of distribution then in effect in the county shall continue in effect for the following fiscal year. Provided, if a board of county commissioners changes the method of distribution from the prior fiscal year, such change from the prior fiscal year shall not become effective unless written notice is provided to the affected municipalities before December 15 in the year of adoption of the resolution and copies of such written notice are submitted to the Secretary. The method of distribution in effect on the first of July of each fiscal year shall apply to every distribution made during that fiscal year."

SECTION 2.(b) This section is effective when it becomes law and applies to resolutions determining the method of distribution adopted on or after that date.

SECTION 3. G.S. 75-41(e) reads as rewritten:

"(e) A violation of this section renders the automatic renewal clause void and unenforceable. Nothing in this section creates liability for any public officer or employee of a political subdivision of the State for disbursement of public funds pursuant to a contract rendered void under this subsection."

SECTION 4.(a) G.S. 143B-135.56(b)(2) reads as rewritten:

"(2) Thirty percent (30%) to provide matching funds to local governmental units or public authorities as defined in G.S. 159-7 on a dollar-for-dollar basis for local park and recreation ~~purposes.~~ purposes, to local governmental units identified as a tier one area as defined in G.S. 143B-437.08, or to a local governmental unit located within a tier one area as defined in G.S. 143B-437.08. The appraised value of land that is donated to a local government unit or public authority may be applied to the matching

requirement of this subdivision. These funds shall be allocated by the North Carolina Parks and Recreation Authority based on criteria patterned after the Open Project Selection Process established for the Land and Water Conservation Fund administered by the National Park Service of the United States Department of the Interior."

SECTION 4.(b) This section becomes effective July 1, 2019, and applies to allocations on or after that date.

SECTION 5.(a) G.S. 157-3(12) reads as rewritten:

"(12) "Housing project" shall include all real and personal property, buildings and improvements, stores, offices, lands for farming and gardening, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or ~~undertaking:~~undertaking to do any of the following:

a. To demolish, clear, remove, alter or repair unsanitary or unsafe ~~housing; and/or~~housing.

b. To provide safe and sanitary dwelling accommodations for persons of low income, or moderate income, or low and moderate ~~income; and/or~~income.

c. To provide safe and sanitary housing for persons of low income, or moderate income, or low and moderate income, through payment of either or both of the following from any source:

1. ~~rent subsidies from any source; and/or~~Rent subsidies.

2. Relocation assistance.

d. To provide grants, loans, interest supplements and other programs of financial assistance (including rent subsidies in furtherance of a program of home ownership) to persons of low income, or moderate income, or low and moderate income, so that such persons may become owners of their own housing or rehabilitate their own ~~housing; and/or~~housing.

e. To provide grants, loans, interest supplements and other programs of financial assistance to public or private developers of housing for persons of low income, or moderate income, or low and moderate income.

"Housing project" also includes any project that provides housing for persons of other than low or moderate income, as long as at least twenty percent (20%) of the units in the project are set aside for the exclusive use of persons of low income.

The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith."

SECTION 5.(b) G.S. 160A-497 reads as rewritten:

"**§ 160A-497. Senior citizens programs.**

(a) Any city or county may undertake programs for the assistance and care of its senior citizens including but not limited to programs for in-home services, food service, counseling, recreation and transportation, and may appropriate funds for such programs.

(b) Any city council or county may contract with any other governmental agency, or with any public or private association, corporation or organization in undertaking senior citizens programs, and may appropriate funds to any such governmental agency, or to any such public or private association, corporation or organization for the purpose of carrying out such programs. In the event funds appropriated for the purposes of this section are turned over to any agency or

organization other than the city or county for expenditure, no such expenditure shall be made until the city or county has approved it, and all such expenditures shall be accounted for by the agency or organization at the end of the fiscal year for which they were appropriated.

(c) For purposes of this section, the words "senior citizens" shall mean citizens of a city or county who are at least ~~60~~ 55 years of age."

SECTION 6.(a) G.S. 160A-31(i) reads as rewritten:

"(i) A municipality has no authority to adopt a resolution or petition itself under this Part for annexation of property it does not own or have any legal interest in. For the purpose of this subsection, a municipality has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement. Notwithstanding this subsection, a municipality may include in the description of the area to be annexed any adjacent public streets or public street rights-of-way in an annexation ordinance adopted pursuant to this section."

SECTION 6.(b) G.S. 160A-58.2 reads as rewritten:

"**§ 160A-58.2. Public hearing.**

(a) Upon receipt of a petition for annexation under this Part, the city council shall cause the city clerk to investigate the petition, and to certify the results of his investigation. If the clerk certifies that upon investigation the petition appears to be valid, the council shall fix a date for a public hearing on the annexation. Notice of the hearing shall be published once at least 10 days before the date of hearing.

(b) At the hearing, any person residing in or owning property in the area proposed for annexation and any resident of the annexing city may appear and be heard on the questions of the sufficiency of the petition and the desirability of the annexation. If the council then finds and determines that (i) the area described in the petition meets all of the standards set out in G.S. 160A-58.1(b), (ii) the petition bears the signatures of all of the owners of real property within the area proposed for annexation (except those not required to sign by G.S. 160A-58.1(a)), (iii) the petition is otherwise valid, and (iv) the public health, safety and welfare of the inhabitants of the city and of the area proposed for annexation will be best served by the annexation, the council may adopt an ordinance annexing the area described in the petition. The ordinance may be made effective immediately or on any specified date within six months from the date of passage.

(c) Notwithstanding G.S. 160A-58.1(a)(2), a municipality may include in the description of the area to be annexed any adjacent public streets or public street rights-of-way in an annexation ordinance adopted pursuant to this section."

SECTION 6.(c) G.S. 160A-58.7(b) reads as rewritten:

"(b) A city has no authority to adopt a resolution or petition itself under this Part for annexation of property it does not own or have any legal interest in. For the purpose of this subsection, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement. Notwithstanding this subsection, a municipality may include in the description of the area to be annexed any adjacent public streets or public street rights-of-way in an annexation ordinance adopted pursuant to this section."

SECTION 7. G.S. 160A-536(d1) reads as rewritten:

"(d1) Additional Requirements for Certain Contracts. – In addition to the requirements of subsection (d) of this section, if the city enters into a contract with ~~a private agency~~ any person or entity other than its own forces or another governmental agency for a service district under subdivision (a)(1a), (2), or (2a) of this section, the city shall comply with all of the following:

(1) The city shall solicit input from the residents and property owners as to the needs of the service district prior to entering into the contract.

(2) Prior to entering into, or the renewal of, any contract under this section, the city shall use a bid process to determine which ~~private agency~~ person or entity other than its own forces or another governmental agency is best suited to achieve the needs of the service district. The city shall determine criteria for

selection of the ~~private agency~~ person or entity other than its own forces or another governmental agency and shall select ~~a private agency~~ in accordance with those criteria. If the city determines that a multiyear contract with a ~~private agency~~ person or entity other than its own forces or another governmental agency is in the best interest of the city and the service district, the city may enter into a multiyear contract not to exceed five years in length.

(3) The city shall hold a public hearing prior to entering into the contract, which shall be noticed by publication in a newspaper of general circulation, for at least two successive weeks prior to the public hearing, in the service district.

(4) The city shall require the ~~private agency~~ person or entity other than its own forces or another governmental agency with which the city contracted to report annually to the city, by presentation in a city council meeting and in written report, regarding the needs of the service district, completed projects, and pending projects. Prior to the annual report, the ~~private agency~~ person or entity other than its own forces or another governmental agency shall seek input of the property owners and residents of the service district regarding needs for the upcoming year.

(5) The contract shall specify the scope of services to be provided by the ~~private agency.~~ person or entity other than its own forces or another governmental agency. Any changes to the scope of services shall be approved by the city council."

SECTION 8. G.S. 162A-211 is amended by adding a new subsection to read:

"(a1) Revenue from system development fees calculated using the combined cost method may be expended for previously completed capital improvements for which capacity exists and for capital rehabilitation projects."

SECTION 9. Except as otherwise provided, this act is effective when it becomes law.

HOUSE BILL 557:
Municipal Omnibus Bill.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 22, 2019
Introduced by:	Reps. Ross, Adcock	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	PCS to First Edition H557-CSSTxf-33		

OVERVIEW: The proposed committee substitute (PCS) to House Bill 557 would make changes to various laws affecting municipalities.

[As introduced, this bill was identical to S504, as introduced by Sens. McKissick, T. Alexander, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW / BILL ANALYSIS:

Section 1. The Machinery Act bars cities and counties from maintaining an enforcement action to collect taxes more than ten years past due but it does not relieve the taxpayer of the obligation to collect taxes more than ten years past due.

Section 1 of the PCS, effective when law, would authorize cities and counties to relieve its tax collector of the obligation to collect any taxes more than ten years old that appear uncollectible to the governing body.

Section 2. County boards of commissioners determine, by resolution, the distribution of allocated sales and use taxes among the county and its municipalities that will be in effect during the next succeeding fiscal year. The resolution must be adopted in during the month of April of each year, and must determine whether the per capita distribution method or the ad valorem distribution method will be used. To be effective, a certified copy of the resolution must be delivered to the Secretary of Revenue within 15 calendar days after adoption. If the board fails to adopt a resolution choosing a method of distribution not then in effect in the county, or if a certified copy of the resolution is not timely delivered to the Secretary, the method of distribution then in effect in the county shall continue in effect for the following fiscal year.

Section 2 of the PCS, effective when law and applicable to resolutions adopted on or after that date, would provide that:

- A county board's resolution changing the distribution method for sales taxes must be adopted in November rather than April.
- A county board's resolution changing the distribution method would not become effective unless written notice is provided to the affected municipalities before December 15 in the year of adoption and written notice is provided to the Secretary of Revenue.

Section 3. State law provides that certain contracts for the sale, lease, or that offer to sell or lease, any product or service to a consumer where the contract automatically renews unless the consumer cancels the

contract, must contain certain disclosures pertaining to the automatic renewal provision. Contracts in violation render the automatic renewal clause void and unenforceable.

Section 3 of the PCS, effective when law, would:

- Exempt from liability, any public officer or employee of any local subdivision who disburses public funds pursuant to a contract rendered void and unenforceable for violating the automatic contract renewal provisions.

Section 4. The Parks and Recreation Trust Fund in the State Treasurer's Office is a special revenue fund consisting of donations, gifts, and devises to the Trust Fund and other moneys appropriated to the Trust Fund by the General Assembly. Funds in the Trust Fund are annually appropriated to the North Carolina Parks and Recreation Authority and, unless otherwise specified by the General Assembly or the terms or conditions of a gift or grant, are allocated as follows:

(1) Sixty-five percent (65%) for the State Parks System or a State recreational forest for capital projects, repairs and renovations of park facilities, and land acquisition.
(2) Thirty percent (30%) to provide matching funds to local governmental units or public authorities as defined in G.S. 159-7 on a dollar-for dollar basis for local park and recreation purposes.
(3) Five percent (5%) for the Coastal and Estuarine Water Beach Access Program.

Section 4 of the PCS, effective July 1, 2019 and applicable to allocations on or after that date, would add tier one counties or local governments located within a tier one county, as an authorized recipient eligible for part of the allocated thirty percent (30%) matching funds from the Parks and Recreation Trust Fund to be used for local park and recreation purposes.

Section 5. The State Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes, authorizes a housing authority to carry out and operate housing projects. A housing project includes the provision of safe and sanitary housing for persons of low income through payment of rent subsidies from any source.

Cities are authorized to undertake programs for the assistance and care of its senior citizens including programs for in-home services, food service, counseling, recreation and transportation, and may appropriate funds for such programs. A senior citizen is one who is at least 60 years old.

Section 5 of the PCS, effective when law, would:

- Add relocation assistance for persons of moderate or low and moderate income to the type of housing projects for which a housing authority may make payments in order to provide safe and sanitary housing.
- Reduce the age of a person's eligibility for senior citizen programs undertaken by a city from age 60 to age 55.

Section 6. Annexation is a method by which a municipality alters its boundary through adoption of an annexation ordinance after following certain prescribed statutory procedures in Article 4A of Chapter 160A of the General Statutes. Statutory annexation may be voluntary or involuntary. Annexation may also be through a local act of the General Assembly. A city may voluntary annex (i) property that is contiguous to the city's boundaries or (ii) property not contiguous to the city's boundaries (known as *satellite* annexation). Either form of voluntary annexation requires the consent of the owners of all real property in area to be annexed. State law authorizes a city to voluntarily annex its own property, however

a city has no authority to annex property it does not own or have any legal interest in. State law provides that a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.

Section 6 of the PCS, effective when law, would authorize a city to include in the description of any area to be voluntarily annexed, any adjacent public streets or public street rights-of-way the city does not own.

Section 7. The city council of any city may define any number of service districts in order to finance, provide, or maintain districts for beach erosion control, historic district preservation, downtown or urban revitalization, transit-oriented projects, drainage projects, sewage collection and disposal, off-street parking, watershed improvement, and conversion of private residential streets to public streets. A city may provide the service for which the service district is created with its own forces, or it may contract for provision of the service with another governmental agency, a private agency, or any combination thereof. If a city contracts with a private agency for the provision of services created for historic district preservation or for downtown or urban revitalization, the city must first comply with certain additional procedural requirements including using a bid process, holding a public hearing, and requiring the provider to submit an annual report to the city.

Section 7 of the PCS, effective when law, would clarify that if a city contracts with another governmental agency to provide services for service districts created for historic district preservation, downtown revitalization, or for urban revitalization, the city need not comply with the additional procedural requirements.

Section 8. Cities are authorized to collect system development fees for services imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to the new development, to recoup costs of existing facilities which serve the new development, or a combination of those costs. System development fees may be calculated using the incremental cost method, marginal cost method, combined cost method, or the buy-in method.

Revenue from system development fees calculated using the incremental cost method or marginal cost method, exclusively or as part of the combined cost method, may only be expended only to pay (i) costs of constructing capital improvements, (ii) certain professional fees, and (iii) for the payment of principal and interest on bonds and notes if no construction is planned within five years.

Section 8 of the PCS, effective when law, would authorize system development fees calculated using the combined cost method to be used for (i) previously completed capital improvements for which capacity exists and for (ii) capital rehabilitation projects.

EFFECTIVE DATE: The act has effective dates as set forth above.

HOUSE BILL 557

Short Title:	Municipal Omnibus Bill.	(Public)
Sponsors:	Representatives Ross and Adcock (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING MUNICIPALITIES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 105-373 is amended by adding a new subsection to read:

"(i) Relief from Collecting Unpaid Taxes After Ten Years. – The governing body of any taxing unit may, in its discretion, relieve the tax collector of the charge of taxes owed that are ten or more years past due when it appears to the governing body that such taxes are uncollectable."

SECTION 1.(b) This section becomes effective for taxable years beginning on or after January 1, 2019.

SECTION 2.(a) G.S. 105-472(b) reads as rewritten:

"(b) Distribution Between Counties and Cities. – The Secretary shall divide the amount allocated to each taxing county among the county and its municipalities in accordance with the method determined by the county. The board of county commissioners shall, by resolution, choose one of the following methods of distribution:

(1) Per Capita Method. – The net proceeds of the tax collected in a taxing county shall be distributed to that county and to the municipalities in the county on a per capita basis according to the total population of the taxing county, plus the total population of the municipalities in the county. In the case of a municipality located in more than one county, only that part of its population living in the taxing county is considered its "total population". In order to make the distribution, the Secretary shall determine a per capita figure by dividing the amount allocated to each taxing county by the total population of that county plus the total population of all municipalities in the county. The Secretary shall then multiply this per capita figure by the population of the taxing county and by the population of each municipality in the county; each respective product shall be the amount to be distributed to the county and to each municipality in the county. To determine the population of each county and each municipality, the Secretary shall use the most recent annual estimate of population certified by the State Budget Officer.

(2) Ad Valorem Method. – The net proceeds of the tax collected in a taxing county shall be distributed to that county and the municipalities in the county in proportion to the total amount of ad valorem taxes levied by each on property having a tax situs in the taxing county during the fiscal year next preceding

the distribution. For purposes of this section, the amount of the ad valorem taxes levied by a county or municipality includes ad valorem taxes levied by the county or municipality in behalf of a taxing district and collected by the county or municipality. In addition, the amount of taxes levied by a county includes ad valorem taxes levied by a merged school administrative unit described in G.S. 115C-513 in the part of the unit located in the county. In computing the amount of tax proceeds to be distributed to each county and municipality, the amount of any ad valorem taxes levied but not substantially collected shall be ignored. Each county and municipality receiving a distribution of the proceeds of the tax levied under this Article shall in turn immediately share the proceeds with each district in behalf of which the county or municipality levied ad valorem taxes in the proportion that the district levy bears to the total levy of the county or municipality. Any county or municipality that fails to provide the Department of Revenue with information concerning ad valorem taxes levied by it adequate to permit a timely determination of its appropriate share of tax proceeds collected under this Article may be excluded by the Secretary from each monthly distribution with respect to which the information was not provided in a timely manner, and those tax proceeds shall then be distributed only to the remaining counties or municipalities, as appropriate. For the purpose of computing the distribution of the tax under this subsection to any county and the municipalities located in the county for any month with respect to which the property valuation of a public service company is the subject of an appeal and the Department of Revenue is restrained by law from certifying the valuation to the county and the municipalities in the county, the Department shall use the last property valuation of the public service company that has been certified.

The board of county commissioners in each taxing county shall, by resolution adopted during the month of ~~April~~ November of each year, determine which of the two foregoing methods of distribution shall be in effect in the county during the next succeeding fiscal year. In order for the resolution to be effective, a certified copy of it must be delivered to the Secretary in Raleigh within 15 calendar days after its adoption. If the board fails to adopt a resolution choosing a method of distribution not then in effect in the county, or if a certified copy of the resolution is not timely delivered to the Secretary, the method of distribution then in effect in the county shall continue in effect for the following fiscal year. Provided, if a board of county commissioners changes the method of distribution from the prior fiscal year, such change from the prior fiscal year shall not become effective unless written notice is provided to the affected municipalities before December 15 in the year of adoption of the resolution and copies of such written notice are submitted to the Secretary. The method of distribution in effect on the first of July of each fiscal year shall apply to every distribution made during that fiscal year."

SECTION 2.(b) This section is effective when it becomes law and applies to resolutions determining the method of distribution adopted on or after that date.

SECTION 3. G.S. 75-41(e) reads as rewritten:

"(e) A violation of this section renders the automatic renewal clause void and unenforceable. Nothing in this section creates liability for any public officer or employee of a political subdivision of the State for disbursement of public funds pursuant to a contract rendered void under this subsection."

SECTION 4.(a) G.S. 143B-135.56(b)(2) reads as rewritten:

"(2) Thirty percent (30%) to provide matching funds to local governmental units or public authorities as defined in G.S. 159-7 on a dollar-for-dollar basis for local park and recreation ~~purposes.~~ purposes, to local governmental units

identified as a tier one area as defined in G.S. 143B-437.08, or to a local governmental unit located within a tier one area as defined in G.S. 143B-437.08. The appraised value of land that is donated to a local government unit or public authority may be applied to the matching requirement of this subdivision. These funds shall be allocated by the North Carolina Parks and Recreation Authority based on criteria patterned after the Open Project Selection Process established for the Land and Water Conservation Fund administered by the National Park Service of the United States Department of the Interior."

SECTION 4.(b) This section becomes effective July 1, 2019, and applies to allocations on or after that date.

SECTION 5.(a) G.S. 157-3(12) reads as rewritten:

"(12) "Housing project" shall include all real and personal property, buildings and improvements, stores, offices, lands for farming and gardening, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or ~~undertaking:~~undertaking to do any of the following:

a. To demolish, clear, remove, alter or repair unsanitary or unsafe ~~housing; and/or~~housing.

b. To provide safe and sanitary dwelling accommodations for persons of low income, or moderate income, or low and moderate ~~income; and/or~~income.

c. To provide safe and sanitary housing for persons of low income, or moderate income, or low and moderate income, through payment of either or both of the following from any source:

1. ~~rent subsidies from any source; and/or~~Rent subsidies.

2. Relocation assistance.

d. To provide grants, loans, interest supplements and other programs of financial assistance (including rent subsidies in furtherance of a program of home ownership) to persons of low income, or moderate income, or low and moderate income, so that such persons may become owners of their own housing or rehabilitate their own ~~housing; and/or~~housing.

e. To provide grants, loans, interest supplements and other programs of financial assistance to public or private developers of housing for persons of low income, or moderate income, or low and moderate income.

"Housing project" also includes any project that provides housing for persons of other than low or moderate income, as long as at least twenty percent (20%) of the units in the project are set aside for the exclusive use of persons of low income.

The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith."

SECTION 5.(b) G.S. 160A-497 reads as rewritten:

"**§ 160A-497. Senior citizens programs.**

(a) Any city or county may undertake programs for the assistance and care of its senior citizens including but not limited to programs for in-home services, food service, counseling, recreation and transportation, and may appropriate funds for such programs.

(b) Any city council or county may contract with any other governmental agency, or with any public or private association, corporation or organization in undertaking senior citizens programs, and may appropriate funds to any such governmental agency, or to any such public or private association, corporation or organization for the purpose of carrying out such programs. In the event funds appropriated for the purposes of this section are turned over to any agency or organization other than the city or county for expenditure, no such expenditure shall be made until the city or county has approved it, and all such expenditures shall be accounted for by the agency or organization at the end of the fiscal year for which they were appropriated.

(c) For purposes of this section, the words "senior citizens" shall mean citizens of a city or county who are at least ~~60~~ 55 years of age."

SECTION 6.(a) G.S. 160A-31(i) reads as rewritten:

"(i) A municipality has no authority to adopt a resolution or petition itself under this Part for annexation of property it does not own or have any legal interest in. ~~For the purpose of this subsection, a municipality has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.~~The city council may include in the ordinance of annexation a description of the area to be annexed any State-maintained street, street rights-of-way, or easement."

SECTION 6.(b) G.S. 160A-58.1(a)(2) reads as rewritten:

"(2) It is signed by the city for the annexation of property the city does not own or have a legal interest in. ~~For the purpose of this subdivision, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.~~ The city council may include in the ordinance of annexation a description of the area to be annexed any State-maintained street, street rights-of-way, or easement."

SECTION 6.(c) G.S. 160A-58.7(b) reads as rewritten:

"(b) A city has no authority to adopt a resolution or petition itself under this Part for annexation of property it does not own or have any legal interest in. ~~For the purpose of this subsection, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.~~The city council may include in the ordinance of annexation a description of the area to be annexed any State-maintained street, street rights-of-way, or easement."

SECTION 7. G.S. 160A-536(d1) reads as rewritten:

"(d1) Additional Requirements for Certain Contracts – In addition to the requirements of subsection (d) of this section, if the city enters into a contract with ~~a private agency~~ any person or entity other than its own forces or another governmental agency for a service district under subdivision (a)(1a), (2), or (2a) of this section, the city shall comply with all of the following:

(1) The city shall solicit input from the residents and property owners as to the needs of the service district prior to entering into the contract.

(2) Prior to entering into, or the renewal of, any contract under this section, the city shall use a bid process to determine which ~~private agency~~ person or entity other than its own forces or another governmental agency is best suited to achieve the needs of the service district. The city shall determine criteria for selection of the private ~~agency~~ person or entity other than its own forces or another governmental agency and shall select ~~a private agency~~ in accordance with those criteria. If the city determines that a multiyear contract with a ~~private agency~~ person or entity other than its own forces or another governmental agency is in the best interest of the city and the service district, the city may enter into a multiyear contract not to exceed five years in length.

(3) The city shall hold a public hearing prior to entering into the contract, which shall be noticed by publication in a newspaper of general circulation, for at least two successive weeks prior to the public hearing, in the service district.

(4) The city shall require the ~~private agency~~ person or entity other than its own forces or another governmental agency with which the city contracted to report annually to the city, by presentation in a city council meeting and in written report, regarding the needs of the service district, completed projects, and pending projects. Prior to the annual report, the ~~private agency~~ person or entity other than its own forces or another governmental agency shall seek input of the property owners and residents of the service district regarding needs for the upcoming year.

(5) The contract shall specify the scope of services to be provided by the ~~private agency.~~ person or entity other than its own forces or another governmental agency. Any changes to the scope of services shall be approved by the city council."

SECTION 8. G.S. 162A-211 is amended by adding a new subsection to read:

"(a1) Revenue from system development fees calculated using the combined cost method may be expended for previously completed capital improvements for which capacity exists and for capital rehabilitation projects."

SECTION 9. Except as otherwise provided, this act is effective when it becomes law.

NCLM
NC LEAGUE OF MUNICIPALITIES

ERIN
WYNIA
Chief Legislative Counsel

m 919 [illegible]6108
e ewynia@nclm.org

434 Fayetteville Street, Suite 1900, Raleigh, NC 27601
nclm.org

Committee Sergeants at Arms

NAME OF COMMITTEE H C on State and Local Government

DATE: 5/22/2019 Room: 1228/1327

House Sgt-At Arms:

1. Name: Rex Foster
2. Name: Ken Gilbert
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Wednesday, May 22, 2019
Session: 2:00 PM

Committee	Room	Time	Staff	Comments	Member
Finance	544	8:30 AM	Rachel Gilbert		Rep. Rachel Hunt
			Talia Ginsberg		Speaker Tim Moore
			David Hafer		Rep. Mitchell S. Setzer
			Sarah Klas		Speaker Tim Moore
State and Local Government I	1228/1327	10:00 AM	Harrison Gobble		Rep. Larry Potts
			Aidan Guilfoyle		Rep. Harry Warren
			Samuel Jackson		Rep. Charles Graham
			Schuyler Fuller		Rep. Kelly Alexander

VISITOR REGISTRATION SHEET

H C on State and Local Government — 5/22/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Carolyn Snell	Rep. faircloth
Caleb Green	Rep Faircloth
David Heinen	NC Center for Nonprofits
April Neumann	MWC
Adam Rademaker	NCACC
Erin Wynia	NCLM
Richard Bostic	NCSBA
Hill Carrow	US Figure Skating Championships
Rob Goodman	Greensboro Sports Foundation
Mike Hager	N/CS

VISITOR REGISTRATION SHEET

H C on State and Local Government — 5/22/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Alma Yanez	Latino Family Center YWCA
Starlynn Mendez	LFC YWCA
Kevin Garcia	LFC YWCA
Christian Ngabo	YWCA
Veronica Mendez	YWCA
Luis Lopez	YWCA
Julio Trinidad	YWCA
Ramiro Suarez	YWCA

VISITOR REGISTRATION SHEET

H C on State and Local Government — 5/22/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jason Joyner	NEW FRAME
Jacqueline Scott	Williams Mullen
Rosha Fortson	SEANC
Parish Moffitt	Constituent
Neil Rover	NCMS
Susi Faull	Fetzer Lee, LLC
Jay Barnes	NC Agriculture Society

VISITOR REGISTRATION SHEET

H C on State and Local Government — 5/22/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Maria Mayorga YWCA High Point	16 individuals: 155 W Westwood Ave HP, NC 27262

House Committee on State and Local Government
Wednesday, June 12, 2019 at 10:00 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on June 12, 2019 in Room 1228/1327 of the Legislative Building. Representatives Warren and Corbin, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Boles, Carter, Fisher, Graham, Jarvis, Logan, McElraft, Quick, Ross, Sasser, von Haefen, and Willingham attended.

Representative Harry Warren, Chair, presided.

The following bills were considered:

HB 407 - Spindale Drainage. (Representative Rogers)
Chairman Warren recognized Rep. Rogers to explain the bill. The Chairman opened the floor for discussion. Former Rep. Mike Hager of Hager Strategic Solutions was recognized to address the committee. Reps. Speciale, Autry, Fisher, McElraft, and Warren asked questions. Rep. McElraft was recognized and moved that HB 407 receive a Favorable Report with a referral to Appropriations, Agriculture and Natural, and Economic Resources. The Chairman opened the floor for a vote and the motion passed.

SB 84 - Walkertown Zoning Authorizations. (Senator Krawiec)
Chairman Warren recognized Rep. Conrad to explain the bill on behalf of Sen. Krawiec. The Chairman opened the floor for discussion. There being none, Rep. Fisher was recognized and moved that SB 84 receive a Favorable Report with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

SB 95 - Veterans Memorial Funds/Do Not Revert. (Senator Burgin)
Chairman Warren recognized Sen. Burgin and Rep. C. Smith to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Corbin was recognized and moved that the PCS for SB 95 receive a Favorable Report, unfavorable to the original bill with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

SB 191 - Out-of-State Law Enforcement/2020 Rep Convtn. (Senators Waddell, Bishop)
Chairman Warren recognized Sen. Waddell to explain the bill. The Chairman opened the floor for discussion. Rep. Autry asked a question. Rep. Cleveland was recognized and moved that SB 191 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

SB 194 - West Jefferson Satellite Annexations. (Senator Ballard)
Chairman Warren recognized Rep. Russell to explain the bill on behalf of Sen. Ballard. The Chairman opened the floor for discussion. Rep. Boles asked a question. Rep. Fisher was recognized and moved that SB 194 receive a Favorable Report with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

SB 235 - Franklin/Nash Municipalities/Unfit Dwellings. (Senator J. Alexander)
Chairman Warren recognized Rep. Barnes to explain the bill on behalf of Sen. Alexander. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that SB 235 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

SB 242 - Recreational Land Fee Changes. (Senator Burgin)
Chairman Warren recognized Sen. Burgin to explain the bill. The Chairman opened the floor for discussion. Rep. Autry asked a question. Rep. Cleveland was recognized and moved that SB 242 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

The meeting adjourned at 10:18.

Representative Harry Warren, Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB 407, Summary and Committee Report
4. SB 84, Summary and Committee Report
5. SB 95, PCS, Summary, and Committee Report
6. SB 191, Summary and Committee Report
7. SB 194, Summary and Committee Report
8. SB 235, Summary and Committee Report
9. SB 242, Summary and Committee Report
10. Sergeant-at-Arms
11. Pages
12. Visitor Registration Forms

Updated #1: Add SB191

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, June 12, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 407	Spindale Drainage.	Representative Rogers
SB 84	Walkertown Zoning Authorizations.	Senator Krawiec
SB 95	Veterans Memorial Funds/Do Not Revert.	Senator Burgin
SB 191	Out-of-State Law Enforcement/2020 Rep Convtn.	Senator Waddell Senator Bishop
SB 194	West Jefferson Satellite Annexations.	Senator Ballard
SB 235	Franklin/Nash Municipalities/Unfit Dwellings.	Senator J. Alexander
SB 242	Recreational Land Fee Changes.	Senator Burgin

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:22 PM on Tuesday, June 11, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
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SB 194	West Jefferson Satellite Annexations.	Senator Ballard
SB 235	Franklin/Nash Municipalities/Unfit Dwellings.	Senator J. Alexander
SB 242	Recreational Land Fee Changes.	Senator Burgin

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:53 AM on Tuesday, June 11, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, June 12, 2019, 10:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 407	Spindale Drainage.	Representative Rogers
SB 84	Walkertown Zoning Authorizations.	Senator Krawiec
SB 95	Veterans Memorial Funds/Do Not Revert.	Senator Burgin
SB 191	Out-of-State Law Enforcement/2020 Rep Convtn.	Senator Waddell Senator Bishop
SB 194	West Jefferson Satellite Annexations.	Senator Ballard
SB 235	Franklin/Nash Municipalities/Unfit Dwellings.	Senator J. Alexander
SB 242	Recreational Land Fee Changes.	Senator Burgin

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **407** Spindale Drainage.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS, AGRICULTURE AND NATURAL AND ECONOMIC RESOURCES**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Rogers

SB **84** Walkertown Zoning Authorizations.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Conrad

SB **191** Out-of-State Law Enforcement/2020 Rep Convtn.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Alexander

SB **194** West Jefferson Satellite Annexations.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Russell

SB **235** **(CS#1)** Franklin/Nash Municipalities/Unfit Dwellings.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Barnes



SB **242** **(CS#1)** Recreational Land Fee Changes.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB NO. 2 AND RE-REFERRED

SB **95** **(CS#2)** Veterans Memorial Funds/Do Not Revert.

Draft Number:	S95-PCS35294-TUa-19
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

TOTAL REPORTED: 7

HOUSE BILL 407:
Spindale Drainage.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Appropriations, Agriculture and Natural and Economic Resources. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 12, 2019
Introduced by:	Rep. Rogers	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 407 would appropriate $100,000 for the 2019-2020 fiscal year for stormwater infrastructure upgrades in the Town of Spindale.

BILL ANALYSIS: House Bill 407 would appropriate $100,000 for the 2019-2020 fiscal year from the General Fund to the Department of Environmental Quality to provide a grant-in-aid to the Town of Spindale for stormwater infrastructure upgrades.

EFFECTIVE DATE: This act would become effective July 1, 2019.

Aaren Cochrane-Brown
Director

H407-SMBA-61 E1 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 407

Short Title:	Spindale Drainage.	(Public)
Sponsors:	Representative Rogers. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Appropriations, Agriculture and Natural and Economic Resources, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House	

March 21, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR STORMWATER INFRASTRUCTURE UPGRADES FOR THE TOWN OF SPINDALE.

The General Assembly of North Carolina enacts:

SECTION 1. The sum of one hundred thousand dollars ($100,000) in nonrecurring funds for the 2019-2020 fiscal year is appropriated from the General Fund to the Department of Environmental Quality to provide a grant-in-aid to the Town of Spindale for stormwater infrastructure upgrades.

SECTION 2. This act becomes effective July 1, 2019.

SENATE BILL 84:
Walkertown Zoning Authorizations.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 12, 2019
Introduced by:	Sen. Krawiec	**Prepared by:**	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: Senate Bill 84 would amend the Charter of the Town of Walkertown to permit the Town to create general use zoning districts and special use zoning districts, and to provide that the issuance of a special use district permit is a legislative act.

[As introduced, this bill was identical to H181, as introduced by Rep. Conrad, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: Article 19 of Chapter 160A authorizes cities to adopt zoning ordinances for the purpose of promoting health, safety, morals, or the general welfare of the community. For those purposes, a city may divide its territorial jurisdiction into districts of any number, shape, and area and may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. These districts may include general use districts in which a variety of uses are permissible in accordance with general standards, and special use districts or conditional use districts in which uses are permitted only upon the issuance of a special use permit or a conditional use permit. The act of a governing body to rezone property is a legislative decision. The act of a governing body to issue a special use permit or a conditional use permit is a quasi-judicial decision. The governing board procedures for legislative decisions are different from those for quasi-judicial decisions.

BILL ANALYSIS: Senate Bill 84 would amend the Charter of the Town of Walkertown to authorize the Town to create general use zoning districts to allow a variety of uses, and to create special use zoning districts to allow a single use upon the issuance by the Walkertown Town Council of a special use permit prescribing the conditions upon which the special use will be permitted. Additionally, the bill would (i) deem the issuance of a special use permit by the Town Council to be a legislative act and (ii) would make the procedural standards for legislative acts applicable to the Council's consideration and issuance of a special use permit.

EFFECTIVE DATE: The act is effective when the bill becomes law and would apply to rezoning petitions filed on or after that date.

aren Cochrane-Brown
Director

S84-SMBD-74 E1 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SENATE BILL 84

Short Title:	Walkertown Zoning Authorizations.	(Local)
Sponsors:	Senators Krawiec (Primary Sponsor); and Lowe.	
Referred to:	Rules and Operations of the Senate	

February 20, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WALKERTOWN TO ALLOW THE TOWN TO ENACT CERTAIN PROCEDURES RELATED TO ZONING AND SPECIAL USE PERMITTING.

The General Assembly of North Carolina enacts:

SECTION 1. The Town Charter of the Town of Walkertown, being Chapter 936 of the Session Laws of 1983, is amended by adding a new section to read:

"Section 10.1. The Town Council of the Town of Walkertown is hereby empowered by ordinance to regulate in any portion or portions of the Town the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry, or other purposes.

For any or all of these purposes, the Town may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this section; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts; provided, however, that the Town may provide for the creation of special use districts in addition to general use districts.

It is the purpose and intent of this section to permit the Town to create general use districts in which a variety of uses are permitted, and to also create special use districts in which a single use is permitted upon the issuance by the Town Council of a special use permit prescribing the conditions under which such use will be permitted.

A person petitioning for rezoning of a tract of land, where special use districts are authorized by ordinance, may elect to request general use district zoning for said tract, or the person may elect to request special use district zoning for said tract.

If a person elects to petition for general use district zoning, the person may not refer, either in the petition or at any hearings related to the petition, to the use intended for the property upon rezoning. The Town Council may not consider the intended use in determining whether to approve or disapprove the petition, but shall consider the full range of uses permitted within the requested general use district. If the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district.

If the petitioner elects to petition for special use district zoning, the petition must specify the actual use intended for the property specified in the petition, and the intended use must be one permitted in the corresponding general use district. If the petition is for special use district zoning, the Town Council is to approve or disapprove the petition on the basis of the specific use

requested. If the petition is approved, the Town Council shall issue a special use district permit authorizing the requested use with such reasonable conditions as the Town Council determines to be desirable in promoting public health, safety, and general welfare. The act of issuing a special use district permit shall be deemed to be a legislative act of the Town Council, and the procedural standards applicable to the legislative acts shall apply to the consideration and issuance of a special use permit.

The conditions contained in a special use permit issued by the Town Council may include: location of the proposed use on the property; the number of dwelling units; the location and extent of support facilities such as parking lots, driveways, and access streets; location and extent of buffer areas and other special purpose areas; the timing of development; and such other matters as the petitioner may propose and the Town Council may find appropriate.

It is the further intent of this section to permit the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety, and welfare, and ensure that substantial justice be done."

SECTION 2. This act is effective when it becomes law and applies to petitions filed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 95

Appropriations/Base Budget Committee Substitute Adopted 3/21/19
Appropriations/Base Budget Committee Substitute Adopted 3/26/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S95-CSTUa-19 [v.1]
06/07/2019 11:11:23 AM

Short Title: Veterans Memorial Funds/Do Not Revert. (Public)

Sponsors:

Referred to:

February 21, 2019

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT FUNDS APPROPRIATED FOR THE CONSTRUCTION OF PUBLIC FACILITIES AT THE NORTH CAROLINA VETERANS MEMORIAL PAVILION SHALL NOT REVERT TO THE GENERAL FUND UNTIL JUNE 30, 2020, PROVIDING THAT CERTAIN REGIONAL WATER AND SEWER FUNDING SHALL NOT REVERT UNTIL JUNE 30, 2021, AND REDIRECTING CERTAIN STORM RESILIENCE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any provision of S.L. 2017-57, or of the Committee Report described in Section 39.2 of that act to the contrary, the sum of two hundred fifty thousand dollars ($250,000) in nonrecurring funds for the 2017-2018 fiscal year appropriated in that act to the Department of Military and Veterans Affairs for the construction of public facilities at the North Carolina Veterans Memorial Pavilion in Broadway, North Carolina, shall not revert on June 30, 2019, as required by Section 6.13(c) of that act, but shall remain available for expenditure until June 30, 2020.

SECTION 2. Section 14.20A of S.L. 2016-94, as amended by Section 1 of S.L. 2017-17, reads as rewritten:

"**REGIONAL WATER AND SEWER FUNDING**

"**SECTION 14.20A.(a)** Of the funds appropriated to the Department of Environmental Quality, Division of Water Infrastructure, by this act, the sum of fourteen million five hundred forty-eight thousand nine hundred eighty-one dollars ($14,548,981) shall be used to fund interconnection, extension of water and sewer lines, and related water and wastewater system modification and expansion involving the Counties of Rockingham and Guilford and the municipalities of Oak Ridge, Stokesdale, Summerfield, Reidsville, Madison, and Mayodan. Of the funds allocated by this section, no more than twenty-five percent (25%) of the funds shall be used for Guilford County and may include one or more of the municipalities listed in this section located in Guilford County, and no more than seventy-five percent (75%) shall be used for Rockingham County and may include one or more of the municipalities listed in this section located in Rockingham County. The funds allocated by this section may be spent for planning, design, survey, real property acquisition, construction, repair, and any other activities necessary to improve the performance and reliability and expand the capacity and service footprint of participating water and wastewater systems in Rockingham and Guilford Counties. The Counties of Rockingham and Guilford and the municipalities participating in the interconnection and extension of water and sewer lines within each county funded by this section shall agree on the

use of the funds allocated by this section through any combination of (i) interlocal agreements under Article 20 of Chapter 160A of the General Statutes that specify, at a minimum, the ownership of the water ~~lines~~ lines, sewer lines, and related infrastructure funded by this section and long-term maintenance, repair, and replacement responsibility or (ii) one or more regional water and sewer authorities under Article 1 of Chapter 162A of the General Statutes.

"**SECTION 14.20A.(b)** Notwithstanding G.S. 143C-6-23(f1)(1) and G.S. 143C-1-2, funds allocated by this section shall be held in reserve by the Office of State Budget and Management and the allocations to each County shall be released when the County and one or more of the municipalities specified in subsection (a) of this section reach agreement on the funds allocated to that County by this section through interlocal agreements or the formation of regional water and sewer authorities or a combination of interlocal agreements and regional water and sewer authorities. Funds not spent or encumbered by June 30, ~~2020,~~ 2021, shall be returned by the local governments or regional water and sewer authority to the Office of State Budget and Management and revert to the General Fund."

SECTION 3. Section 13.9 of S.L. 2018-5, as amended by Section 2.9 of S.L. 2018-138, reads as rewritten:

"**DEQ ~~GRANT-IN-AID~~GRANTS-IN-AID**

"**SECTION 13.9.(a)** Of the funds appropriated in this act to the Department of Environmental Quality, Division of Water Resources, the sum of five million dollars ($5,000,000) shall be ~~used to provide a grant-in-aid to Resource Institute, Inc., for the purpose of working with local governments on Topsail Island and engineering firms to develop, plan, or implement projects intended to mitigate the impacts of future hurricanes on Topsail Island.~~ allocated in equal amounts to the Towns of North Topsail Beach, Surf City, and Topsail Beach for hurricane recovery projects in or benefitting the Towns and their adjoining coastline."

"**SECTION 13.9.(b)** On or before October 1, 2019, ~~Resource Institute, Inc.,~~ the recipients of allocations under this section shall submit a report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division. The report shall contain at least all of the following:

(1) A list of participating local governments and engineering firms and other partners in projects funded under this section.

(2) A list of projects ~~funded on Topsail Island,~~funded, including a summary of the costs and the scope of the project.

~~(3) A summary of the emerging techniques developed and implemented as a result of the efforts of the collaboration between local governments, engineering firms, and Resource Institute, Inc.~~

~~(4)~~(3) Documentation of the impact on the resilience of beach nourishment projects."

SECTION 4. This act becomes effective June 30, 2019.

SENATE BILL 95:
Veterans Memorial Funds/Do Not Revert.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 12, 2019
Introduced by:	Sen. Burgin	**Prepared by:**	Billy R. Godwin
Analysis of:	PCS to Third Edition S95-CSTUa-19		Staff Attorney

OVERVIEW: Senate Bill 95 would:

- ***Provide that funds appropriated for the construction of public facilities at the North Carolina Veterans Memorial Pavilion not revert to the General Fund until June 30, 2020.***
- ***Extend until June 30, 2021, the time in which funds allocated for water lines for Rockingham and Guilford counties, and certain municipalities within those counties, may be used before reverting to the General Fund, and would expand the use of those funds to include sewer and wastewater projects.***
- ***Reallocate $3,400,000 to provide a grant to the Resource Institute, Inc., to work with the Towns of Surf City and Topsail Beach to develop plans to mitigate the impact of future hurricanes and would reallocate $1,600,000 to the Town of North Topsail for hurricane recovery projects.***

The PCS would allocate the $5,000,000 directly to the Towns of North Topsail Beach, Surf City, and Topsail Beach in equal amounts.

CURRENT LAW: S.L. 2017-57 ("Current Operations Appropriations Act of 2017") appropriated the sum of two hundred fifty thousand dollars ($250,000) in nonrecurring funds for the 2017-2018 fiscal year to the Department of Military and Veterans Affairs for the construction of public facilities at the North Carolina Veterans Memorial Pavilion in Broadway, North Carolina. Section 6.13(c) of S.L. 2017-57, which applies to the aforementioned funds, requires the return of funds to the State that have not been expended, made subject to an encumbrance, or disbursed to a subgrantee, by June 30, 2019.

Section 14.20A of S.L. 2016-94 ("Current Operations and Capital Improvements Appropriations Act of 2016"), as amended by Section 1 of S.L. 2017-17 ("Clarify Regional Water and Sewer Funds"), appropriated $14,548,981 in nonrecurring funds to DEQ to fund interconnection and extension of water lines of a Regional Water and Sewer Authority that included Rockingham and Guilford Counties and municipalities within those counties (or related regional interconnections with such municipalities if necessary to meet news of the Authority). Funds allocated but not used by June 30, 2020, revert to the General Fund.

Section 13.9 of S.L. 2018-5 ("Current Operations Appropriations Act of 2018"), as amended by Section 2.9 of 2018-138 ("Hurricane Florence/Supplemental Act"), provided a grant-in-aid of $5,000,000 to the Resource Institute, Inc., to work with local governments on Topsail Island and engineering firms to develop, plan, or implement projects intended to mitigate the impact of future hurricanes on Topsail Island.

BILL ANALYSIS: The PCS to Senate Bill 95 would do the following:

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 1 would extend until June 30, 2020, the deadline to use funds appropriated to the Department of Military and Veterans Affairs for the construction of public facilities at the North Carolina Veterans Memorial Pavilion in Broadway, North Carolina.

Section 2 would extend until June 30, 2021, the time in which funds allocated for water and sewer projects for Rockingham and Guilford counties, and the municipalities of Oak Ridge, Stokesdale, Summerfield, Reidsville, Madison, and Mayodan, may be used before unspent or unencumbered funds revert to the General Fund.

Section 3 would reallocate $5,000,000 in equal amounts directly to the Towns of North Topsail Beach, Surf City, and Topsail Beach, for hurricane recovery projects benefitting the Towns and their adjoining coastlines.

EFFECTIVE DATE: The act would become effective June 30, 2019.

Staff attorney Dan Ettefagh of the Bill Drafting Division substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 3

SENATE BILL 95
Appropriations/Base Budget Committee Substitute Adopted 3/21/19
Appropriations/Base Budget Committee Substitute Adopted 3/26/19

Short Title: Veterans Memorial Funds/Do Not Revert. (Public)

Sponsors:

Referred to:

February 21, 2019

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT FUNDS APPROPRIATED FOR THE CONSTRUCTION OF PUBLIC FACILITIES AT THE NORTH CAROLINA VETERANS MEMORIAL PAVILION SHALL NOT REVERT TO THE GENERAL FUND UNTIL JUNE 30, 2020, PROVIDING THAT CERTAIN REGIONAL WATER AND SEWER FUNDING SHALL NOT REVERT UNTIL JUNE 30, 2021, AND REDIRECTING CERTAIN STORM RESILIENCE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any provision of S.L. 2017-57, or of the Committee Report described in Section 39.2 of that act to the contrary, the sum of two hundred fifty thousand dollars ($250,000) in nonrecurring funds for the 2017-2018 fiscal year appropriated in that act to the Department of Military and Veterans Affairs for the construction of public facilities at the North Carolina Veterans Memorial Pavilion in Broadway, North Carolina, shall not revert on June 30, 2019, as required by Section 6.13(c) of that act, but shall remain available for expenditure until June 30, 2020.

SECTION 2. Section 14.20A of S.L. 2016-94, as amended by Section 1 of S.L. 2017-17, reads as rewritten:

"REGIONAL WATER AND SEWER FUNDING

"SECTION 14.20A.(a) Of the funds appropriated to the Department of Environmental Quality, Division of Water Infrastructure, by this act, the sum of fourteen million five hundred forty-eight thousand nine hundred eighty-one dollars ($14,548,981) shall be used to fund interconnection, extension of water and sewer lines, and related water and wastewater system modification and expansion involving the Counties of Rockingham and Guilford and the municipalities of Oak Ridge, Stokesdale, Summerfield, Reidsville, Madison, and Mayodan. Of the funds allocated by this section, no more than twenty-five percent (25%) of the funds shall be used for Guilford County and may include one or more of the municipalities listed in this section located in Guilford County, and no more than seventy-five percent (75%) shall be used for Rockingham County and may include one or more of the municipalities listed in this section located in Rockingham County. The funds allocated by this section may be spent for planning, design, survey, real property acquisition, construction, repair, and any other activities necessary to improve the performance and reliability and expand the capacity and service footprint of participating water and wastewater systems in Rockingham and Guilford Counties. The Counties of Rockingham and Guilford and the municipalities participating in the interconnection and extension of water and sewer lines within each county funded by this section shall agree on the use of the funds allocated by this section through any combination of (i) interlocal agreements

under Article 20 of Chapter 160A of the General Statutes that specify, at a minimum, the ownership of the water ~~lines~~ lines, sewer lines, and related infrastructure funded by this section and long-term maintenance, repair, and replacement responsibility or (ii) one or more regional water and sewer authorities under Article 1 of Chapter 162A of the General Statutes.

"SECTION 14.20A.(b) Notwithstanding G.S. 143C-6-23(f1)(1) and G.S. 143C-1-2, funds allocated by this section shall be held in reserve by the Office of State Budget and Management and the allocations to each County shall be released when the County and one or more of the municipalities specified in subsection (a) of this section reach agreement on the funds allocated to that County by this section through interlocal agreements or the formation of regional water and sewer authorities or a combination of interlocal agreements and regional water and sewer authorities. Funds not spent or encumbered by June 30, ~~2020,~~ 2021, shall be returned by the local governments or regional water and sewer authority to the Office of State Budget and Management and revert to the General Fund."

SECTION 3. Section 13.9 of S.L. 2018-5, as amended by Section 2.9 of S.L. 2018-138, reads as rewritten:

"DEQ ~~GRANT-IN-AID~~GRANTS-IN-AID

"SECTION 13.9.(a) Of the funds appropriated in this act to the Department of Environmental Quality, Division of Water Resources, the ~~sum of five million dollars ($5,000,000) shall be used~~ following sums are allocated to the indicated recipients for the indicated storm resiliency purposes:

(1) Three million four hundred thousand dollars ($3,400,000) to provide a grant-in-aid to Resource Institute, Inc., for the purpose of working with local governments on Topsail Island and engineering firms to develop, plan, or implement projects in or benefitting the Towns of Surf City and Topsail Beach intended to mitigate the impacts of future hurricanes on ~~Topsail Island.~~those local governments and their adjoining coastlines.

(2) One million six hundred thousand dollars ($1,600,000) to the Town of North Topsail Beach for hurricane recovery projects in or benefitting the Town and its adjoining coastline.

"SECTION 13.9.(b) On or before October 1, 2019, ~~Resource Institute, Inc.,~~ the recipients of allocations under this section shall submit a report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division. The report shall contain at least all of the following:

(1) A list of participating local governments and engineering firms and other partners in projects funded under this section.

(2) A list of projects funded on Topsail Island, including a summary of the costs and the scope of the project.

(3) A summary of the emerging techniques developed and implemented as a result of the efforts of the collaboration between local governments, engineering firms, and Resource Institute, Inc.

(4) Documentation of the impact on the resilience of beach nourishment projects and the number of beach nourishment projects assisted."

SECTION 4. This act becomes effective June 30, 2019.

SENATE BILL 191: Out-of-State Law Enforcement/2020 Rep Convtn.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 12, 2019
Introduced by:	Sens. Waddell, Bishop	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***Senate Bill 191 would authorize a police department in a city with a population exceeding 500,000 to contract with an out-of-state law enforcement agency for the use of officers and equipment for a designated period.***

CURRENT LAW: Article 13 of Chapter 160A governs municipal law enforcement agencies. Among other things, it authorizes cooperation between State and local law enforcement agencies. However, it does not expressly authorize a municipal law enforcement agency to receive assistance from an out-of-state law enforcement agency.

BILL ANALYSIS: Section 1 of Senate Bill 191 would enact a new section in Article 13 of Chapter 160A authorizing the director or chief officer of a police department in a municipality with a population exceeding 500,000 to enter into an agreement with an out-of-state law enforcement agency for the use of officers or equipment for a designated period.

Participating out-of-state law enforcement officers who are certified and sworn in their home jurisdiction would be deemed to have met State certification requirements for being sworn as a law enforcement officer for the municipal police department contracting for their service.

In addition, an exception to the statutory prohibition against dual-office holding would be made for out-of-state law enforcement officers providing assistance under a contract with a municipal police department, when the one of the appointive offices is that of an out-of-state law enforcement officer and the other appointive office is that of a law enforcement officer for a municipality authorized to enter into a temporary intergovernmental agreement under the act.

EFFECTIVE DATE: The new statutory section would become effective January 1, 2020, would apply to all intergovernmental law enforcement agreements entered into on or after that date, and would expire October 1, 2020.

BACKGROUND: The City of Charlotte will be hosting the 2020 Republican National Convention. Senate Bill 191 would authorize the city's police department to contract with out-of-state law enforcement agencies for assistance during this event.[1] The General Assembly passed similar legislation prior to the 2012 Democratic National Convention, which was also hosted in Charlotte, North Carolina.[2]

Bill Patterson and Shawn Middlebrooks, Staff Attorneys, substantially contributed to this summary.

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[1] According to the U.S. Census Bureau, as of July 1, 2017, Charlotte's estimated population was 859,035, and the State's next-largest city, Raleigh, had an estimated population of 464,758.

[2] S.L. 2011-316.

Karen Cochrane-Brown
Director

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

SENATE BILL 191

Short Title:	Out-of-State Law Enforcement/2020 Rep Convtn.	(Public)
Sponsors:	Senators Waddell and Bishop (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

March 6, 2019

AN ACT TO AUTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO PROVIDE LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL CONVENTION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 13 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-288.3. Assistance by out-of-state law enforcement officers; rules.**

(a) In accordance with rules, policies, or guidelines adopted by the governing body of the city by which the officer is employed, and subject to any conditions or restrictions included therein, the head of any law enforcement agency of a municipality with a population that exceeds 500,000 may request and enter into temporary intergovernmental law enforcement agreements with out-of-state law enforcement agencies or out-of-state law enforcement officers to aid in enforcing the laws of North Carolina within the jurisdiction of the requesting municipality if so requested in writing by the head of the requesting agency. The assistance may comprise allowing out-of-state law enforcement officers to work temporarily with officers of the requesting agency (including in an undercover capacity) and lending equipment and supplies. While working with the requesting agency under the authority of this section, an out-of-state law enforcement officer shall have the same jurisdiction, powers, rights, privileges, and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency. While on duty with the requesting agency, the out-of-state law enforcement officer shall be subject to the lawful operational commands of the chief of police and the chief's chain of command for the requesting agency.

(b) As used in this section, the following definitions apply:

(1) "Head" means any director or chief officer of a law enforcement agency, including the chief of police of the requesting agency or an officer of the requesting agency to whom the head of that agency has delegated authority to make or grant requests under this section.

(2) "Law enforcement agency" means a municipal police department for a municipality that has a population of more than 500,000. All other State and local agencies are exempted from the provisions of this section.

(3) "Out-of-state law enforcement officer" means a full-time paid employee of a governmental employer who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the officer's home jurisdiction or serving civil processes, and who possesses the power of arrest by virtue of

an oath administered under the authority of the home jurisdiction, and who is in good standing and has no pending civil, criminal, or departmental action that would disqualify the officer if the officer were certified by this State.

(4) "Out-of-state law enforcement agency" means an employer which is a governmental agency outside of this State and which is assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the home jurisdiction or serving civil processes, and which has employees who possess the power of arrest by virtue of an oath administered under the authority of the home jurisdiction.

(5) "Temporary intergovernmental law enforcement agreement" means any agreement entered into by the agency head with the head of another out-of-state law enforcement agency for the use of officers or equipment for a designated period of time.

(c) This section in no way reduces the jurisdiction or authority of State law enforcement officers.

(d) Notwithstanding the provisions of G.S. 128-1 and G.S. 128-1.1(c1), out-of-state law enforcement officers shall be authorized to hold dual offices when one of the appointive offices held is that of out-of-state law enforcement officer and the other appointive office is that of a law enforcement officer for a municipality authorized to enter into temporary intergovernmental law enforcement agreements pursuant to this section.

(e) Notwithstanding the provisions of Chapter 17C and Chapter 17E of the General Statutes, out-of-state law enforcement officers certified and sworn in the officers' home jurisdiction and subject to the provisions of an intergovernmental law enforcement agreement under this section shall be deemed to have met the certification requirements of this State for the purposes of being sworn as a law enforcement officer with the requesting agency.

(f) An intergovernmental law enforcement agreement entered into pursuant to this section shall address standards of conduct for the out-of-state law enforcement officers, including the requesting agencies' policies regarding the use of force. Additionally, the intergovernmental law enforcement agreement shall require all out-of-state law enforcement officers to successfully complete training as prescribed by the requesting agency. The intergovernmental law enforcement agreement shall also address the compensation of out-of-state law enforcement officers and the protocol for processing claims made against or by the out-of-state law enforcement officer.

(g) This section becomes effective January 1, 2020, applies to all intergovernmental law enforcement agreements entered into on or after that date, and expires October 1, 2020."

SECTION 2. This act is effective as provided herein.

SENATE BILL 194:
West Jefferson Satellite Annexations.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 12, 2019
Introduced by:	Sen. Ballard	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 194 would exempt the Town of West Jefferson from the 10% area cap on voluntary satellite annexations.

CURRENT LAW: G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property, also known as voluntary satellite annexation.

If all property owners in a satellite area petition a municipality for voluntary annexation of the noncontiguous property, the municipality may annex the property, if the following 5 requirements are met:

1. The nearest point on the proposed satellite corporate limits must be not more than 3 miles from the primary corporate limits of the annexing city.
2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
5. *The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed 10% of the area within the primary corporate limits of the annexing city.*

BILL ANALYSIS: Senate Bill 194 would add the Town of West Jefferson to the group of municipalities exempted from the 10% area cap on voluntary satellite annexation.

EFFECTIVE DATE: Senate Bill 194 would be effective when it becomes law.

BACKGROUND: The General Assembly has exempted over 100 other municipalities from this requirement in G.S. 160A-58.1(b)(5).

**Brad Krehely, counsel to Senate State and Local Government, substantially contributed to this summary.*

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

SENATE BILL 194

Short Title:	West Jefferson Satellite Annexations.	(Local)
Sponsors:	Senator Ballard (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

March 7, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF WEST JEFFERSON.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1 reads as rewritten:

"**§ 160A-58.1. Petition for annexation; standards.**

...

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

...

(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Carthage, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Franklin, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Ocean Isle Beach, Pembroke, Pine Level, Pollocksville, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Siler City, Smithfield, Spencer, Spring Lake, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, West Jefferson, Wilson's Mills, Windsor, Yadkinville, and Zebulon.

...."

SECTION 2. This act is effective when it becomes law.

SENATE BILL 235:
Franklin/Nash Municipalities/Unfit Dwellings.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 12, 2019
Introduced by:	Sen. J. Alexander	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	Second Edition		

OVERVIEW: ***Senate Bill 235 would grant the municipalities in Franklin and Nash Counties the authority to address abandoned structures in the same manner as municipalities in larger counties and certain other named municipalities.***

BILL ANALYSIS: Senate Bill 235 would give the municipalities in Franklin County additional authority to address abandoned structures. That authority would include the following:

- If the governing body has adopted an ordinance or if the public officer has issued an order requiring that a dwelling be repaired or vacated and closed for a period of one year and the owner has vacated and closed the premises for one year, then the governing body may find that the owner has abandoned the intent to repair and that allowing the building to remain would create a public safety hazard. After the expiration of the one year period, the governing body may adopt an ordinance requiring the owner to do one of the following:
  - If the repair of the dwelling <u>can</u> be made at a cost not exceeding 50% of the current value of the dwelling: *the owner must repair or demolish and remove the dwelling within 90 days.*
  - If the repair of the dwelling <u>cannot</u> be made at a cost not exceeding 50% of the current value of the dwelling: *the owner must demolish and remove the dwelling within 90 days.*
- If the owner fails to comply with one of these orders, then the public officer must effectuate the order with the costs becoming a lien on the property.

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

BACKGROUND: This authority is availabie to municipalities in counties with populations over 71,000 (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000) and municipalities with populations exceeding 190,000. The following named municipalities also have this authority: the Cities of Eden, Lumberton, Roanoke Rapids, and Whiteville, the municipalities in Lee County *(population: 57,866)*, and the Towns of Bethel, Farmville, Newport, and Waynesville. G.S. 160A-443(5a) and (5b).

**Brad Krehely, counsel to Senate State & Local Government, substantially contributed to this summary.*

Karen Cochrane-Brown
Director

S235-SMBG-111 E2 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 2

SENATE BILL 235
State and Local Government Committee Substitute Adopted 3/26/19

Short Title: Franklin/Nash Municipalities/Unfit Dwellings. (Local)

Sponsors:

Referred to:

March 14, 2019

A BILL TO BE ENTITLED

AN ACT TO GRANT MUNICIPALITIES IN FRANKLIN AND NASH COUNTIES THE AUTHORITY TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN LARGER COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-443 reads as rewritten:

"**§ 160A-443. Ordinance authorized as to repair, closing, and demolition; order of public officer.**

Upon the adoption of an ordinance finding that dwelling conditions of the character described in G.S. 160A-441 exist within a city, the governing body of the city is hereby authorized to adopt and enforce ordinances relating to dwellings within the city's territorial jurisdiction that are unfit for human habitation. These ordinances shall include the following provisions:

...

(5b) If the governing body shall have adopted an ordinance as provided in subdivision (4) of this section, or the public officer shall have:

a. In a municipality other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the dwelling has been vacated and closed for a period of one year pursuant to the ordinance or order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the dwelling has been vacated and closed for a period of one year pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in

this State, then in such circumstances, the governing body may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision applies to the Cities of Eden, Lumberton, Roanoke Rapids, and Whiteville, to the municipalities in ~~Lee County,~~ Franklin, Lee, and Nash Counties, and the Towns of Bethel, Farmville, Newport, and Waynesville only.

...."

SECTION 2. This act is effective when it becomes law.

SENATE BILL 242:
Recreational Land Fee Changes.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 12, 2019
Introduced by:	Sen. Burgin	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	Second Edition		

OVERVIEW: Senate Bill 242 would allow Harnett County to adopt a subdivision control ordinance to allow a developer to provide funds to the county to be used to acquire recreational land or areas and to develop and construct recreational facilities to serve the development or subdivision. The funds charged by the county may not exceed $500 per residential construction lot.

CURRENT LAW:

Municipal Law: G.S. 160A-372 states that a subdivision ordinance may provide for the provision of funds by a developer to be used by a municipality to acquire recreational areas to serve the residents of the subdivision or development, or more than one subdivision or development, within the immediate area. Funds received by a municipality may be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted to determine the amount of funds to be provided by a developer shall be based upon the value of the development for property tax purposes. A combination of funds and partial dedication of land may be allowed when the municipality determines that this combination is in the best interests of the area residents. G.S. 160A-372(c).

County Law: G.S. 153A-331 states that a subdivision ordinance may provide for the provision of funds by a developer to be used by a county to acquire recreational areas to serve the residents of the subdivision or development, or more than one subdivision or development, within the immediate area.

BILL ANALYSIS: Senate Bill 242 would allow Harnett County to adopt a subdivision control ordinance that provides for the provision of funds by a developer to be used by a county to also develop and construct recreational facilities to serve the residents of the subdivision or development, or more than one subdivision or development within the immediate area.

The funds charged by the county for these purposes under a subdivision control ordinance cannot exceed $500 per residential construction lot.

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

BACKGROUND: A similar provision was enacted for Johnston County. (S.L. 2012-122).

**Brad Krehely, counsel to Senate State & Local Government, substantially contributed to this summary.*

Karen Cochrane-Brown
Director

S242-SMBG-112 E2 -V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 2

SENATE BILL 242
State and Local Government Committee Substitute Adopted 3/26/19

Short Title: Recreational Land Fee Changes. (Local)

Sponsors:

Referred to:

March 14, 2019

A BILL TO BE ENTITLED

AN ACT RELATING TO SUBDIVISION RECREATIONAL FACILITIES IN HARNETT COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-331 reads as rewritten:

"**§ 153A-331. Contents and requirements of ordinance.**

(a) A subdivision control ordinance may provide for the orderly growth and development of the county; for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare.

(b) The ordinance may require that a plat be prepared, approved, and recorded pursuant to the provisions of the ordinance whenever any subdivision of land takes place. The ordinance may include requirements that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformity with good surveying practice.

(c) A subdivision control ordinance may provide that a developer may provide funds to the county whereby the county may acquire recreational land or areas and develop and construct recreational facilities to serve the development or subdivision, including the purchase of land or construction and development of facilities that may be used to serve more than one subdivision or development within the immediate area. A fee imposed under a subdivision control ordinance for these purposes may not exceed five hundred dollars ($500.00) per residential construction lot.

...."

SECTION 2.(a) This act applies to Harnett County only.

SECTION 2.(b) This act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE HC on State and Local Government

DATE: 6/12/2019 Room: 1228/1327

House Sgt-At Arms:

1. Name: Rex Foster
2. Name: Ken Gilbert
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

House Pages
Assignments
Wednesday, June 12, 2019
Session: ~~2:00~~ 3:00 PM

Committee	Room	Time	Staff	Comments	Member
Finance	544	9:00 AM	Robert Mangum		Rep. Tim Moore
			Tyler Morgan		Rep. Kandie D. Smith
			Isabel Rizer		Rep. William O. Richardson
			Tate Smart		Rep. Kelly E. Hastings
State and Local Government I	1228/1327	10:00 AM	David Andrews		Rep. Mary Belk
			Reese Layh		Rep. Joe John
			Everson Moran		Rep. William D. Brisson
			Caroline Richardson		Rep. Frank Iler
			Lara Wood		Rep. Lisa Stone Barnes

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 6/12/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bryan Jones	Private Protective Services
[signature]	NCAPS
Chandler Spruill	FA
Resha Fortson	SEANC
Anne Lasley	Cardinal Consulting

VISITOR REGISTRATION SHEET

House Committee on State and Local Government 6/12/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mike Haga	HSS
Graham Costner	Pasa
Dana Fenton	City of Charlotte
Demetrios Doldock	NCLM
Richard Bostic	NCSBA
Mike Caputo	NCHBA
Steve Wehb	NCCBA

House Committee on State and Local Government
Wednesday, June 19, 2019 at 10:00 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on June 19, 2019 in Room 1228/1327 of the Legislative Building. Representatives Warren and Corbin, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Boles, Carter, Fisher, Graham, Jarvis, Logan, Sasser von Haefen, and Willingham attended.

Representative Harry Warren, Chair, presided.

The following bills were considered:

SB 270 - Durham Deannexation. (Senators McKissick, Woodard)
Chairman Warren recognized Rep. McKissick to explain the bill. The Chairman opened the floor for discussion. Reps. Fisher and Boles asked questions. Rep. Fisher was recognized and moved that SB 270 receive a Favorable Report with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

SB 378 - Local Economic Development Modifications. (Senator Johnson)
Chairman Warren recognized Sen. Johnson to explain the bill. The Chairman opened the floor for discussion. Rep. Corbin made a comment, was recognized and moved that the PCS for SB 378 receive a Favorable Report, unfavorable to the original bill with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

SB 525 - Feasibility of Textile Historic Site. (Senator Tillman)
Chairman Warren recognized Rep. Tillman to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that SB 525 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

SB 610 - Authorize Northern Peaks Trail. (Senator Ballard)
Chairman Warren recognized Rep. Russell to explain the bill on behalf of Sen. Ballard. The Chairman opened the floor for discussion. Reps. Warren, Cleveland, Speciale, Autry and Boles asked questions. Rep. Fisher was recognized and moved that SB 610 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

The meeting adjourned at 10:15

Select or Type Name of Presiding Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. SB 270, Summary and Committee Report
4. SB 378, PCS, Summary and Committee Report
5. SB 525, Summary and Committee Report
6. SB 610, Summary and Committee Report
7. Sergeant-at-Arms
8. Pages
9. Visitor Registration Forms

Updated #1: Remove SB186

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, June 19, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 270	Durham Deannexation.	Senator McKissick Senator Woodard
SB 378	Local Economic Development Modifications.	Senator Johnson
SB 525	Feasibility of Textile Historic Site.	Senator Tillman
SB 610	Authorize Northern Peaks Trail.	Senator Ballard

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:00 AM on Wednesday, June 19, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, June 19, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 186	Beaufort-Morehead Cty Airport Authority/Amend.	Senator Sanderson
SB 270	Durham Deannexation.	Senator McKissick Senator Woodard
SB 378	Local Economic Development Modifications.	Senator Johnson
SB 525	Feasibility of Textile Historic Site.	Senator Tillman
SB 610	Authorize Northern Peaks Trail.	Senator Ballard

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:16 AM on Tuesday, June 18, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, June 19, 2019, 10:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 270	Durham Deannexation.	Senator McKissick Senator Woodard
SB 378	Local Economic Development Modifications.	Senator Johnson
SB 525	Feasibility of Textile Historic Site.	Senator Tillman
SB 610	Authorize Northern Peaks Trail.	Senator Ballard

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

SB **270** Durham Deannexation.

Draft Number:	None
Serial Referral:	FINANCE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Hawkins

SB **525** **(CS#1)** Feasibility of Textile Historic Site.

Draft Number:	None
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McNeill

SB **610** Authorize Northern Peaks Trail.

Draft Number:	None
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Russell

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED

SB **378** **(CS#1)** Local Economic Development Modifications.

Draft Number:	S378-PCS45311-ST-44
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Corbin

TOTAL REPORTED: 4



SENATE BILL 270:
Durham Deannexation.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 19, 2019
Introduced by:	Sens. McKissick, Woodard	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 270 would remove 114.36 acres of property from the corporate limits of the City of Durham.

CURRENT LAW: Under Section 1 of Article VII of the NC Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable." Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes which governs municipal annexations. In addition, the General Assembly may annex property by local act. However, the General Assembly has not enacted any method for municipalities to deannex property. Only the General Assembly may deannex property.

BILL ANALYSIS: Senate Bill 270 would deannex 114.36 acres of specified property from the corporate limits of the City of Durham.

EFFECTIVE DATE: The act would become effective June 30, 2019. Property in the territory described in Section 1 of this act as of January 1, 2019, would no longer be subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2019.

BACKGROUND: This deannexation was requested by the property owner. This property was originally annexed into the Durham city limits with the anticipation that a northern Durham parkway would be built and that utilities would be extended to the property. The plans for the parkway and utility extension have since changed and the City of Durham does not anticipate that annexation will occur to connect the contiguous city limits with this satellite area of the city. The City Council does not object to this deannexation proposal.

*Staff attorneys Brad Krehely and Jessica Sammons substantially contributed to this summary.

aren Cochrane-Brown
Director

S270-SMBD-78 E1 -V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SENATE BILL 270

Short Title:	Durham Deannexation.	(Local)
Sponsors:	Senators McKissick and Woodard (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

March 18, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF DURHAM.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the City of Durham:

Being all the lands described in Deed Book 1251, Page 422, to BEMAC Partners, Deed Book 1014, Page 817, and Deed Book 300, Page 237, to Lillie Eve Umstead, being further described as follows: BEGINNING at an existing iron pin, said point being the southwest corner of the land described in Deed Book 1251, Page 422, and the Northwest corner of the land described in Deed Book 989, Page 25, thence North 2 Degrees 46 Minutes 35 Seconds West – 194.75' to an existing iron pin, thence North 3 Degrees 27 Minutes 35 Seconds West – 209.49' to an existing iron pin, thence North 3 Degrees 27 Minutes 35 Seconds West – 953.47' to an iron pin set, thence South 89 Degrees 21 Minutes 35 Seconds East – 721.91' to an existing iron pin, thence North 89 Degrees 21 Minutes 35 Seconds East – 160.15' to an iron pin set, said point being on the NCDOT right-of-way for Terry Road, thence across said NCDOT right-of-way North 88 Degrees 34 Minutes 24 Seconds East – 111.73' to an existing iron pin, thence North 89 Degrees 48 Minutes 23 Seconds East – 342.95' to an existing iron pin, thence North 89 Degrees 26 Minutes 46 Seconds East – 62.08' to an existing iron pin, thence North 89 Degrees 46 Minutes 34 Seconds East – 200.04' to an existing iron pin, thence North 89 Degrees 44 Minutes 20 Seconds East – 399.27' to an existing iron pin, thence North 0 Degrees 36 Minutes 34 Seconds East – 649.79' to an iron pin set, thence South 86 Degrees 52 Minutes 14 Seconds East – 360.50' to an iron pin set, thence North 83 Degrees 23 Minutes 25 Seconds East – 329.61' to an iron pin set, thence South 1 Degrees 09 Minutes 13 Seconds West – 956.44' to an existing iron pin, thence South 1 Degrees 42 Minutes 38 Seconds West – 168.00' to an existing iron pin, thence South 0 Degrees 17 Minutes 13 Seconds West – 117.00' to an existing iron pin, thence South 0 Degrees 14 Minutes 04 Seconds East – 247.59' to a point, thence South 0 Degrees 14 Minutes 04 Seconds East – 220.00' to an existing iron pin, thence South 0 Degrees 14 Minutes 27 Seconds East – 90.51' to an existing iron pin, thence South 0 Degrees 20 Minutes 19 Seconds East – 109.27' to an existing iron pin, thence South 0 Degrees 19 Minutes 17 Seconds East – 44.25' to an iron pin set, said point being on the NCDOT right-of-way for Terry Road, thence across said NCDOT right-of-way South 0 Degrees 19 Minutes 17 Seconds East – 63.58' to an iron pin set, thence South 0 Degrees 19 Minutes 17 Seconds East – 754.12' to an iron pin set, thence North 83 Degrees 44 Minutes 06 Seconds West – 182.74' to a point, thence North 83 Degrees 44 Minutes 06 Seconds West – 67.33' to a point, thence North 83 Degrees 44 Minutes 06 Seconds West – 179.96' to an existing iron pin, thence North 83 Degrees 44 Minutes 06 Seconds West – 80.00'

to a point, thence North 83 Degrees 44 Minutes 06 Seconds West – 100.00' to an existing iron pin, thence North 83 Degrees 44 Minutes 06 Seconds West – 100.00' to a point, thence North 83 Degrees 44 Minutes 06 Seconds West – 95.57' to a point, thence North 83 Degrees 44 Minutes 06 Seconds West – 10.00' to a point, thence North 88 Degrees 03 Minutes 44 Seconds West – 120.00' to a point, thence North 88 Degrees 03 Minutes 44 Seconds West – 138.94' to a point, thence North 88 Degrees 03 Minutes 44 Seconds West – 130.00' to a point, thence North 88 Degrees 03 Minutes 44 Seconds West – 145.00' to a point, thence North 88 Degrees 03 Minutes 44 Seconds West – 126.60' to an iron pin set, thence North 0 Degrees 31 Minutes 03 Seconds East – 691.77' to an existing iron pin, thence South 88 Degrees 56 Minutes 58 Seconds West – 661.42' to a point, thence South 88 Degrees 56 Minutes 58 Seconds West – 468.82' to an existing iron pin, said point being the POINT OF BEGINNING, containing 114.36 acres more or less.

SECTION 2. This act has no effect upon the validity of any liens of the City of Durham for ad valorem taxes or special assessments outstanding before the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property were still within the corporate limits of the City of Durham.

SECTION 3. This act becomes effective June 30, 2019. Property in the territory described in Section 1 of this act as of January 1, 2019, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 378

Commerce and Insurance Committee Substitute Adopted 5/2/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S378-CSST-44 [v.2]
06/17/2019 01:10:17 PM

Short Title: Local Economic Development Modifications. (Public)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO CHANGE WHEN PUBLIC HEARINGS ARE REQUIRED FOR ECONOMIC DEVELOPMENT EXPENDITURES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 158-7.1(c) reads as rewritten:

"(c) Public Hearing. – Any appropriation or expenditure for economic development purposes pursuant to this section must be approved by the county or city governing body after a public hearing. which may be part of the public hearing on the annual budget pursuant to G.S. 159-12 if the appropriation or expenditure is included in the annual budget. ~~The~~ If the appropriation or expenditure is not included in the annual budget, the county or city shall ~~publish~~ hold at least one public hearing, publishing notice of the public hearing at least 10 days before the public hearing is held. If the appropriation or expenditure is for the acquisition of an interest in real property, the notice shall describe the interest to be acquired, the proposed acquisition cost of such interest, the governing body's intention to approve the acquisition, the source of funding for the acquisition and such other information needed to reasonably describe the acquisition. If the appropriation or expenditure is for the improvement of privately owned property by site preparation or by the extension of water and sewer lines to the property, the notice shall describe the improvements to be made, the proposed cost of making the improvements, the source of funding for the improvements, the public benefit to be derived from making the improvements, and any other information needed to reasonably describe the improvements and their purpose."

SECTION 2. This act is effective when it becomes law and applies to appropriations and expenditures approved on or after that date.

SENATE BILL 378:
Local Economic Development Modifications.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 17, 2019
Introduced by:	Sen. Johnson	**Prepared by:**	Erika Churchill Staff Attorney
Analysis of:	PCS to Second Edition S378-CSST-44		

OVERVIEW: The proposed committee substitute would clarify that if an appropriation or expenditure for economic development under Chapter 158 is included in the budget for the unit of government, no further public hearing on the appropriation or expenditure is needed beyond the public hearing on the annual budget.

CURRENT LAW: G.S. 158-7.1 authorizes cities and counties to make expenditures for economic development, by general grant of authority (G.S. 158-7.1(a)) and express authority for eight types of economic development projects (G.S. 158-7.1(b)). For all appropriations and expenditures for economic development, that same statute requires a public hearing, after at least 10 days-notice. The statute also places additional requirements on the eight types of expressly authorized projects, as well as imposing reporting rules, funding limits, and other requirements.

Specifically, G.S. 158-7.1(a) authorizes cities and counties to make appropriations for economic development that "increase the population, taxable property, agricultural industries and business prospects of any city or county." Without limiting that general grant of authority, G.S. 158-7.1(b) contains special rules for eight types of economic development projects:

1. Industrial parks to be used for manufacturing, assembly, fabrication, processing, warehousing, research and development, office use, or similar industrial or commercial purposes.
2. Holding land for resale that is suitable for industrial or commercial use.
3. Options for the acquisition of land that is suitable for industrial or commercial use.
4. Acquisition or construction of a building suitable for industrial or commercial use.
5. Construction or assistance in the extension of utility services to industrial facilities, whether the utility is publicly or privately owned.
6. Construction or assistance in the extension of water and sewer lines to industrial facilities, whether the industrial facility is publicly or privately owned.
7. Site preparation for industrial facilities, whether the industrial facility is publicly or privately owned.
8. Rehabilitation of commercial or noncommercial historic structures, whether the structure is publicly or privately owned.

In 2015, the General Assembly required that all appropriations and expenditures for economic development projects listed above are subject to a public hearing requirement. Prior to that, only the eight types of expressly authorized projects required a public hearing.

All appropriations and expenditures for economic development are subject to the Local Government Budget and Fiscal Control Act and public disclosure in the local government's annual financial report under the requirements of G.S. 158-7.1(e). Under the Local Government Budget and Fiscal Control Act, each unit of local government is to adopt an annual balanced budget, after publication and a public hearing.

BILL ANALYSIS: The PCS would amend the requirement for holding a public hearing for each appropriation or expenditure for economic development by providing that if the appropriation or expenditure is included in the annual budget, no public hearing other than the one required for the budget is necessary. If the appropriation or expenditure is not included in the annual budget, a public hearing with at least 10 days-notice is required.

EFFECTIVE DATE: Effective when it becomes law, and applies to appropriations and expenditures approved on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 2

SENATE BILL 378
Commerce and Insurance Committee Substitute Adopted 5/2/19

Short Title: Local Economic Development Modifications. (Public)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO CHANGE WHEN PUBLIC HEARINGS ARE REQUIRED FOR ECONOMIC DEVELOPMENT EXPENDITURES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 158-7.1(c) reads as rewritten:

"(c) Public Hearing. – Any appropriation or expenditure for a project for economic development purposes pursuant to this section must be approved by the county or city governing body after a public ~~hearing.~~ hearing on that project, which may be part of the public hearing on the annual budget pursuant to G.S. 159-12 if the appropriation or expenditure is contained in the annual budget. ~~The~~ If the appropriation or expenditure is not contained in the annual budget, the county or city shall ~~publish~~ hold at least one public hearing, publishing notice of the public hearing at least 10 days before the public hearing is held. If the appropriation or expenditure is for the acquisition of an interest in real property, the notice shall describe the interest to be acquired, the proposed acquisition cost of such interest, the governing body's intention to approve the acquisition, the source of funding for the acquisition and such other information needed to reasonably describe the acquisition. If the appropriation or expenditure is for the improvement of privately owned property by site preparation or by the extension of water and sewer lines to the property, the notice shall describe the improvements to be made, the proposed cost of making the improvements, the source of funding for the improvements, the public benefit to be derived from making the improvements, and any other information needed to reasonably describe the improvements and their purpose."

SECTION 2. This act is effective when it becomes law and applies to appropriations and expenditures approved on or after that date.

SENATE BILL 525:
Feasibility of Textile Historic Site.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 19, 2019
Introduced by:	Sen. Tillman	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: Senate Bill 525 would direct the Department of Natural and Cultural Resources to determine the feasibility of creating a State historic site or State museum focused on the State's textile production and industrial history.

BILL ANALYSIS: Senate Bill 525 would direct the Office of Archives and History, within the Department of Natural and Cultural Resources, to evaluate the real property and textile collection held by the Randolph Heritage Conservancy, Inc., in Franklinville, to determine the feasibility of its use in establishing a State historic site or State museum to interpret the State's textile production and industrial history.

The Office of Archives and History would be directed to report its findings and recommendations to the Randolph County Board of County Commissioners, the Randolph Heritage Conservancy, Inc., and the Joint Legislative Oversight Committee on Agriculture and Natural Economic Resources no later than May 1, 2020.

EFFECTIVE DATE: This act would be effective when it becomes law.

BACKGROUND: North Carolina currently has 27 State historic sites and 7 State history museums, including sites dedicated to North Carolina's historic role in transportation, tobacco production, and gold mining. There is currently no State historic site or State museum dedicated to the State's textile production and industrial history.

Kyle Evans, Staff Attorney, substantially contributed to this summary.

aren Cochrane-Brown
Director

S525-SMBA-68 E2 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 2

SENATE BILL 525

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/2/19

Short Title: Feasibility of Textile Historic Site. (Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES TO DETERMINE THE FEASIBILITY OF ESTABLISHING A STATE HISTORIC SITE TO INTERPRET THE STATE'S TEXTILE PRODUCTION AND INDUSTRIAL HISTORY.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Natural and Cultural Resources, Office of Archives and History, shall evaluate the real property and textile collection held by the Randolph Heritage Conservancy, Inc., located in the Town of Franklinville, to determine the feasibility of its use in establishing a State historic site or State museum to interpret the State's textile production and industrial history. By May 1, 2020, the Office of Archives and History shall report its findings and recommendations to the Randolph County Board of County Commissioners, the Randolph Heritage Conservancy, Inc., and the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources.

SECTION 2. This act is effective when it becomes law.

SENATE BILL 610:
Authorize Northern Peaks Trail.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 19, 2019
Introduced by:	Sen. Ballard	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 610 would authorize the Department of Natural and Cultural Resources to add the proposed Northern Peaks State Trail to the State Parks System.

CURRENT LAW: The State Parks Act provides that a new State trail may be added to the State Parks System by the Department of Natural and Cultural Resources (Department) upon authorization by an act of the General Assembly. All additions are required to be accompanied by adequate authorization and appropriations for land acquisition, development, and operations.

BILL ANALYSIS: Senate Bill 610 would authorize the Department to add the Northern Peaks State Trail to the State Parks System as a State Trail. For purposes of this act, the Northern Peaks State Trail is defined as the proposed trail connecting Rivers Park in downtown Boone to the Mount Jefferson State Natural Area in Ashe County.

The use of any segment of the trail crossing property not owned by the Department's Division of Parks and Recreation would be governed by the laws, rules, and polices established by that segment's owner.

This addition would be exempt from having to be accompanied by adequate appropriations for land acquisition, development, and operations. Lands needed to complete the trail would be acquired either by donations to the State or by using existing funds in the Clean Water Management Trust Fund, the Parks and Recreation Trust Fund, the federal Land and Water Conservation Fund, and other available sources of funding.

EFFECTIVE DATE: This act is effective when it becomes law.

**Staff attorneys Bill Patterson and Jessica Sammons substantially contributed to this summary.*

aren Cochrane-Brown
Director

S610-SMBD-76 E1 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 1

SENATE BILL 610

Short Title:	Authorize Northern Peaks Trail.	(Public)
Sponsors:	Senator Ballard (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

April 4, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ADDITION OF NORTHERN PEAKS STATE TRAIL TO THE STATE PARKS SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly authorizes the Department of Natural and Cultural Resources to add the Northern Peaks State Trail to the State Parks System as a State trail, as provided in G.S. 143B-135.54(b). The Department shall support, promote, encourage, and facilitate the establishment of trail segments on State park lands and on lands of other federal, State, local, and private landowners. On segments of the Northern Peaks State Trail that cross property controlled by agencies or owners other than the Department's Division of Parks and Recreation, the laws, rules, and policies of those agencies or owners shall govern the use of the property. The requirement of G.S. 143B-135.54(b) that additions be accompanied by adequate appropriations for land acquisition, development, and operations shall not apply to the authorization set forth in this act; provided, however, that the State may receive donations of appropriate land and may purchase other needed lands for the Northern Peaks State Trail with existing funds in the Clean Water Management Trust Fund, the Parks and Recreation Trust Fund, the federal Land and Water Conservation Fund, and other available sources of funding. For purposes of this act, the "Northern Peaks State Trail" refers to the proposed trail connecting Rivers Park in downtown Boone in Watauga County to the Mount Jefferson State Natural Area in Ashe County.

SECTION 2. This act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE H C on State and Local Government

DATE: 6/19/2019 Room: 1228/1327

House Sgt-At Arms:

1. Name: Rex Foster
2. Name: Ken Gilbert
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

House Pages
Assignments
Wednesday, June 19, 2019
Session: 3:00 PM

Committee	Room	Time	Staff	Comments	Member
Finance	544	8:30 AM	Elizabeth Holland		Rep. Kyle Hall
			Skylar Sexton		Rep. Pat B. Hurley
			Emma Tucker		Rep. Michael Speciale
			Gianna Wessler		Rep. Tim Moore
State and Local Government I	~~544~~ 1327	10:00 AM	Sara Martin		Rep. Grier Martin
			Robert Prather		Rep. Grier Martin
			Parker Rowan	ROAN	Rep. Grier Martin
			Jack Tine		Speaker Tim Moore

VISITOR REGISTRATION SHEET

H C on State and Local Government — 6/19/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Andy Chase	KMA
Hampton Billips	KTS
Will Madsen	MFS
Rhaegan Jackson	FPA
Demetrius Diboateng	NCLM
Rose Williams	NCLM
Erin Wynia	NCLM
Daniel Baum	Troutman Sanders
Sheree Vodicka	NC Alliance of YMCAs
Kate Gross	YMCA of the Triangle
Joey Burroughs	YMCA of the Triangle

VISITOR REGISTRATION SHEET

H C on State and Local Government — 6/19/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Stephanie Bentley	DENR
Robyn Sanders	SA
April Neumann	MWC
Carol Tingley	NC State Parks
Deans Eatman	NCDNCR
Chrissy Hayes	intern
Dave Horne	SA
Laurie Binns	NCEDA
Joanna Helms	Town of Apex
Jon Carr	Jordan Price

VISITOR REGISTRATION SHEET

H C on State and Local Government 6/19/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Perla Leon	YMCA of the Triangle
Samara Perez	YMCA of the triangle
Aryani Pallevia	YMCA of the triangle



North Carolina General Assembly

STATE & LOCAL GOVERNMENT COMMITTEE

2019-2020 Session

Chairs

Representative Kevin Corbin
Representative Harry Warren

Co-Chairs

Representative George Cleveland
Representative Michael Speciale

Committee Clerks

Cindy Hobbs
Cristy Yates

House Committee on State and Local Government
Wednesday, June 26, 2019 at 10:00 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on June 26, 2019 in Room 1228/1327 of the Legislative Building. Representative Warren, Chair; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Carter, Fisher, Jarvis, Logan, McElraft, Quick, Ross, von Haefen, and Willingham attended.

Representative Harry Warren, Chair, presided.

The following bills were considered:

SB 186 - Beaufort-Morehead Cty Airport Authority/Amend. (Senator Sanderson)
Chairman Warren recognized Rep. McElraft to explain the bill on behalf of Sen. Sanderson. The Chairman opened the floor for discussion. Rep. Fisher made a comment about the bill. Rep. Cleveland was recognized and moved that the PCS for SB 186 receive a Favorable Report, unfavorable to the original bill with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

SB 390 - DuPont State Forest-Financial Study. (Senator Edwards)
Chairman Warren recognized Sen. Edwards to explain the bill. The Chairman opened the floor for discussion. Rep. Ager declared his support for the bill. Rep. Fisher was recognized and moved that SB 390 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

SB 433 - DNCR Omnibus.-AB (Senators Burgin, Ballard, Woodard)
Chairman Warren recognized Sen. Burgin to explain the bill. The Chairman opened the floor for discussion. Rep. Cleveland asked a question, was recognized, and moved that the PCS for SB 433 receive a Favorable Report, unfavorable to the original bill with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

SB 478 - Removal Power/Modify Reporting. (Senator Sawyer)
Chairman Warren recognized Sen. Sawyer to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Fisher was recognized and moved that the PCS for SB 478 receive a Favorable Report, unfavorable to the original bill with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

SB 535 - Authorize State Park/Clarify Corps Name. (Senators Edwards, Hise, J. Davis)
Chairman Warren recognized Sen. Edwards to explain the bill. The Chairman opened the floor for discussion. Reps. Fisher and Ager asked questions. Rep. Speciale was recognized and moved that SB 535 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

The meeting adjourned at 10:12.

Representative Harry Warren, Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. SB 186, PCS, Summary, and Committee Report
4. SB 390, Summary and Committee Report
5. SB 433, PCS, Summary, Committee Report, and Hand-Outs
6. SB 478, PCS, Summary and Committee Report
7. SB 535, Summary and Committee Report
7. Sergeant-at-Arms
8. Pages
9. Visitor Registration Forms

Updated #1: Add SB535

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, June 26, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 186	Beaufort-Morehead Cty Airport Authority/Amend.	Senator Sanderson
SB 390	DuPont State Forest-Financial Study.	Senator Edwards
SB 433	DNCR Omnibus.-AB	Senator Burgin Senator Ballard Senator Woodard
SB 478	Removal Power/Modify Reporting.	Senator Sawyer
SB 535	Authorize State Park/Clarify Corps Name.	Senator Edwards Senator Hise Senator J. Davis

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:49 AM on Tuesday, June 25, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, June 26, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 186	Beaufort-Morehead Cty Airport Authority/Amend.	Senator Sanderson
SB 390	DuPont State Forest-Financial Study.	Senator Edwards
SB 433	DNCR Omnibus.-AB	Senator Burgin Senator Ballard Senator Woodard
SB 478	Removal Power/Modify Reporting.	Senator Sawyer

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:21 AM on Friday, June 21, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, June 26, 2019, 10:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 186	Beaufort-Morehead Cty Airport Authority/Amend.	Senator Sanderson
SB 390	DuPont State Forest-Financial Study.	Senator Edwards
SB 433	DNCR Omnibus.-AB	Senator Burgin Senator Ballard Senator Woodard
SB 478	Removal Power/Modify Reporting.	Senator Sawyer
SB 535	Authorize State Park/Clarify Corps Name.	Senator Edwards Senator Hise Senator J. Davis

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

SB **390** **(CS#1)** DuPont State Forest-Financial Study.

Draft Number:	None
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McGrady

SB **535** **(CS#1)** Authorize State Park/Clarify Corps Name.

Draft Number:	None
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	B. Turner

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

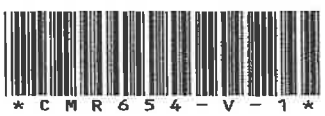
SB **478** Removal Power/Modify Reporting.

Draft Number:	S478-PCS35308-BD-24
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Jarvis

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED

SB **186** **(CS#1)** Beaufort-Morehead Cty Airport Authority/Amend.

Draft Number:	S186-PCS15375-BG-53
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McElraft



SB **433** **(CS#1)** DNCR Omnibus.-AB

Draft Number:	S433-PCS15376-BAy-22
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

TOTAL REPORTED: 5

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 186

Transportation Committee Substitute Adopted 3/27/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S186-CSBG-53 [v.3]
06/18/2019 06:58:10 PM

Short Title: Beaufort-Morehead Cty Airport Authority/Amend. (Local)

Sponsors:

Referred to:

March 6, 2019

A BILL TO BE ENTITLED

AN ACT RENAMING THE BEAUFORT-MOREHEAD CITY AIRPORT AUTHORITY AS THE CARTERET COUNTY-BEAUFORT AIRPORT AUTHORITY, INCREASING THE MEMBERSHIP OF THE AIRPORT AUTHORITY FROM FIVE TO SEVEN MEMBERS, AND CHANGING THE MANNER OF APPOINTMENT TO THE AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 426 of the Public-Local Laws of 1941, as amended, reads as rewritten:

"Sec. 1. There is hereby created the ~~"Beaufort-Morehead City Airport Authority" (for brevity hereinafter referred to as the "Airport Authority"),~~ "Carteret County-Beaufort Airport Authority" (hereinafter "Airport Authority"), which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by future Acts of the General Assembly."

SECTION 2.(a) Section 2 of Chapter 426 of the Public-Local Laws of 1941, as amended by Chapter 396 of the Session Laws of 1981, reads as rewritten:

"Sec. 2. The Airport Authority shall consist of ~~five~~ seven members. One of the members shall be a resident voter of the ~~City~~ Town of Beaufort and shall be appointed by the ~~City~~ Town Commissioners of the ~~City~~ Town of Beaufort. ~~One of the members shall be a resident voter of the City of Morehead City and shall be appointed by the City Commissioners of the City of Morehead City, and the other three~~ Six of the members shall be ~~from the county at large~~ resident voters of Carteret County and shall be appointed by the Carteret County Board of Commissioners. The said members of the Airport Authority shall be appointed to serve for a period of two years. Each of the members and their successors so appointed shall take and subscribe before the Clerk of Superior ~~Court,~~ Court an oath of office and shall file the same with the Carteret County Board of Commissioners."

SECTION 2.(b) This section becomes effective August 31, 2019. The terms of the two new members of the Airport Authority authorized by this section shall begin on September 1, 2019. The term of the City of Morehead City appointee shall expire on the effective date of this section and a replacement shall be named by the Carteret County Board of Commissioners as provided in this section.

SECTION 3. Section 5 of Chapter 426 of the Public-Local Laws of 1941, as amended, reads as rewritten:

"Sec. 5. The Airport Authority is hereby authorized and empowered to acquire from the County of ~~Carteret, the Cities of Beaufort and Morehead City,~~ Carteret and the Town of Beaufort,

by agreement therewith, and ~~such~~ the county and ~~cities~~ town are hereby authorized and empowered to grant and convey, either by gift or for such consideration as it may be deemed wise, any real or personal property which it now owns or may hereafter be acquired, and which may be necessary for the construction, operation and maintenance of any airport located in the County of Carteret."

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.

SENATE BILL 186: Beaufort-Morehead Cty Airport Authority/Amend.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 26, 2019
Introduced by:	Sen. Sanderson	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	PCS to Second Edition S186-CSBG-53		

OVERVIEW: The Proposed Committee Substitute (PCS) to Senate Bill 186 would make the following changes to the Beaufort-Morehead City Airport Authority:

- ***Rename it the Carteret County-Beaufort Airport Authority.***
- ***Increase the number of members from five to seven.***
- ***Change the makeup of the Authority by eliminating the Morehead City appointee and adding three Carteret County appointees.***
- ***Make a conforming change to the Authority's power to acquire property by agreement with the cities and county by deleting Morehead City.***

The PCS changes the effective date of Section 2 (the makeup of the Authority change) from July 1, 2019 to August 31, 2019 with clarifying changes regarding the timing of appointments under that section.

CURRENT LAW: The Beaufort-Morehead City Airport Authority consists of five members. One of the members must be a resident voter of Beaufort, appointed by Beaufort Commissioners. One of the members must be a resident voter of Morehead City, appointed by Morehead City Commissioners. The other three members must be from the county at large and must be appointed by the Carteret County Board of Commissioners. The term of office is two years.

The Airport Authority is currently permitted to make agreements with Carteret County and the Cities of Beaufort and Morehead City to acquire any real or personal property necessary to construct and operate any airport in Carteret County.

BILL ANALYSIS: The PCS would change the name of the Beaufort-Morehead City Airport Authority to the Carteret County-Beaufort Airport Authority and would increase the membership of the Authority from five to seven members.

The PCS would also change the makeup of the Authority from one Morehead City appointee, one Beaufort appointee, and three Carteret County appointees, to one Beaufort appointee and six Carteret County appointees. The two new appointees' terms would begin on September 1, 2019, and they would be appointed by the Carteret County Board of Commissioners. The existing City of Morehead City appointee, whose position would be eliminated by the bill, would serve out his term, which expires on August 31, 2019, and then a replacement would be appointed by Carteret County Board of Commissioners.

The PCS would also make a conforming change to the Authority's power to acquire property from Beaufort, Morehead City, and Carteret County for constructing, operating, and maintaining airports by deleting Morehead City from that provision.

EFFECTIVE DATE: Section 2 of the act, making changes to the Authority membership, would become effective August 31, 2019 with the two new appointee terms beginning September 1, 2019. The remainder of the act would be effective when it becomes law.

Brad Krehely, counsel to Senate State and Local Government, contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S **2**

SENATE BILL 186
Transportation Committee Substitute Adopted 3/27/19

Short Title: Beaufort-Morehead Cty Airport Authority/Amend. (Local)

Sponsors:

Referred to:

March 6, 2019

A BILL TO BE ENTITLED

AN ACT RENAMING THE BEAUFORT-MOREHEAD CITY AIRPORT AUTHORITY AS THE CARTERET COUNTY-BEAUFORT AIRPORT AUTHORITY, INCREASING THE MEMBERSHIP OF THE AIRPORT AUTHORITY FROM FIVE TO SEVEN MEMBERS, AND CHANGING THE MANNER OF APPOINTMENT TO THE AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 426 of the Public-Local Laws of 1941, as amended, reads as rewritten:

"Sec. 1. There is hereby created the ~~"Beaufort-Morehead City Airport Authority" (for brevity hereinafter referred to as the "Airport Authority"),~~ "Carteret County-Beaufort Airport Authority" (hereinafter "Airport Authority"), which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by future Acts of the General Assembly."

SECTION 2.(a) Section 2 of Chapter 426 of the Public-Local Laws of 1941, as amended by Chapter 396 of the Session Laws of 1981, reads as rewritten:

"Sec. 2. The Airport Authority shall consist of ~~five~~ seven members. One of the members shall be a resident voter of the ~~City~~ Town of Beaufort and shall be appointed by the ~~City~~ Town Commissioners of the ~~City~~ Town of Beaufort. ~~One of the members shall be a resident voter of the City of Morehead City and shall be appointed by the City Commissioners of the City of Morehead City, and the other three~~ Six of the members shall be ~~from the county at large~~ resident voters of Carteret County and shall be appointed by the Carteret County Board of Commissioners. The said members of the Airport Authority shall be appointed to serve for a period of two years. Each of the members and their successors so appointed shall take and subscribe before the Clerk of Superior ~~Court,~~ Court an oath of office and shall file the same with the Carteret County Board of Commissioners."

SECTION 2.(b) This section becomes effective July 1, 2019. The terms of the two new members of the Airport Authority authorized by this section shall begin on July 1, 2019. The Morehead City appointee who is serving on the effective date of this section shall continue to serve until the appointee's term expires and a replacement is named by the Carteret County Board of Commissioners as provided in this section.

SECTION 3. Section 5 of Chapter 426 of the Public-Local Laws of 1941, as amended, reads as rewritten:

"Sec. 5. The Airport Authority is hereby authorized and empowered to acquire from the County of ~~Carteret, the Cities of Beaufort and Morehead City,~~ Carteret and the Town of Beaufort, by agreement therewith, and ~~such~~ the county and ~~cities~~ town are hereby authorized and

empowered to grant and convey, either by gift or for such consideration as it may be deemed wise, any real or personal property which it now owns or may hereafter be acquired, and which may be necessary for the construction, operation and maintenance of any airport located in the County of Carteret."

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.

SENATE BILL 390:
DuPont State Forest-Financial Study.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 26, 2019
Introduced by:	Sen. Edwards	**Prepared by:**	Howard Marsilio Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: Senate Bill 390 would direct the Department of Agriculture and Consumer Services to study DuPont State Recreational Forest's operating model and create a plan to ensure a sustainable revenue stream for the Forest.

BILL ANALYSIS: This bill would direct the Department of Agriculture and Consumer Services (Department) to study the finances and operating model of DuPont State Recreational Forest (Forest) and create a plan for a sustainable income stream to preserve and protect the Forest. The Department should, at minimum, include the following in its study:

- A financial model based on data from North Carolina and other states.
- An entry fee that favors North Carolina citizens and requires out-of-state visitors to contribute in proportion to their use of taxpayer-funded facilities and amenities within the Forest.
- A recommendation for legislation needed to ensure that Forest receipts are used only for the Forest's capital, maintenance, and operational needs.
- Recommendations for capital projects or operational changes needed to improve safety concerning roadside parking.

The Department would be directed to report its findings to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division by February 1, 2020.

EFFECTIVE DATE: This act would be effective when it becomes law.

**Kyle Evans, Staff Attorney, substantially contributed to this summary.*

Karen Cochrane-Brown
Director

S390-SMBG-124 E2 -V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 2

SENATE BILL 390
Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/11/19

Short Title: DuPont State Forest-Financial Study. (Public)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO CREATE A PLAN FOR FEES AND CHARGES TO SUPPORT FINANCIAL SUSTAINABILITY AND PROPER STEWARDSHIP OF DUPONT STATE RECREATIONAL FOREST.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Department of Agriculture and Consumer Services shall study the finances and operating model of DuPont State Recreational Forest (Forest) and create a plan for a sustainable income stream that will help preserve and protect the Forest. At a minimum, the Department should include the following components in its study and plan:

(1) A financial model based on data from other in-State and out-of-state models.

(2) An entry fee that will favor North Carolina citizens and require out-of-state visitors to contribute towards the sustainable operation of the Forest in proportion to their use of facilities and amenities funded by State taxpayers.

(3) A recommendation for legislative action needed to ensure that Forest receipts may only be utilized for the capital, maintenance, and operational needs of the Forest.

(4) Capital projects and operational changes needed to improve the safety of visitors to the Forest that currently park on the roadside.

SECTION 1.(b) The Department shall report its findings and recommendations to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division on or before February 1, 2020.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 433
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/1/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S433-CSBAy-22 [v.6]
06/25/2019 05:55:42 PM

Short Title: DNCR Omnibus.-AB (Public)

Sponsors:

Referred to:

April 1, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, AS RECOMMENDED BY THE DEPARTMENT.

The General Assembly of North Carolina enacts:

ZOOLOGICAL PARK STATUTORY AUTHORITY

SECTION 1.(a) The title of Part 39 of Article 2 of Chapter 143B of the General Statutes reads as rewritten:

"Part 39. North Carolina Zoological ~~Park Council.~~Park."

SECTION 1.(b) Part 39 of Article 2 of Chapter 143B of the General Statutes, as amended by subsection (a) of this section, is amended by adding a new section to read:

"**§ 143B-135.204. Powers and duties of the Secretary.**

(a) Operation of Park. – The Secretary of the Department of Natural and Cultural Resources may adopt rules governing the operation of the Zoological Park, including rules regulating its use and enjoyment by the public.

(b) Park Property. – The Secretary of the Department of Natural and Cultural Resources may acquire, dispose of, and develop Zoological Park property, both real and personal. A sale, lease, or trade under this subsection must be conducted in accordance with generally accepted practices for zoos and aquariums that are accredited by the American Association of Zoos and Aquariums."

REDUCE CERTAIN CLASS 3 MISDEMEANORS TO INFRACTIONS AT STATE PARKS

SECTION 2.(a). G.S. 143B-135.16(a) reads as rewritten:

"**§ 143B-135.16. Control over State parks; operation of public service facilities; concessions to private concerns; authority to charge fees and adopt rules.**

(a) The Department shall make reasonable rules governing the use by the public of State parks and State lakes under its charge. These rules shall be posted in conspicuous places on and adjacent to the properties of the State and at the courthouse of the county or counties in which the properties are located. A violation of these rules is punishable as a Class 3 misdemeanor. Notwithstanding any other provision of law, violations of rules regarding the following shall be punishable as an infraction and carry a penalty of not more than twenty-five dollars ($25.00):

(1) Parking a motor vehicle outside of a designated area.

(2) Persons using skateboards, rollerblades, roller skates, or similar devices in prohibited areas.
(3) Persons bathing animals or washing clothes or motor vehicles.
(4) Persons bathing, wading, surfing, diving, scuba diving, or swimming in undesignated areas.
(5) Persons carrying or depositing glass, crockery, or any metallic substance on a swimming area or beach.
(6) Persons using boats, rafts, surfboards, personal watercraft, canoes, or other vessels in designated swimming areas.
(7) Persons fishing in nondesignated areas.

A person found responsible for a violation carrying a penalty of an infraction of this section shall not be assessed court costs for the infraction."

SECTION 2.(b). This section becomes effective December 1, 2019, and applies to offenses committed on or after that date.

AMEND VENOMOUS REPTILES AND CONSTRICTING SNAKE STATUTES

SECTION 3. Article 55 of Chapter 14 of the General Statutes reads as rewritten:

"Article 55.

"Regulation of Certain Reptiles.

...

"§ 14-417. Regulation of ownership or use of venomous reptiles.

(a) It shall be unlawful for any person to own, possess, use, transport, or traffic in any venomous reptile that is not housed in a sturdy and secure enclosure. ~~Permanent enclosures~~ Enclosures shall be designed to be escape-proof, bite-proof, and have an operable lock. ~~Transport containers shall be designed to be escape-proof and bite-proof.~~

...

"§ 14-417.1. Regulation of ownership or use of large constricting snakes.

(a) As used in this Article, large constricting snakes shall mean: Reticulated Python, Python reticulatus; Burmese Python, Python molurus; African Rock Python, Python sebae; Amethystine Python, Morelia amethistina; and Green Anaconda, Eunectes murinus; or any of their subspecies or hybrids.

(b) It shall be unlawful for any person to own, possess, use, transport, or traffic in any of the large constricting snakes that are not housed in a sturdy and secure enclosure. ~~Permanent enclosures~~ Enclosures shall be designed to be escape-proof and shall have an operable lock. ~~Transport containers shall be designed to be escape-proof.~~

...

"§ 14-417.2. Regulation of ownership or use of crocodilians.

(a) All crocodilians, excluding the American alligator, shall be regulated under this Article. It shall be unlawful for any person to own, possess, use, transport, or traffic in any crocodilian that is not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to be escape-proof and have a fence of sufficient strength to prevent contact between an observer and the crocodilian and shall have an operable lock. Transport containers shall be designed to be ~~escape-proof.~~escape-proof and shall be locked when in use.

(b) A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy must accompany the transport of any crocodilian.

(c) In the event of the escape of a crocodilian, the owner or possessor shall immediately notify local law enforcement.

...

"§ 14-419. Investigation of suspected violations; seizure and examination of reptiles; disposition of reptiles.

(a) In any case in which ~~any~~ a law-enforcement officer or animal control officer has probable cause to believe that any of the provisions of this Article have been or are about to be violated, ~~it shall be the duty of the officer and~~ the officer is ~~authorized, empowered, and directed~~ authorized and empowered to immediately investigate the violation or impending violation and to consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park or a designated representative of ~~either the Museum or Zoological Park~~ the Department of Natural and Cultural Resources to identify the species of reptile, assist with determining interim disposition, and recommend appropriate and safe methods to handle and seize the reptile or reptiles ~~involved, to seize the reptile or reptiles involved, and the officer is authorized and directed to deliver: (i) a reptile believed to be venomous to the North Carolina State Museum of Natural Sciences or to its designated representative for examination for the purpose of ascertaining whether the reptile is regulated under this Article; and, (ii) a reptile believed to be a large constricting snake or crocodilian to the North Carolina Zoological Park or to its designated representative for the purpose of ascertaining whether the reptile is regulated under this Article. In any case in which a law enforcement officer or animal control officer~~ involved. When there is an escape of one or more reptiles, or when an officer with probable cause to believe that one or more reptiles are being owned, possessed, used, transported, or trafficked in violation of this Article determines that there is an immediate risk to the safety of the officer or public safety, the officer shall not be required to consult with representatives ~~of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park~~ as provided by this subsection and may kill the reptile.

(b) If the ~~Museum or~~ officer, the Museum, the Zoological ~~Park~~ Park, or ~~their~~ a designated ~~representatives find~~ representative of the Department of Natural and Cultural Resources find, based on available information, that a seized reptile is a venomous reptile, large constricting snake, or crocodilian regulated under this Article, the ~~Museum or~~ Museum, the Zoological Park or ~~their~~ the designated representative of the Department of Natural and Cultural Resources shall ~~determine~~ assist the officer in determining an interim disposition of the reptile in a manner consistent with the safety of the public, until a final disposition is determined by a court of competent jurisdiction. In the case of a venomous reptile for which ~~antivenin~~ antivenom approved by the United States Food and Drug Administration is not readily available, the reptile may be euthanized unless the species is protected under the federal Endangered Species Act of 1973. Where ~~the Museum or the Zoological Park or their designated representative determines~~ there is a determination as provided in this subsection that euthanasia ~~to be~~ is the appropriate interim disposition, or where a reptile seized pursuant to this Article dies of natural or unintended causes, the ~~Museum, the Zoological Park, or their designated representatives~~ parties involved shall not be liable to the reptile's owner.

(b1) Upon conviction of any offense contained in this Article, the court shall order a final disposition of the confiscated venomous reptiles, large constricting snakes, or crocodilians, which may include the transfer of title to the State of North Carolina and shall include reimbursement by the owner of the reptile for the necessary expenses incurred in the seizure, delivery, and storage thereof.

(c) If the ~~Museum or the Zoological Park or their designated representatives find that the~~ reptile is not a venomous reptile, large constricting snake, or crocodilian regulated under this Article, and either no criminal ~~warrants~~ citations, warrants, or indictments are initiated against the reptile's owner in connection with the reptile within 10 days of initial seizure, or a court of law determines that the reptile is not being owned, possessed, used, transported, or trafficked in violation of this Article, then it shall be the duty of the law enforcement officer to return the reptile or reptiles to the person from whom they were seized within 15 ~~days.~~days of the seizure.

"~~§ 14-420. Arrest of persons violating provisions of Article.~~

~~If an examination made by the North Carolina State Museum of Natural Sciences or the North Carolina Zoological Park or their designated representatives conducted pursuant to this Article~~

~~shows that the reptile is a venomous reptile, large constricting snake, or crocodilian subject to this Article, it shall be the duty of the officer making the seizure with probable cause to believe that the reptile is being owned, possessed, used, transported, or trafficked in violation of this Article, to arrest all persons violating any of the provisions of this Article.~~
...."

CLARIFY EMPLOYMENT STATUS FOR CERTAIN MUSEUM OF ART EMPLOYEES

SECTION 4. G.S. 140-5.15 reads as rewritten:

"**§ 140-5.15. Director of Museum of Art; appointment; dismissal; powers and duties; staff.**

...

(e) The Director, associate directors, and curators shall be exempt from the provisions of the North Carolina Human Resources Act. ~~The Board of Trustees shall adopt, subject to the approval of the Secretary of Natural and Cultural Resources, rules and regulations governing the employment, promotion, demotion, and dismissal of associate directors and curators.~~"

TECHNICAL CORRECTION

SECTION 5. G.S. 113A-129.3 reads as rewritten:

"(b) To the extent feasible, lands and waters within this system shall be dedicated as components of the "State Nature and Historic Preserve" as provided in Article XIV, Section 5, of the Constitution and as nature reserves pursuant to ~~G.S. 113A-164.1 to G.S. 113A-164.11.~~G.S. 143B-135.250 to G.S. 143B-135.270."

REMOVAL OF CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE

SECTION 6. G.S. 143-260.10 reads as rewritten:

"**§ 143-260.10. Components of State Nature and Historic Preserve.**

The following are components of the State Nature and Historic Preserve accepted by the North Carolina General Assembly pursuant to G.S. 143-260.8:

...

(2) All lands and waters within the boundaries of William B. Umstead State Park as of May 2, 2017, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.

a. Tract Number 65, containing 22.93140 acres as shown on a survey prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled "Property of The State of North Carolina William B. Umstead State Park", dated January 14, 1977 and filed in the State Property Office, which was removed from the State Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session Laws. ~~The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.~~

b. The portion of that certain tract or parcel of property at William B. Umstead State Park in Wake County, described in Deed Book 13337,

Page 2379, and containing 0.15 acres as shown on the survey prepared by Robert T. Newcomb (RLS) entitled "Property of Robert J. Demartini," dated August 1981.

...

(12) All lands and waters located within the boundaries of Hanging Rock State Park as of May 2, 2017, with the exception of the following ~~tract:~~tracts:

a. The portion of that tract or property at Hanging Rock State Park in Stokes County, Danbury Township, described in Deed Book 360, Page 160, for a 30-foot wide right-of-way beginning approximately 183 feet south of SR 1001 and extending in a southerly direction approximately 1,479 feet to the southwest corner of the Bobby Joe Lankford tract and more particularly shown on a survey entitled, "J. Spot Taylor Heirs Survey, Danbury Township, Stokes County, N.C.", by Grinski Surveying Company, dated June 1985, and filed in the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54.

b. The portion of that certain tract or parcel of property at Hanging Rock State Park in Stokes County, described in Deed Book 267, Page 159, and containing 1.53 acres as shown on the survey entitled "Plat of Survey for NC Division of Parks and Recreation showing 'Camp Sertoma Tracts'" by C.E. Robertson and Associates, PC, revised April 6, 2016. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Hanging Rock State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.

...

(21) All lands and waters within the boundaries of Chimney Rock State Park as of May 2, 2017, with the exception of the following tracts:

a. The portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County being a portion of Parcel 2 as described in Deed Book 933, Page 598, containing 346 square feet and being shown as proposed right-of-way for bridge replacement project B-4258 on U.S. 64 over the Broad River on drawing prepared by Kimley-Horn and Associates for the North Carolina Department of Transportation and revised October 26, 2007, and filed with the State Property Office. The portion of that certain tract or parcel of land at Chimney Rock State Park in Polk County, Cooper Gap Township, Deed Book 393, Page 1402, containing 6.5 acres more or less and shown on the survey entitled "Plat of Survey for The State of North Carolina" prepared by Stacy Kent Rhodes dated May 15, 2014, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

b. With respect to the communications tower site on Chimney Rock Mountain located on a portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County, Chimney Rock Township, described in Deed Book 933, Page 598, the State may provide space at the communications tower site to State public safety, emergency management, local governments in Rutherford County, and public television agencies for the placement of antennas, repeaters, and other communications devices for public communications purposes. State agencies and local governments that are authorized to place communications devices at or near the communications tower site pursuant to this subdivision may also locate at or near the communications tower site communications equipment necessary for the proper operation of the communications devices. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2 of Chapter 143B of the General Statutes.

c. The portion of that certain tract or parcel of property at Chimney Rock State Park in Polk County, Cooper Gap Township, described in Deed Book 393, Page 1402, containing 28.84 acres, as shown on the survey entitled "Plat of Survey for The State of North Carolina" prepared by Stacy Kent Rhodes dated May 15, 2014, and filed with the State Property Office. The property described in subsection (a) of this section is deleted from the State Parks System pursuant to G.S. 143B-135.54. The State may only exchange this property for other property for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State shall not otherwise sell or exchange this land.

...."

DNCR PARTNERSHIP WITH NONPROFITS TO ESTABLISH SATELLITE MUSEUMS

SECTION 7. G.S. 143B-135.229 reads as rewritten:

"**§ 143B-135.229. North Carolina Museum of Natural ~~Sciences at Whiteville; Sciences'~~ satellite ~~museum.~~museums.**

(a) The Department of Natural and Cultural Resources shall establish and administer the North Carolina Museum of Natural Sciences at Whiteville in Columbus County as a satellite museum of the North Carolina State Museum of Natural Sciences.

(b) The Department of Natural and Cultural Resources may enter into agreements with nonprofit organizations to establish satellite museums of the North Carolina State Museum of Natural Sciences that are administered by the nonprofit organizations and meet the requirements of G.S. 143B-135.227(d)(1)-(5)."

EFFECTIVE DATE

SECTION 8. Except as otherwise provided, this act is effective when it becomes law.

SENATE BILL 433: DNCR Omnibus.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 26, 2019
Introduced by:	Sens. Burgin, Ballard, Woodard	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	PCS to Second Edition S433-CSBAy-22		

OVERVIEW: Senate Bill 433 would make various changes to the statues governing the Department of Natural and Cultural Resources (DNCR), and remove certain lands from the State Nature and Historic Preserve, as recommended by DNCR.

The PCS would do the following:

- ***Remove a section of the bill (Section 4 of the Second Edition), as the language in the section has already become law under S.L. 2019-20.***
- ***Add a new provision (Section 7) that would authorize DNCR to partner with nonprofits to establish satellite museums of the North Carolina State Museum of Natural Sciences.***

BILL ANALYSIS:

Section 1 of Senate Bill 433 would authorize the Secretary of DNCR to adopt rules governing the North Carolina Zoo, and to acquire, sell, or develop real and personal zoo property in accordance with generally accepted practices for zoos and aquariums accredited by the American Association of Zoos and Aquariums.

Section 2 would reduce violations of the following acts from Class 3 misdemeanors to infractions, punishable by a penalty not to exceed $25:

- Parking a motor vehicle outside of a designated area.
- Using skateboards, rollerblades, roller skates, or similar devices in prohibited areas.
- Bathing animals, or washing clothes or motor vehicles.
- Bathing, wading, surfing, diving, scuba diving, or swimming in undesignated areas.
- Carrying or depositing glass, crockery, or any metallic substance on a swimming area or beach.
- Using boats, rafts, surfboards, personal watercraft, canoes, or other vessels in designated swimming areas.
- Fishing in nondesignated areas.

Court costs would not be assessed for anyone found responsible for violations of any of the above.

This section would become effective December 1, 2019, and apply to offenses committed on or after that date.

Section 3 would make various changes to the statutes concerning regulation of certain reptiles, including:

- Under current law, permanent enclosures for venomous reptiles must be escape-proof, bite-proof, and have an operable lock, while transport containers for venomous reptiles must only be designed to be escape-proof and bite-proof. This section would require transport containers for venomous reptiles also to have an operable lock.
- Under current law, permanent enclosures for large constricting snakes must be escape-proof and have an operable lock, while transport containers must only be escape-proof. This section would require transport containers for large constricting snakes also to have an operable lock.
- Under current law, permanent enclosures for crocodilians must be escape-proof and have a fence of sufficient strength to prevent contact between a person and the crocodilian, and have an operable lock, while transport containers must only be escape-proof. This section would require transport containers to be locked.
- Under current law, if a law enforcement officer or animal control officer believes that the reptile laws have been or are about to be violated, the officer has a duty to investigate the violation and consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoo to assist with the identification, interim disposition, and appropriate handling and seizure of any reptile in the course of the officer's investigation. This section would give an officer discretion over whether to investigate the violation, and would provide that that a designated representative of the Department of Natural and Cultural Resources may assist the law enforcement or animal control officer with the officer's investigation.
- This section would repeal the requirement that enforcement officers arrest any person owning, possessing, using, transporting, or trafficking a venomous reptile, large constricting snake, or crocodilian in violation of the Article concerning regulation of those reptiles.

Section 4 would remove from the Museum of Art's Board of Trustees the authority to develop rules and regulations governing the employment, promotion, demotion, and dismissal of associate directors and curators.

Section 5 makes a technical correction, concerning recodification.

Section 6 would except from dedication and delete from the State Nature and Historic Preserve three parcels as follows:

- William B. Umstead State Park: This clause excepts one small parcel of approximately 0.15 acres located on the north side of US 70 across from the park entrance. This small parcel along with the adjacent 22 acre tract will be exchanged for additional property adjacent to existing park property on the south side of US 70. The new property will provide improved access and additional buffer for the park from continued commercial development along US 70.
- Hanging Rock State Park: This clause excepts a 1.5 acre parcel that will resolve an encroachment of a barn on the adjacent private tract and will also be used in exchange for an equestrian trail easement across the owner's property. The trail easement is needed to connect the newly acquired Vade Mecum section of the park with the trail system on the main body of the park. The property also needs to be deleted from the State Parks System.
- Chimney Rock State Park: This clause excepts 28.84 acres needed as an exchange of property with a nearby landowner whose property is needed in order to develop a public access area and trailhead off Worlds Edge Road. Currently there is no public access for the southern end of the park. A portion of the 28 acre tract will be exchanged for a 6 acre inholding that is currently blocking development of the public access. A portion of the 28 acres may also be used to exchange for a

10 acre inholding along the Cane Creek Mountain ridge which is needed for future trail development. The property also needs to be deleted from the State Parks System. Exchanges will be equivalent, and any acreage not exchanged will stay in the park.

Section 7 would allow DNCR to partner with a nonprofit to establish satellite museums of the North Carolina State Museum of Natural Sciences that are administered by the nonprofit, if the museum meets certain requirements. This partnership would enhance the exhibits and offerings at the satellite museums.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.

CURRENT LAW: Section 5 of Article XIV of the Constitution of North Carolina provides for addition of properties to and removal of properties from the State Nature and Historic Preserve by a law enacted by a three-fifths vote of the members of each house of the General Assembly. The Preserve is intended to insure that lands and waters acquired and preserved for public park, recreation, conservation, and historic preservation purposes continue to be used for these purposes. Upon inclusion in the Preserve, these lands may not be used for other purposes except as authorized by a law enacted by a vote of three-fifths of the members of each house. G.S. 143-260.8 provides conditions and procedures for additions to, and deletions from, the Preserve, which must be authorized by the General Assembly. G.S. 143-260.10 lists the current components of the Preserve.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 2

SENATE BILL 433
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/1/19

Short Title: DNCR Omnibus.-AB (Public)

Sponsors:

Referred to:

April 1, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, AS RECOMMENDED BY THE DEPARTMENT.

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(a) The Department shall make reasonable rules governing the use by the public of State parks and State lakes under its charge. These rules shall be posted in conspicuous places on and adjacent to the properties of the State and at the courthouse of the county or counties in which the properties are located. A violation of these rules is punishable as a Class 3 misdemeanor. Notwithstanding any other provision of law, violations of rules regarding the following shall be punishable as an infraction and carry a penalty of not more than twenty-five dollars ($25.00):

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(3) Persons bathing animals or washing clothes or motor vehicles.
(4) Persons bathing, wading, surfing, diving, scuba diving, or swimming in undesignated areas.
(5) Persons carrying or depositing glass, crockery, or any metallic substance on a swimming area or beach.
(6) Persons using boats, rafts, surfboards, personal watercraft, canoes, or other vessels in designated swimming areas.
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A person found responsible for a violation carrying a penalty of an infraction of this section shall not be assessed court costs for the infraction."

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"§ 14-417.1. Regulation of ownership or use of large constricting snakes.

(a) As used in this Article, large constricting snakes shall mean: Reticulated Python, Python reticulatus; Burmese Python, Python molurus; African Rock Python, Python sebae; Amethystine Python, Morelia amethistina; and Green Anaconda, Eunectes murinus; or any of their subspecies or hybrids.

(b) It shall be unlawful for any person to own, possess, use, transport, or traffic in any of the large constricting snakes that are not housed in a sturdy and secure enclosure. ~~Permanent enclosures~~ Enclosures shall be designed to be escape-proof and shall have an operable lock. ~~Transport containers shall be designed to be escape-proof.~~

...

"§ 14-417.2. Regulation of ownership or use of crocodilians.

(a) All crocodilians, excluding the American alligator, shall be regulated under this Article. It shall be unlawful for any person to own, possess, use, transport, or traffic in any crocodilian that is not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to be escape-proof and have a fence of sufficient strength to prevent contact between an observer and the crocodilian and shall have an operable lock. Transport containers shall be designed to be ~~escape-proof.~~escape-proof and shall be locked when in use.

(b) A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy must accompany the transport of any crocodilian.

(c) In the event of the escape of a crocodilian, the owner or possessor shall immediately notify local law enforcement.

...

"§ 14-419. Investigation of suspected violations; seizure and examination of reptiles; disposition of reptiles.

(a) In any case in which ~~any~~ a law-enforcement officer or animal control officer has probable cause to believe that any of the provisions of this Article have been or are about to be violated, ~~it shall be the duty of the officer and~~ the officer is ~~authorized, empowered, and directed~~ authorized and empowered to immediately investigate the violation or impending violation and to consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park or a designated representative of ~~either the Museum or Zoological Park~~ the Department of Natural and Cultural Resources to identify the species of reptile, assist with determining interim disposition, and recommend appropriate and safe methods to handle and seize the reptile or reptiles ~~involved, to seize the reptile or reptiles involved, and the officer is authorized and directed to deliver: (i) a reptile believed to be venomous to the North Carolina State Museum of Natural Sciences or to its designated representative for examination for the purpose of ascertaining whether the reptile is regulated under this Article; and, (ii) a reptile believed to be a large constricting snake or crocodilian to the North Carolina Zoological Park or to its designated representative for the purpose of ascertaining whether the reptile is regulated under this Article. In any case in which a law enforcement officer or animal control officer~~ involved. When there is an escape of one or more reptiles, or when an officer with probable cause to believe that one or more reptiles are being owned, possessed, used, transported, or trafficked in violation of this Article determines that there is an immediate risk to the safety of the officer or public safety, the officer shall not be required to consult with representatives ~~of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park~~ as provided by this subsection and may kill the reptile.

(b) If the ~~Museum or~~ officer, the Museum, the Zoological ~~Park~~ Park, or ~~their~~ a designated ~~representatives find~~ representative of the Department of Natural and Cultural Resources find, based on available information, that a seized reptile is a venomous reptile, large constricting snake, or crocodilian regulated under this Article, the ~~Museum or~~ Museum, the Zoological Park or ~~their~~ the designated representative of the Department of Natural and Cultural Resources shall ~~determine~~ assist the officer in determining an interim disposition of the reptile in a manner consistent with the safety of the public, until a final disposition is determined by a court of competent jurisdiction. In the case of a venomous reptile for which ~~antivenin~~ antivenom approved by the United States Food and Drug Administration is not readily available, the reptile may be euthanized unless the species is protected under the federal Endangered Species Act of 1973. Where ~~the Museum or the Zoological Park or their designated representative determines~~ there is a determination as provided in this subsection that euthanasia ~~to be~~ is the appropriate interim disposition, or where a reptile seized pursuant to this Article dies of natural or unintended causes, the ~~Museum, the Zoological Park, or their designated representatives~~ parties involved shall not be liable to the reptile's owner.

(b1) Upon conviction of any offense contained in this Article, the court shall order a final disposition of the confiscated venomous reptiles, large constricting snakes, or crocodilians, which may include the transfer of title to the State of North Carolina and shall include reimbursement by the owner of the reptile for the necessary expenses incurred in the seizure, delivery, and storage thereof.

(c) If the ~~Museum or the Zoological Park or their designated representatives find that the~~ reptile is not a venomous reptile, large constricting snake, or crocodilian regulated under this Article, and either no criminal ~~warrants~~ citations, warrants, or indictments are initiated against the reptile's owner in connection with the reptile within 10 days of initial seizure, or a court of law determines that the reptile is not being owned, possessed, used, transported, or trafficked in violation of this Article, then it shall be the duty of the law enforcement officer to return the reptile or reptiles to the person from whom they were seized within 15 ~~days.~~ days of the seizure.

"~~**§ 14-420. Arrest of persons violating provisions of Article.**~~

~~If an examination made by the North Carolina State Museum of Natural Sciences or the North Carolina Zoological Park or their designated representatives conducted pursuant to this Article~~

~~shows that the reptile is a venomous reptile, large constricting snake, or crocodilian subject to this Article, it shall be the duty of the officer making the seizure with probable cause to believe that the reptile is being owned, possessed, used, transported, or trafficked in violation of this Article, to arrest all persons violating any of the provisions of this Article.~~
...."

STATUTORY AUTHORITY REGARDING RECREATION

SECTION 4.(a) Subsections (a) and (d) of G.S. 143-323 are recodified as subsections (a) and (b) of G.S. 143B-135.60, to be entitled "Additional powers and duties of the Department regarding recreation."

SECTION 4.(b) G.S. 143B-135.60, as enacted by subsection (a) of this section, reads as rewritten:

"**§ 143B-135.60. Additional powers and duties of the Department regarding recreation.**

(a) Recreation. – The Department ~~of Environmental Quality~~ shall have the following powers and duties with respect to recreation:

(1) To study and appraise the recreation needs of the State and to assemble and disseminate information relative to recreation.

(2) To cooperate in the promotion and organization of local recreation systems for counties, municipalities, and other political subdivisions of the State, to aid them in the administration, finance, planning, personnel, coordination and cooperation of recreation organizations and programs.

(3) To aid in recruiting, training, and placing recreation workers, and to promote recreation institutes and conferences.

(4) To establish and promote recreation standards.

(5) To cooperate with appropriate State, federal, and local agencies and private membership groups and commercial recreation interests in the promotion of recreation opportunities, and to represent the State in recreation conferences, study groups, and other matters of recreation concern.

(6) To accept gifts, devises, and endowments. The funds, if given as an endowment, shall be invested in securities designated by the donor, or if there is no such designation, in securities in which the State sinking fund may be invested. All such gifts and devises and all proceeds from such invested endowments shall be used for carrying out the purposes for which they were made.

(7) To advise agencies, departments, organizations and groups in the planning, application and use of federal and State funds which are assigned or administered by the State for recreation programs and services on land and water recreation areas and on which the State renders advisory or other recreation services or upon which the State exercises control.

(8) To act jointly, when advisable, with any other State, local or federal agency, institution, private individual or group in order to better carry out the Department's objectives and responsibilities.

(b) Federal Assistance. – The Department, with the approval of the Governor, may apply for and accept grants from the federal government and its agencies and from any foundation, corporation, association, or individual, and may comply with the terms, conditions, and limitations of the grant, in order to accomplish any of the purposes of the Department. Grant funds shall be expended pursuant to the ~~Executive Budget Act.~~State Budget Act. The Director of the Department's Division of Parks and Recreation shall be designated as having the authority and responsibility to accept and administer funding through the federal Land and Water Conservation Fund or any successor fund established for similar purposes, and the Secretary may

designate additional personnel to assist the Director in the responsibilities imposed by this subsection."

CLARIFY EMPLOYMENT STATUS FOR CERTAIN MUSEUM OF ART EMPLOYEES

SECTION 5. G.S. 140-5.15 reads as rewritten:

"**§ 140-5.15. Director of Museum of Art; appointment; dismissal; powers and duties; staff.**

...

(e) The Director, associate directors, and curators shall be exempt from the provisions of the North Carolina Human Resources Act. ~~The Board of Trustees shall adopt, subject to the approval of the Secretary of Natural and Cultural Resources, rules and regulations governing the employment, promotion, demotion, and dismissal of associate directors and curators.~~"

TECHNICAL CORRECTION

SECTION 6. G.S. 113A-129.3 reads as rewritten:

"(b) To the extent feasible, lands and waters within this system shall be dedicated as components of the "State Nature and Historic Preserve" as provided in Article XIV, Section 5, of the Constitution and as nature reserves pursuant to ~~G.S. 113A-164.1 to G.S. 113A-164.11.~~G.S. 143B-135.250 to G.S. 143B-135.270."

REMOVAL OF CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE

SECTION 7. G.S. 143-260.10 reads as rewritten:

"**§ 143-260.10. Components of State Nature and Historic Preserve.**

The following are components of the State Nature and Historic Preserve accepted by the North Carolina General Assembly pursuant to G.S. 143-260.8:

...

(2) All lands and waters within the boundaries of William B. Umstead State Park as of May 2, 2017, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.

a. Tract Number 65, containing 22.93140 acres as shown on a survey prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled "Property of The State of North Carolina William B. Umstead State Park", dated January 14, 1977 and filed in the State Property Office, which was removed from the State Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session Laws. ~~The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.~~

b. The portion of that certain tract or parcel of property at William B. Umstead State Park in Wake County, described in Deed Book 13337, Page 2379, and containing 0.15 acres as shown on the survey prepared by Robert T. Newcomb (RLS) entitled "Property of Robert J. Demartini," dated August 1981.

...

(12) All lands and waters located within the boundaries of Hanging Rock State Park as of May 2, 2017, with the exception of the following ~~tract:~~tracts:

a. The portion of that tract or property at Hanging Rock State Park in Stokes County, Danbury Township, described in Deed Book 360, Page 160, for a 30-foot wide right-of-way beginning approximately 183 feet south of SR 1001 and extending in a southerly direction approximately 1,479 feet to the southwest corner of the Bobby Joe Lankford tract and more particularly shown on a survey entitled, "J. Spot Taylor Heirs Survey, Danbury Township, Stokes County, N.C.", by Grinski Surveying Company, dated June 1985, and filed in the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54.

b. The portion of that certain tract or parcel of property at Hanging Rock State Park in Stokes County, described in Deed Book 267, Page 159, and containing 1.53 acres as shown on the survey entitled "Plat of Survey for NC Division of Parks and Recreation showing 'Camp Sertoma Tracts'" by C.E. Robertson and Associates, PC, revised April 6, 2016. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Hanging Rock State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.

...

(21) All lands and waters within the boundaries of Chimney Rock State Park as of May 2, 2017, with the exception of the following tracts:

a. The portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County being a portion of Parcel 2 as described in Deed Book 933, Page 598, containing 346 square feet and being shown as proposed right-of-way for bridge replacement project B-4258 on U.S. 64 over the Broad River on drawing prepared by Kimley-Horn and Associates for the North Carolina Department of Transportation and revised October 26, 2007, and filed with the State Property Office. The portion of that certain tract or parcel of land at Chimney Rock State Park in Polk County, Cooper Gap Township, Deed Book 393, Page 1402, containing 6.5 acres more or less and shown on the survey entitled "Plat of Survey for The State of North Carolina" prepared by Stacy Kent Rhodes dated May 15, 2014, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

b. With respect to the communications tower site on Chimney Rock Mountain located on a portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County, Chimney Rock Township, described in Deed Book 933, Page 598, the State may

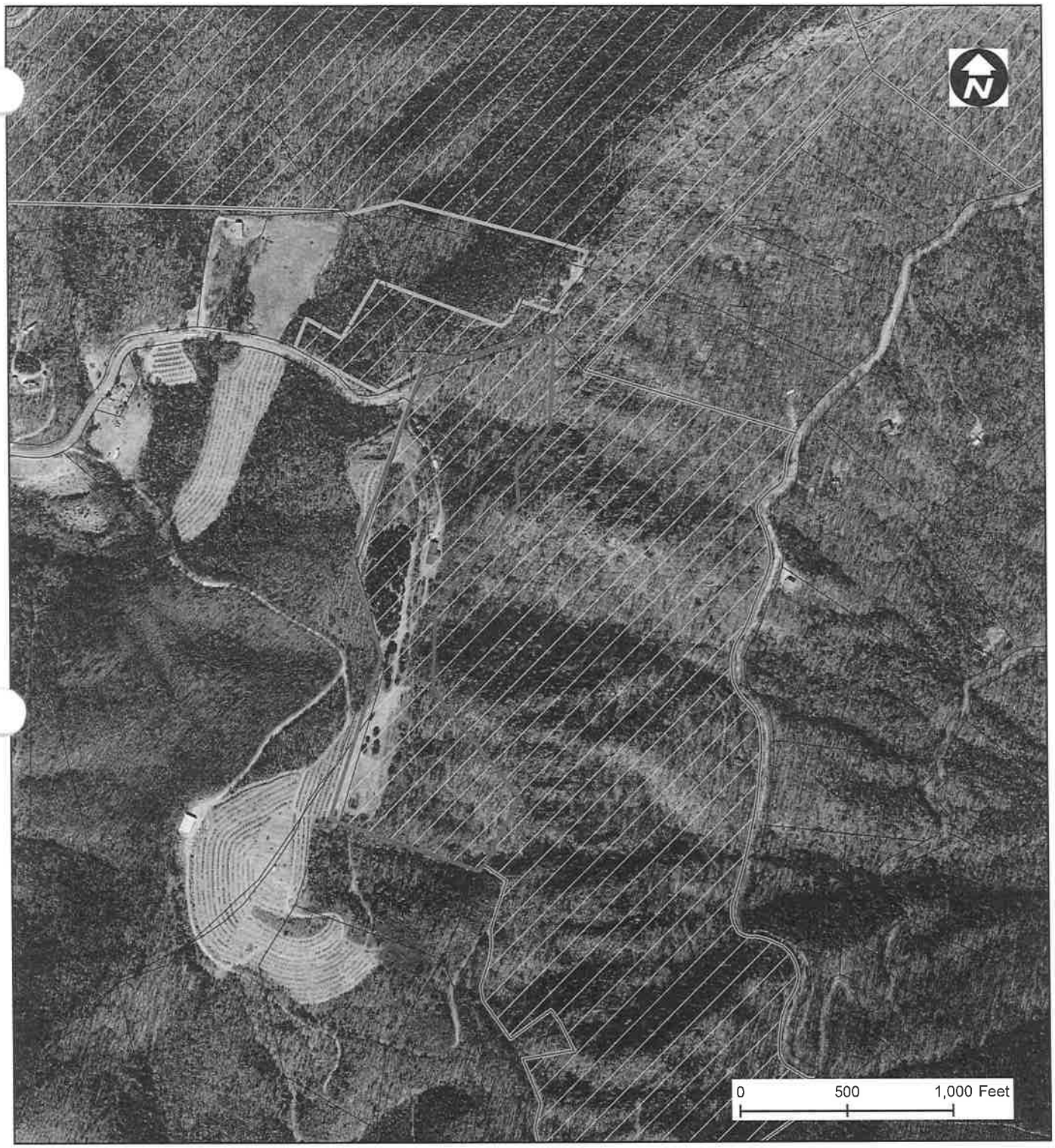
provide space at the communications tower site to State public safety, emergency management, local governments in Rutherford County, and public television agencies for the placement of antennas, repeaters, and other communications devices for public communications purposes. State agencies and local governments that are authorized to place communications devices at or near the communications tower site pursuant to this subdivision may also locate at or near the communications tower site communications equipment necessary for the proper operation of the communications devices. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2 of Chapter 143B of the General Statutes.

c. The portion of that certain tract or parcel of property at Chimney Rock State Park in Polk County, Cooper Gap Township, described in Deed Book 393, Page 1402, containing 28.84 acres, as shown on the survey entitled "Plat of Survey for The State of North Carolina" prepared by Stacy Kent Rhodes dated May 15, 2014, and filed with the State Property Office. The property described in subsection (a) of this section is deleted from the State Parks System pursuant to G.S. 143B-135.54. The State may only exchange this property for other property for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State shall not otherwise sell or exchange this land.

...."

EFFECTIVE DATE

SECTION 8. Except as otherwise provided, this act is effective when it becomes law.



Chimney Rock State Park

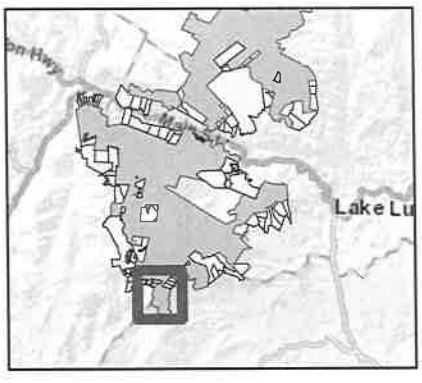
Proposed Deletion

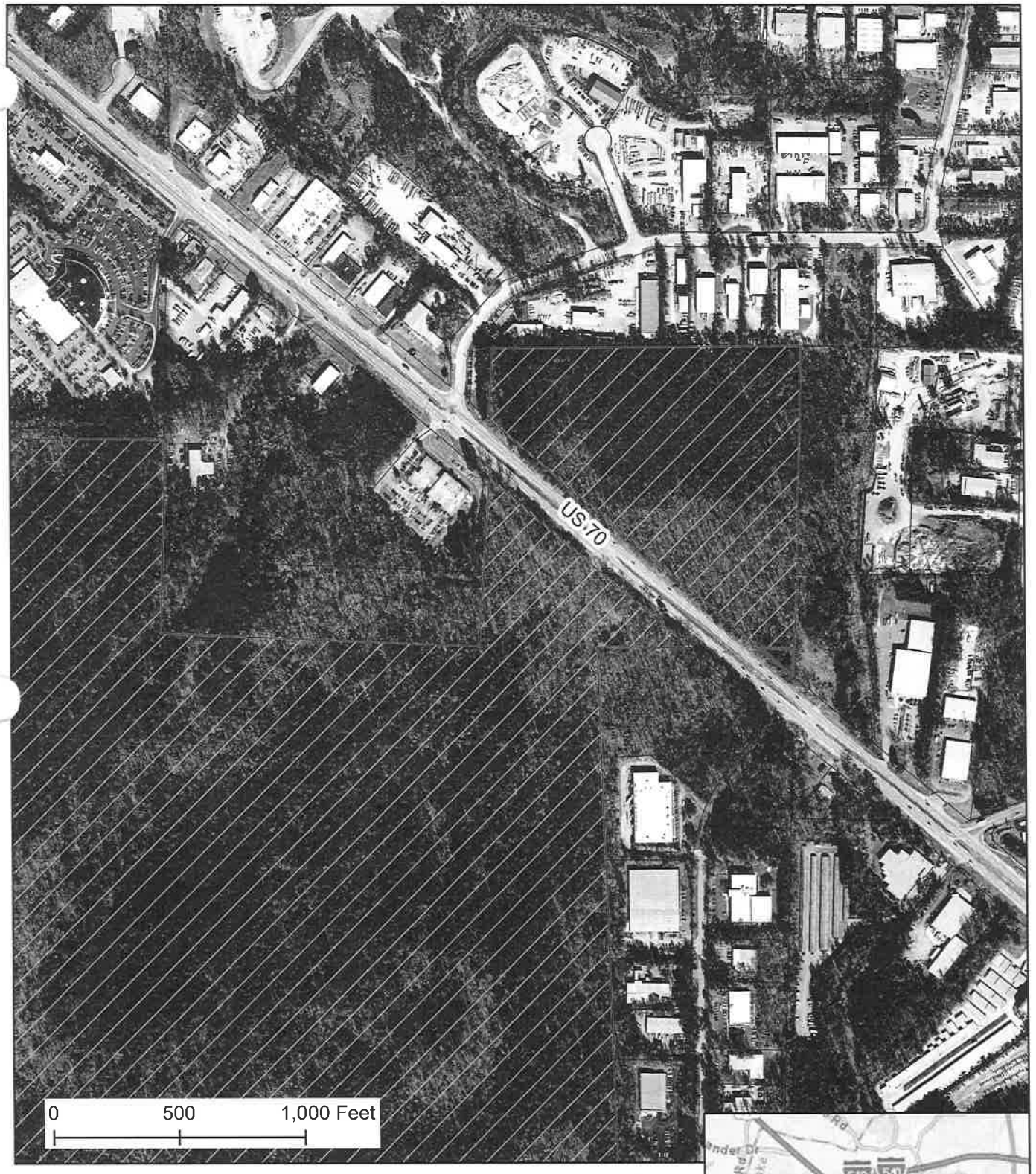
February 2019

Legend

Deletion

State Parks Unit







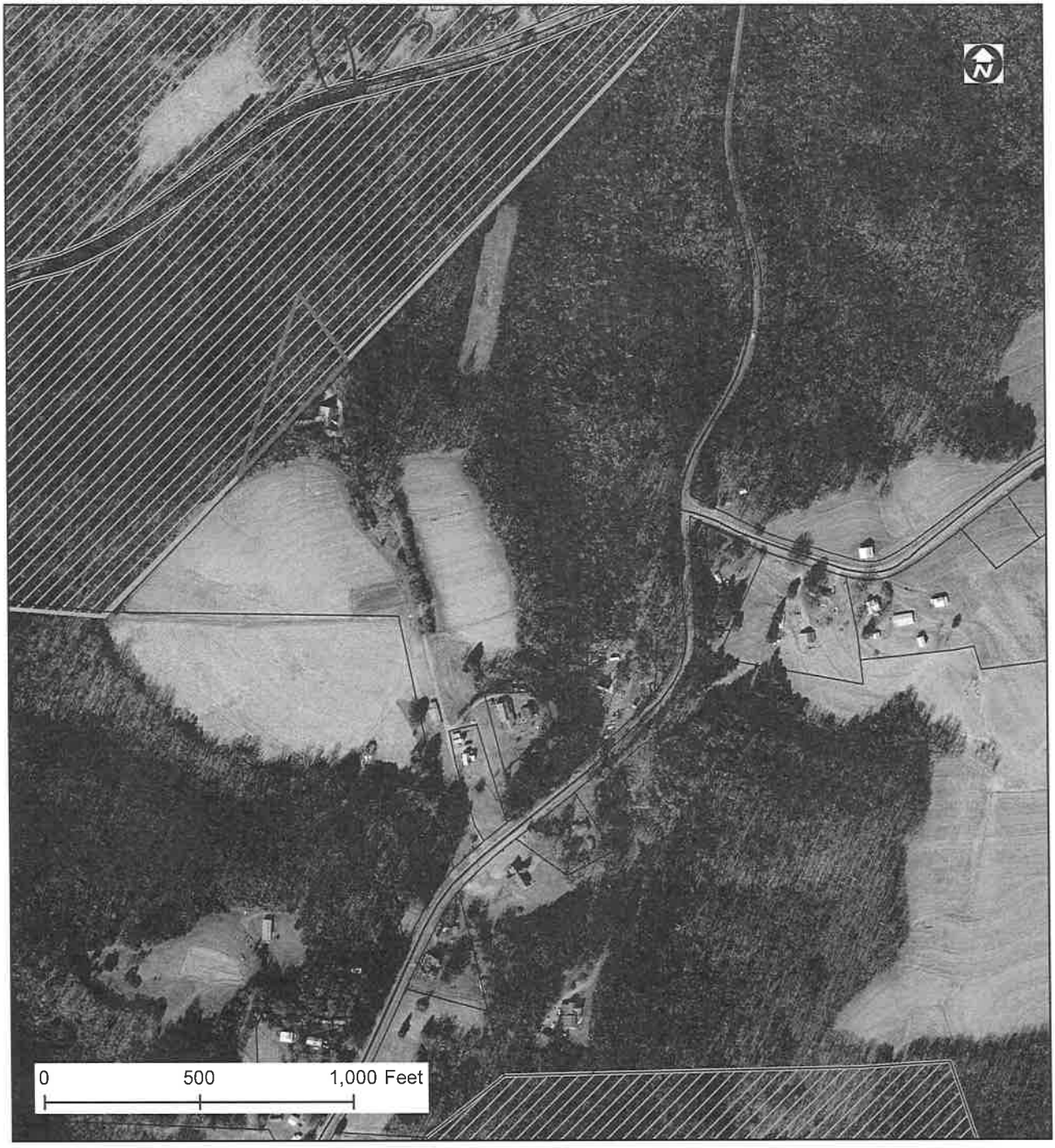
William B. Umstead State Park

Proposed Deletion

February 2019

Legend

- Deletion
- State Park Unit



Hanging Rock State Park

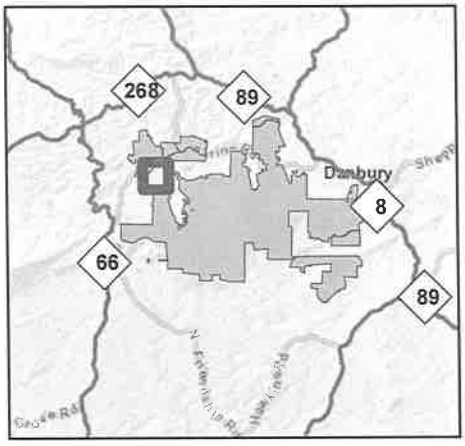
Proposed Deletion

February 2019

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State Park



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 478
Second Edition Engrossed 4/30/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S478-CSBD-24 [v.5]
06/25/2019 03:33:51 PM

Short Title: Modify Appointment Reporting. (Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE REPORTING REQUIREMENT RELATED TO GENDER-PROPORTIONATE APPOINTMENTS TO CERTAIN BOARDS AND COMMISSIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-157.1 reads as rewritten:

"**§ 143-157.1. Reports on gender-proportionate appointments to ~~statutorily created decision-making regulatory~~ certain public bodies.**

(a) Appointments. – In appointing members to public bodies set forth in subsections ~~(c)~~ (b) and (d) of this section, the appointing authority should select, from among the most qualified persons, those persons whose appointment would promote membership on the body that accurately reflects the proportion that each gender represents in the population of the State as a whole or, in the case of a local body, in the population of the area represented by the body, as determined pursuant to the most recent federal decennial census, unless the law regulating the appointment requires otherwise. If there are multiple appointing authorities for the body, they may consult with each other to accomplish the purposes of this section.

(b) ~~Reports Generally.~~ Reports by State Boards. – ~~Each appointing authority~~ By September 1 of each year, every board designated as a nonadvisory board by the State Ethics Commission under Subchapter II of Chapter 163A of the General Statutes ~~described in subsection (a) of this section~~ shall submit a report to the Secretary of State ~~annually~~ which discloses the following by appointing authority:

(1) ~~the~~ The number of appointments made during the preceding ~~year and~~ year.

(2) ~~the~~ The number of appointments of each gender made, expressed both in numerical terms and as a percentage of the total membership of the body.

(b1) Retention of Applications. ~~In addition, each~~ Each appointing authority shall designate a person responsible for retaining all applications for appointment, who shall ensure that information ~~describing~~ related to each applicant's gender and qualifications is available for public inspection during reasonable hours. Nothing in this section requires disclosure of an applicant's identity or of any other information made confidential by law.

(b2) Use of Prescribed Form. – The Secretary of State shall prescribe the form to be used ~~to report~~ for submitting reports required under subsections (b) and (d) of this section ~~these appointments~~ and ~~may~~ shall accept ~~these~~ reports ~~by~~ in an electronic ~~means.~~format to be instituted by the Secretary of State.

~~Reports by appointing authorities shall be due in the Department of the Secretary of State on or before September 1.~~ From these reports, the Secretary of State shall generate an annual composite

report that shall be published by December 1. Copies of the report shall be submitted to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

~~(c) State Reporting. – Each State appointing authority that makes appointments to a statutorily created public body, however denominated, except those having only advisory authority, shall file a report with the Secretary of State as prescribed in subsection (b) of this section. The Secretary shall submit to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore by July 1 of each year the names of all State bodies that an appointing authority must report on pursuant to this section.~~

(d) Reporting by Local Units of Government. – ~~In those cases where a county or a city is the appointing authority,~~ By September 1 of each year and with regard to each local board listed in this subsection, the ~~reporting~~ information required by subsection (b) of this section shall be submitted on behalf of the appointing authority to the Secretary of State by the clerk of that appointing authority. Appointments to each of the following ~~local, municipal, or county public bodies, or to public bodies~~local boards, whether established by State law or local decision or appointments to those local board having equivalent functions, however ~~denominated~~named or denominated, ~~that have the functions of the following public bodies,~~ must be reported:

(1) City or county ABC board, or local board created pursuant to G.S. 18B-703.
(2) Adult Care Home Community Advisory Committee.
(3) Airport Authority.
(4) Community Child Protection Team or a Child Fatality Prevention Team.
(5) Civil Service Board or similarly named board established by local act.
(6) Community Relations Committee.
(7) Council of Governments.
(8) Criminal Justice Partnership Task Force.
(9) Emergency Planning Committee.
(10) Board of Equalization and Review.
(11) Local Board of Health.
(12) Hospital Authority.
(13) Housing Authority.
(14) Human Relations Commission.
(15) County Industrial Facilities and Pollution Control Financing Authority.
(16) Juvenile Crime Prevention Council.
(17) Library Board of Trustees.
~~(18) Community College Board of Trustees.~~
(19) Economic development commission.
(20) Area mental health, developmental disabilities, and substance abuse board.
(21) Adult care home community advisory committee.
(22) Local partnership for children.
(23) Planning Board.
(24) Recreation Board.
(25) County board of social services.
(26) A public transportation authority created pursuant to Article 25 of Chapter 160A of the General Statutes, a regional public transportation authority created pursuant to Article 26 of Chapter 160A of the General Statutes, or a regional transportation authority created pursuant to Article 27 of Chapter 160A of the General Statutes.
(27) Local tourism development authority.
(28) Water and sewer authority.
(29) Workforce Development Board.
(30) Zoning Board of Adjustment.

(31) Planning and Zoning Board.
(32) Board of Adjustment.
(33) Historic Preservation Commission.
(34) Redevelopment Commission.
(35) City board of education (if appointive).
(36) Metropolitan Planning Organization.
(37) Rural Planning Organization."

SECTION 2. This act is effective when it becomes law.

SENATE BILL 478:
Modify Appointment Reporting.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 26, 2019
Introduced by:	Sen. Sawyer	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	PCS to Second Edition S478-CSBD-24		

OVERVIEW: Senate Bill 478 would modify the reporting requirement for gender-proportionate appointments to certain boards and commissions.

The PCS would correct a typo in the section numbers, modify the short title, and add clarifying language to distinguish between public bodies and local boards.

CURRENT LAW: Under G.S. 143-157.1, each State appointing authority that makes appointments to a statutorily-created public body, except those having only advisory authority, must file an annual report with the Secretary of State on gender-proportionate appointments on or before September 1. This report discloses the number of appointments made during the preceding year and the number of appointments of each gender made, expressed both in numerical terms and as a percentage of the total membership of the body.

The Secretary of State must submit to the Governor, the Speaker, and the President Pro Tempore by July 1 of each year the names of all State bodies on which an appointing authority must report.

BILL ANALYSIS

Senate Bill 478 would change the reporting authority for boards appointed by the State. Rather than the State appointing authority submitting the report to the Secretary of State, every board designated by the State Ethics Commission as a nonadvisory board would be required to submit the report by September 1. The Secretary of State would be required to accept an electronic filing of the report.

For local boards appointed by units of local government, the report would still be submitted by the clerk of the unit of local government making the appointment.

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

Staff Attorneys Brad Krehely and Jessica Sammons substantially contributed to this summary.

aren Cochrane-Brown
Director

S478-SMBD-88 CSBD-24 -V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

SENATE BILL 535:
Authorize State Park/Clarify Corps Name.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 26, 2019
Introduced by:	Sens. Edwards, Hise, J. Davis	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: Senate Bill 535 would authorize the Department of Natural and Cultural Resources (DNCR) to add Pisgah View State Park to the State Parks System, and would update the General Statutes to reflect a conservation group's name change.

CURRENT LAW/BILL ANALYSIS:

Pursuant to G.S. 143B-135.54(b), DNCR may add a State park to the State Parks System upon authorization by an act of the General Assembly accompanied by adequate authorization and appropriation for land acquisition, development, and operations.

Sections 1 and 2 of the PCS would authorize DNCR to add Pisgah State View Park, in Buncombe and Haywood Counties, to the State Parks System. The State would be permitted to receive donations of appropriate land, or purchase other needed lands for Pisgah View State Park with existing funds from the Clean Water Management Trust Fund, the Parks and Recreation Trust Fund, the federal Land and Water Trust Fund, or other available sources of funding.

G.S. 143-58.7, authorizes State departments, institutions, and agencies to contract with the "North Carolina Youth Conservation Corps" to perform trail maintenance and related activities in State parks, forest, and other State-owned facilities where the projects provide direct public benefits to the citizens of the State and offer youth and young adults of the State a structured program connected to natural resources that teaches job skills, leadership, community service, and personal responsibility. In early 2019, the North Carolina Youth Conservation Corps changed its name to "Conservation Corps North Carolina."

Section 3 would update the General Statutes to reflect the name change from "North Carolina Youth Conservation Corps" to the "Conservation Corps North Carolina."

EFFECTIVE DATE: This act would be effective when it becomes law.

Staff Attorney Kyle Evans substantially contributed to this bill summary.

Karen Cochrane-Brown
Director

S535-SMBD-87-E2-V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 2

SENATE BILL 535
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/2/19

Short Title: Authorize State Park/Clarify Corps Name. (Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ADDITION OF PISGAH VIEW STATE PARK TO THE STATE PARKS SYSTEM AND TO CLARIFY THE STATUTES DEALING WITH CONSERVATION CORPS NORTH CAROLINA.

Whereas, Section 5 of Article XIV of the North Carolina Constitution states that it shall be a proper function of the State of North Carolina to acquire and preserve park, recreational, and scenic areas and, in every other appropriate way, to preserve as a part of the common heritage of this State its open lands and places of beauty; and

Whereas, the General Assembly enacted the State Parks Act in 1987, declaring that the State of North Carolina offers unique archaeological, geological, biological, scenic, and recreational resources, and that such resources are part of the heritage of the people of the State to be preserved and managed by those people for their use and for the use of their visitors and descendants; and

Whereas, areas within southwest Buncombe County and Haywood County support a number of unique habitats and natural communities, contain high-quality cliffs, coves, and upland forests, and are home to several rare or uncommon plant and animal species; and

Whereas, this region possesses biological, geological, scenic, and recreational resources of statewide significance; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly authorizes the Department of Natural and Cultural Resources to add Pisgah View State Park in Buncombe and Haywood Counties to the State Parks System as provided in G.S. 143B-135.54(b).

SECTION 2. The State may receive donations of appropriate land and may purchase other needed lands for Pisgah View State Park with existing funds in the Clean Water Management Trust Fund, the Parks and Recreation Trust Fund, the federal Land and Water Trust Fund, and other available sources of funding.

SECTION 3. G.S. 143-58.7 reads as rewritten:

"**§ 143-58.7. Contracts with ~~Youth~~ Conservation Corps.**

State departments, institutions, and agencies may contract with the ~~North Carolina Youth~~ Conservation Corps North Carolina to perform trail construction and maintenance, invasive species removal, and other conservation projects in State parks, State forests, and other State-owned facilities where the projects provide direct public benefits to the citizens of the State and offer youth and young adults of the State a structured program that connects them to natural resources and teaches job skills, leadership, community service, and personal responsibility. Contracts under this section are exempt from the competitive bidding procedures described in this Article and the rules adopted under it."

SECTION 4. This act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE H C on State and Local Government

DATE: 6/26/2019 Room: 1228/1327

House Sgt-At Arms:

1. Name: Rex Foster
2. Name: Ken Gilbert
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

House Pages
Assignments
Wednesday, June 26, 2019
Session: 1:45 PM

Committee	Room	Time	Staff	Comments	Member
Commerce and Job Development	1228/1327	9:30 AM	Benjamin Bryner		Rep. Chuck McGrady
			Caroline Bull		Rep. Darren G. Jackson
			Alice Connor		Rep. John Autry
			Jake Patterson		Rep. Chuck McGrady
Judiciary I	544	10:00 AM	Madison Goodwin		Rep. Joe John
			Laura LeGlue		Rep. Allen McNeill
			Rylie Ponder		Rep. Mark Brody
			Margaret Scott		Rep. Donna McDowell White
State and Local Government I	1228/1327	10:00 AM	Benjamin Bryner		Rep. Chuck McGrady
			Jackson Carter		Rep. Terence Everitt
			Peyton Miranda		Rep. John Szoka
			Jake Patterson		Rep. Chuck McGrady

VISITOR REGISTRATION SHEET

H C on State and Local Government 6/26/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Will Robinson	TNC
Leo John	Secy of State
Demetrias Doloatch	NCLM
Richard Bostic	NCSBA
Emily Manning	FPA

VISITOR REGISTRATION SHEET

H C on State and Local Government 6/26/2019

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Resha Foxson	SEANC
Laurie	NCDA&CS
Wilder Semans	TCF
Chrissy Hayden	Extein
Will Morgan	MFS
Deans Eatman	DNCR

House Committee on State and Local Government
Wednesday, July 10, 2019 at 10:00 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on July 10, 2019 in Room 1228/1327 of the Legislative Building. Representatives Corbin and Warren, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Batch, Boles, Carter, Dobson, Faircloth, Fisher, Graham, Jarvis, Lofton, Logan, McElraft, Quick, Ross, Sasser, and Willingham attended. Ex-Officio members, Reps. Bell, Jones, and Lewis also attended.

Representative Kevin Corbin, Chair, presided.

The following bills were considered:

SB 68 - Relocation of Water/Sewer Line Costs. (Senator Brown)
Chairman Corbin recognized Rep. Sasser to bring forth an amendment. Rep. Adams explained the amendment. The Chairman opened the floor for discussion. Reps. McElraft, Cleveland, and Warren asked questions. After some discussion, Rep. Sasser pulled the amendment. Rep. Cleveland explained the original bill on behalf of Sen. Brown and the Chair opened the floor for discussion. There being none, Rep. Speciale was recognized and moved that SB 68 receive a Favorable Report with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed.

Amendment #1 - Sasser withdrawn.

SB 118 - PED/Safekeeper Health Care Cost Recov. Pract. (Senators B. Jackson, Krawiec, Ballard)
Chairman Corbin recognized Rep. Warren to bring forth an amendment for a technical correction. The Chairman recognized Rep. Arp to explain the bill then opened the floor for discussion. Reps. Ross, Autry, Lewis, and Fisher asked questions. Rep. Lewis was recognized to offer an amendment. Reps. Lofton, McElraft, Jarvis, Autry, Speciale, Ross, Batch, Ager, and Quick asked questions on the amendment. After much discussion and debate, Rep. Arp pulled the bill and the meeting was adjourned. Amendment #1 - Warren adopted, Amendment #2 - Lewis adopted.

The meeting adjourned at 10:58.

Representative Kevin Corbin, Chair
Presiding

Cindy Hobbs, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. SB 68, Amendment, Summary, and Committee Report
4. SB 118, Amendments, PCS, and Summary
5. Sergeant-at-Arms
6. Pages
7. Visitor Registration Forms

Updated #1: Add SB118

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, July 10, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 68	Relocation of Water/Sewer Line Costs.	Senator Brown
SB 118	PED/Safekeeper Health Care Cost Recov. Pract.	Senator B. Jackson Senator Krawiec Senator Ballard

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:38 AM on Tuesday, July 09, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, July 10, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 68	Relocation of Water/Sewer Line Costs.	Senator Brown

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:47 AM on Monday, July 08, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, July 10, 2019, 10:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 68	Relocation of Water/Sewer Line Costs.	Senator Brown
SB 118	PED/Safekeeper Health Care Cost Recov. Pract.	Senator B. Jackson Senator Krawiec Senator Ballard

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

SB **68** Relocation of Water/Sewer Line Costs.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Shepard

TOTAL REPORTED: 1



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 68

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S68-ABG-36 [v.2]

Amends Title [NO]
First Edition

Date 7-10-19 ,2019

Representative Wayne Sasser

moves to amend the bill on page 1, line 11, by deleting the phrase "25,000," and substituting the phrase "~~25,000,~~50,000.";

and on page 1, line 13, by deleting the phrase "25,000" and substituting the phrase "~~25,000~~50,000".

SIGNED Wayne Sasser
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

WITHDRAWN



SENATE BILL 68:
Relocation of Water/Sewer Line Costs.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	July 10, 2019
Introduced by:	Sen. Brown	**Prepared by:**	Howard Marsilio Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 68 would amend the law requiring that the North Carolina Department of Transportation (NCDOT) pay a percentage of nonbetterment costs for certain water and sewer line relocations when located within the right-of-way (ROW) of State transportation improvement projects.

CURRENT LAW: G.S. 136-27.1(a) requires DOT to pay for a percentage of nonbetterment costs for water and sewer relocations within State transportation improvement project ROW and owned by a:

- municipality with a population of less than 10,000;
- non-profit water and sewer association or corporation;
- water and sewer system organized under Chapter 162A;
- County operating a rural water system as an enterprise system;
- A sanitary district organized pursuant to Part 2 of Article 2 of Chapter 130A;
- a municipality with a population of greater than 10,000 when the system was constructed by water or sewer system organized pursuant to Chapter 162A of the General Statutes and then sold or transferred to that municipality; or
- a local board of education.

G.S. 136-27.1(b) generally requires municipalities with a population greater than 10,000 to pay a percentage of the nonbetterment costs for the relocation of water and sewer lines as follows:

- A municipality with a population greater than 10,000, but less than 25,000, shall pay twenty-five percent (25%) of the cost.
- A municipality with a population of 25,000 or greater, but less than 50,000, shall pay fifty percent (50%) of the cost.
- A municipality with a population of 50,000 or greater shall pay one hundred percent (100%) of the cost.

BILL ANALYSIS: This bill would modify the population ranges upon which the percentages are based. The bill would make the following changes: Municipalities between 25,000 and 100,000 (an increase from 50,000) would be responsible for 50% of costs; and municipalities with populations of 100,000 (an increase from 50,000) or greater would be responsible for 100% of the costs.

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

Karen Cochrane-Brown
Director

S68-SMBG-142 E1 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

SENATE BILL 68

Short Title:	Relocation of Water/Sewer Line Costs.	(Public)
Sponsors:	Senators Brown (Primary Sponsor); Harrington and Hise.	
Referred to:	Rules and Operations of the Senate	

February 18, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PERCENTAGE OF NONBETTERMENT COST PAID BY MUNICIPALITIES FOR THE RELOCATION OF WATER AND SEWER LINES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-27.1(b) reads as rewritten:

"(b) A municipality with a population of greater than 10,000 shall pay a percentage of the nonbetterment cost for relocation of water and sewer lines owned by the municipality and located within the existing State transportation project right-of-way that are necessary to be relocated for a State transportation improvement project. The percentage shall be based on the municipality's population, with the Department paying the remaining costs, as follows:

(1) A municipality with a population of greater than 10,000, but less than 25,000, shall pay twenty-five percent (25%) of the cost.

(2) A municipality with a population of 25,000 or greater, but less ~~than 50,000,~~ than 100,000, shall pay fifty percent (50%) of the cost.

(3) A municipality with a population ~~of 50,000~~ of 100,000 or greater shall pay one hundred percent (100%) of the cost."

SECTION 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 118*

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S118-ABD-20 [v.1]

Amends Title [NO]
PCS S118-CSBD-28[v.1]

Date July 10 ,2019

Representative Warren

moves to amend the bill on page 1, line 28, by substituting the word "city" for the word "county".

SIGNED Larry Warren
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 118*

AMENDMENT NO. 2
(to be filled in by Principal Clerk)

S118-AST-62 [v.1]

Amends Title [NO]
Third Edition

Date July 10 ,2019

Representative Lewis

moves to amend the bill on page 2, line 22, by rewriting that line to read:

"**SECTION 5.** The Joint Legislative Committee on Local Government shall study the issue of short term vacation rentals and report to the General Assembly on or before April 15, 2020. In the study, the Committee shall consult with local governments, realtors, and other interested parties, and consider the following:

(1) Zoning by local governments.
(2) Emergency services and law enforcement issues with short term rentals.
(3) Property rights of homeowners.
(4) Any other issue related to short term rentals.

SECTION 6. Sections 1 through 4 of this act are effective when they become law, and expire on June 30, 2020. The remainder of this act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

S118-AST-62-V-1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 118
Health Care Committee Substitute Adopted 4/18/19
Third Edition Engrossed 5/6/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S118-CSBD-28 [v.1]
07/09/2019 06:40:23 PM

Short Title: Uniform Residential Rental Reg. (Public)

Sponsors:

Referred to:

February 25, 2019

A BILL TO BE ENTITLED

AN ACT TO REQUIRE UNIFORMITY IN THE REGULATION OF RESIDENTIAL RENTAL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-327. Residential rental property ordinances.**

(a) A county may, by ordinance, regulate the rental of residential property under Chapter 42 or Chapter 42A of the General Statutes only if the ordinance applies uniformly to all residential property in the county without regard to whether the property is used as a vacation rental, a long-term rental, or is owner-occupied.

(b) An ordinance adopted pursuant to subsection (a) of this section shall not do any of the following:

(1) Prohibit rentals, impose occupancy restrictions on rentals, or regulate the frequency or duration of rentals.

(2) Require the inspection, licensing, or registration of rentals, except as authorized in G.S. 153A-364.

(3) Require the licensing or registration of the owner of record of a rental.

(4) Require the licensing or registration of, or impose regulations on, the landlord's real estate broker or facilitator of the owner of a rental, as defined in G.S. 105-164.4F, except as required pursuant to Chapter 93A and Chapter 105 of the General Statutes."

SECTION 2. Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-367. Residential rental property ordinances.**

(a) A city may, by ordinance, regulate the rental of residential property under Chapter 42 and Chapter 42A of the General Statutes only if the ordinance applies uniformly to all residential property in the county without regard to whether the property is used as a vacation rental, a long-term rental, or is owner-occupied.

(b) An ordinance adopted pursuant to subsection (a) of this section shall not do any of the following:

(1) Prohibit rentals, impose occupancy limits on rentals, or regulate frequency or duration of rentals.

(2) Require inspection, licensing, or registration of rentals, except as authorized in G.S. 160A-424.

(3) Require the licensing or registration of the owner of record of a rental.

(4) Require the licensing or registration of, or impose regulations on, the landlord's real estate broker or facilitator of the owner of record, as defined in G.S. 105-164.4F, except as required pursuant to Chapter 93A and Chapter 105 of the General Statutes."

SECTION 3. G.S. 153A-340 is amended by adding a new subsection to read:

"§ 153A-340. Grant of power.

...

(o) A vacation rental or long-term rental shall be classified as a residential land use for zoning purposes, subject to all applicable zoning requirements. The terms "vacation rental" and "long-term rental" as used in this section do not include a unit that is used for nonresidential use, including retail, restaurant, banquet space, event center, or other similar use."

SECTION 4. G.S. 160A-381 is amended by adding a new subsection to read:

"§ 160A-381. Grant of power.

...

(k) A vacation rental or long-term rental shall be classified as a residential land use for zoning purposes, subject to all applicable zoning requirements. The terms "vacation rental" and "long-term rental" as used in this section do not include a unit that is used for nonresidential use, including retail, restaurant, banquet space, event center, or other similar use."

SECTION 5. This act is effective when it becomes law.

SENATE BILL 118:
Uniform Residential Rental Reg.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	July 10, 2019
Introduced by:	Sens. B. Jackson, Krawiec, Ballard	**Prepared by:**	Billy R. Godwin Committee Counsel
Analysis of:	PCS to Third Edition S118-CSBD-28		

OVERVIEW: The Proposed Committee Substitute (PCS) to Senate Bill 118 would authorize counties and cities to adopt ordinances to uniformly regulate residential rental property subject to certain limitations, and would subject a residential vacation rental or a long-term residential rental to zoning regulations applicable to land use regulations.

[As introduced, this bill was identical to H108, as introduced by Reps. Horn, Lucas, which is on the Senate Calendar for July 10, 2019, for second reading.

CURRENT LAW: Regulation of residential tenancies is generally governed by State law found in Chapter 42 of the General Statutes. Those statutes generally contain provisions addressing rights between landlord and tenant, ejectment of tenants, residential rental agreements, and security deposits. State law also governs regulation of vacation rental property (Chapter 42A of the General Statutes). Counties and cities have limited authority to regulate residential rental property, with explicit authority to conduct inspections of hazardous or unsafe buildings, and general authority to zone.

BILL ANALYSIS: The PCS to Senate Bill 118 would explicitly authorize counties and cities to adopt ordinances to uniformly regulate residential rental property whether the property is used for vacation rental, long-term rental, or is owner occupied provided the ordinance does not do any of the following:

- Prohibit rentals, impose occupancy restrictions, or regulate rental frequency or duration.
- Require licensing or registration of rentals or their owners.
- Require inspections of rentals, except those for hazardous or unlawful conditions.
- Regulate or require licensing or registration of a landlord's real estate broker except as required by the North Carolina Real Estate Commission.

The PCS would require local governments to treat a residential vacation rental or a long-term residential rental as residential property for purposes of zoning regulations applicable to land use regulations.

EFFECTIVE DATE: The act would be effective when the bill becomes law.

ren Cochrane-Brown
Director

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 3

SENATE BILL 118*
Health Care Committee Substitute Adopted 4/18/19
Third Edition Engrossed 5/6/19

Short Title: PED/Safekeeper Health Care Cost Recov. Pract. (Public)

Sponsors:

Referred to:

February 25, 2019

A BILL TO BE ENTITLED

AN ACT TO IMPROVE DATA COLLECTION AND COST RECOVERY PRACTICES FOR HEALTH CARE SERVICES FOR SAFEKEEPERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162-39 reads as rewritten:

"**§ 162-39. Transfer of prisoners when necessary for safety and security; application of section to municipalities.**

(a) Whenever necessary for the safety of a prisoner held in any county jail or to avoid a breach of the peace in any county or whenever prisoners are arrested in such numbers that county jail facilities are insufficient and inadequate for the housing of such prisoners, the resident judge of the superior court or any judge holding superior court in the district or any district court judge may order the prisoner transferred to a fit and secure jail in some other county where the prisoner shall be held for such length of time as the judge may direct.

(b) Whenever necessary to avoid a security risk in any county jail, or whenever prisoners are arrested in such numbers that county jail facilities are insufficient and inadequate for the housing of such prisoners, the resident judge of the superior court or any judge holding superior court in the district or any district court judge may order the prisoner transferred to a unit of the State prison system designated by the Secretary of Public Safety or his authorized representative. For purposes of this subsection, a prisoner poses a security risk if the prisoner:

(1) Poses a serious escape risk;
(2) Exhibits violently aggressive behavior that cannot be contained and warrants a higher level of supervision;
(3) Needs to be protected from other inmates, and the county jail facility cannot provide such protection;
(4) Is a female or a person 18 years of age or younger, and the county jail facility does not have adequate housing for such prisoners;
(5) Is in custody at a time when a fire or other catastrophic event has caused the county jail facility to cease or curtail operations; or
(6) Otherwise poses an imminent danger to the staff of the county jail facility or to other prisoners in the facility.

(b1) The Department of Public Safety, Health Services Section, shall maintain records of prisoners transferred to a unit of the State prison system pursuant to subsection (b) of this section. The records shall utilize unique identifiers for each transferred prisoner and shall include all of the following information:

(1) The date the transfer order was received.

(2) The statutory basis upon which the order was granted.
(3) The date the prisoner was transferred to State custody.
(4) The State prison facility where the prisoner was transferred.
(5) The county where the prisoner was removed.
(6) The dates the prisoner received health services from the Department.
(7) A list of health services provided to the prisoner and the corresponding charges.
(8) The date the Department determined that the prisoner no longer needs health services to be provided by the State prison system.
(9) The date and method used by the Department to notify the county that the prisoner should be transferred back to the custody of the county.
(10) The date that the prisoner is returned to the custody of the county.

(c) The sheriff of the county from which the prisoner is removed shall be responsible for conveying the prisoner to the jail or prison unit where ~~he~~ the prisoner is to be held, and for returning ~~him~~ the prisoner to the common jail of the county from which ~~he~~ the prisoner was transferred. The return shall be made at the expiration of the time designated in the court order directing the transfer unless the judge, by appropriate order, ~~shall direct~~ directs otherwise. The sheriff or keeper of the jail of the county designated in the court order, or the officer in charge of the prison unit designated by the Secretary of Public Safety, shall receive and release custody of the prisoner in accordance with the terms of the court order. If a prisoner is transferred to a unit of the State prison system, the county from which the prisoner is transferred shall pay the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for maintaining the prisoner for the time designated by the court at the per day, per inmate rate at which the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pays a local jail for maintaining a prisoner. The county shall also pay the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the costs of ~~extraordinary~~ medical care incurred while the prisoner was in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, defined as follows:

(1) Medical expenses incurred as a result of providing health care to a prisoner as an inpatient ~~(hospitalized);~~(hospitalized).
(2) Other medical expenses when the total cost exceeds thirty-five dollars ($35.00) per occurrence or illness as a result of providing health care to a prisoner as an outpatient ~~(nonhospitalized); and~~(nonhospitalized).
(3) Cost of replacement of eyeglasses and dental prosthetic devices if those eyeglasses or devices are broken while the prisoner is incarcerated, provided the prisoner was using the eyeglasses or devices at the time of his commitment and then only if prior written consent of the county is obtained by the Division.
(4) Transportation and custody costs associated with the transfer of prisoners receiving health care outside of the prison facility. The county shall reimburse the State for services provided to the prisoner at the same mileage reimbursement rate and hourly custody rate that are reimbursed pursuant to the Statewide Misdemeanant Confinement Program.
(5) Cost of sick call encounters at the rate charged to State prison inmates.

(c1) If the prisoner is transferred to a jail in some other county, the county from which the prisoner is transferred shall pay to the county receiving the prisoner in its jail the actual cost of maintaining the prisoner for the time designated by the court. Counties are ~~hereby~~ authorized to enter into contractual agreements with other counties to provide jail facilities to which prisoners may be transferred as deemed necessary under this section.

(c2) Whenever prisoners are arrested in such numbers that county jail facilities are insufficient and inadequate for the safekeeping of such prisoners, the resident judge of the superior court or any superior or district court judge holding court in the district may order the

prisoners transferred to a unit of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety designated by the Secretary of Public Safety or ~~his~~ the Secretary's authorized representative, where the prisoners may be held for such length of time as the judge may direct, such detention to be in ~~cell~~ cells separate from ~~that~~ those used for imprisonment of persons already convicted of crimes, except when admission to an inpatient prison medical or mental health unit is required to provide services deemed necessary by a prison health care clinician. The sheriff of the county from which the prisoners are removed shall be responsible for conveying the prisoners to the prison unit or units where they are to be held, and for returning them to the common jail of the county from which they were transferred. However, if due to the number of prisoners to be conveyed the sheriff is unable to provide adequate transportation, ~~he~~ the sheriff may request the assistance of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety is hereby authorized and directed to cooperate with the sheriff and provide whatever assistance is available, both in vehicles and manpower, to accomplish the conveying of the prisoners to and from the county to the designated prison unit or units. The officer in charge of the prison unit designated by the Secretary of Public Safety or ~~his~~ the Secretary's authorized representative shall receive and release the custody of the prisoners in accordance with the terms of the court order. The county from which the prisoners are transferred shall pay to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety the actual cost of transporting the prisoners and the cost of maintaining the prisoners at the per day, per inmate rate at which the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pays a local jail for maintaining a prisoner, provided, however, that a county is not required to reimburse the State for transporting or maintaining a prisoner who was a resident of another state or county at the time ~~he~~ the prisoner was arrested. However, if the county commissioners shall certify to the Governor that the county is unable to pay the bill submitted by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to the county for the services rendered, either in whole or in part, the Governor may recommend to the Council of State that the State of North Carolina assume and pay, in whole or in part, the obligation of the county to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and upon approval of the Council of State the amount so approved shall be paid from the Contingency and Emergency Fund to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

(c3) When, due to an emergency, it is not feasible to obtain from a judge of the superior or district court a prior order of transfer, the sheriff of the county and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may exercise the authority hereinafter conferred; provided, however, that the sheriff shall, as soon as possible after the emergency, obtain an order from the judge authorizing the prisoners to be held in the designated place of confinement for such period as the judge may direct. All provisions of this ~~subsection~~ section shall be applicable to municipalities whenever prisoners are arrested in such numbers that the municipal jail facilities and the county jail facilities are insufficient and inadequate for the safekeeping of the prisoners. The chief of police is hereby authorized to exercise the authority herein conferred upon the sheriff, and the municipality shall be liable for the cost of transporting and maintaining the prisoners to the same extent as a county would be unless action is taken by the Governor and Council of State as herein provided for counties which are unable to pay such costs.

(d) Whenever a prisoner held in a county jail requires medical or mental health treatment that the county decides can best be provided by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the resident judge of the superior court or any judge holding superior court in the district or any district court judge may order the prisoner transferred to a unit of the State prison system designated by the Secretary of Public Safety or ~~his~~ the Secretary's authorized ~~representative.~~ representative for an initial period not to exceed 30 days.

The sheriff of the county from which the prisoner is removed shall be responsible for conveying the prisoner to the prison unit where ~~he~~ the prisoner is to be held, and for returning ~~him~~ the prisoner to the jail of the county from which ~~he~~ the prisoner was transferred. ~~The prisoner shall be returned when the attending medical or mental health professional determines that the prisoner may be returned safely.~~ The officer in charge of the prison unit designated by the Secretary of Public Safety shall receive custody of the prisoner in accordance with the terms of the ~~order and~~ order. Prior to the conclusion of the 30-day period, the Division of Adult Correction and Juvenile Justice shall conduct an assessment of treatment and venue needs. The assessment shall be conducted by the attending medical or mental health professional and shall assess the medical and mental health needs of the prisoner and make a recommendation on whether the prisoner should remain in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or if the prisoner should be returned to the custody of the county. To extend the order beyond the initial 30-day period, the sheriff shall provide the Division of Adult Correction and Juvenile Justice assessment and any other relevant information to the resident judge of the superior court or any judge holding superior court in the district or any district court judge who shall determine whether to extend the transfer of the prisoner to a unit of the State prison system beyond the initial 30-day period. The officer in charge of the prison unit designated by the Secretary of Public Safety shall release custody of the prisoner in accordance with the court order and the instructions of the attending medical or mental health professional. The county from which the prisoner is transferred shall pay the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for maintaining the prisoner for the period of treatment at the per day, per inmate rate at which the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pays a local jail for maintaining a prisoner, and for extraordinary medical expenses as set forth in subsection (c) of this section.

(e) The number of county prisoners incarcerated in the State prison system pursuant to safekeeping orders from the various counties pursuant to subsection (b) of this section or for medical or mental health treatment pursuant to subsection (d) of this section may not exceed 200 at any given time unless authorized by the Secretary of Public Safety. The Secretary may refuse to accept any safekeeper and may return any safekeeper transferred under a safekeeping order when this capacity limit is reached. The Secretary shall not refuse to accept a safekeeper because a county has failed to pay the Department of Public Safety for services rendered pursuant to this section.

(f) If, after 10 days of receiving notification and request for transfer from the Department of Public Safety pursuant to G.S. 148-19.3(a), the sheriff fails to assume custody of the county prisoner from the State prison facility to which the prisoner was assigned, then, in addition to the actual cost of transporting the prisoner and the cost of maintaining the prisoner at the per day, per inmate rate at which the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pays a local jail for maintaining a prisoner, the county shall be liable to the State for an additional per day, per inmate rate not to exceed twenty dollars ($20.00) for each day the sheriff fails to assume custody of the prisoner, unless the sheriff has obtained an extension of the order because the inmate cannot be safely housed in the local jail. The section chief of the Health Services Section may waive up to 10 days of the additional per day rate if the sheriff provides documentation of extenuating circumstances."

SECTION 2.(a) Article 2 of Chapter 148 of the General Statutes is amended by adding a new section to read:

"**§ 148-19.3. Health care services to county prisoners.**

(a) All charges that are the responsibility of the transferring county for health care services provided to prisoners held under a safekeeping order shall not be paid by the Department and shall be submitted by the health care provider to the Inmate Medical Costs Management Plan through the North Carolina Sheriffs' Association for the Plan to review and negotiate all charges

for health care services to avoid overpayment and reduce overall health care service costs. The Department shall notify the health care provider when services are being provided to the prisoner that the invoice for health care services shall be submitted by the provider directly to the Plan. In the event an invoice is sent to the Department by a health care provider for health care services provided to a safekeeper under this section, the Department shall forward the invoice to the Plan within three days of receipt. All unreimbursed charges for health care services provided shall be documented and presented to the county for payment in accordance with G.S. 162-39. Upon expiration of the terms of the order and a determination that the prisoner may be safely returned to the custody of the county, the Department shall notify the sheriff, or the sheriff's designee, by telephone and electronic mail and request the transfer of the prisoner to the custody of the county.

(b) The Department shall update the medical services schedule of charges assessed to counties for the provision of health care services to county prisoners housed in the State prison system pursuant to safekeeping orders under G.S. 162-39. In updating the schedule of charges, at a minimum, the Department shall consider the actual rate for services provided and current established Medicaid rates for respective services. The schedule of charges shall be updated annually and shall be included in the Department's policies and procedures. The Department shall assess charges to counties for health care services provided to county prisoners at all State prison facilities."

SECTION 2.(b) The Department shall submit a report on the updated medical services schedule of charges required in subsection (a) of this section to the Joint Legislative Oversight Committee on Justice and Public Safety on or before December 1, 2019.

SECTION 3. This act becomes effective July 1, 2019.

Committee Sergeants at Arms

NAME OF COMMITTEE HC on State and Local Government

DATE: 7/10/2019 Room: 1228/1328

House Sgt-At Arms:

1. Name: Rex Foster
2. Name: Russell Salisbury
3. Name: Warren Hawkins
4. Name: David Leighton
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Wednesday, July 10, 2019
Session: 2:00 PM

Committee	Room	Time	Staff	Comments	Member
Public Utilities	1228/1327	9:30 AM	Reed Ballus		Rep. Lee Zachary
			Tucker Clark		Rep. Mitchell S. Setzer
			Fiona Newberry		Rep. C. Ray Russell
			Ryan Stoots		Rep. George G. Cleveland
Judiciary I	544	10:00 AM	Jackson Buttler		Rep. Joe John
			Bryan Daniels		Rep. Allison A. Dahle
			John Rouse		Rep. John R. Bell, IV
			Mary Stokes		Rep. Cynthia Ball
State and Local Government I	1228/1327	10:00 AM	Mary Policastro		Speaker Tim Moore
			Anthony Tocci		Rep. Destin Hall
			Kasanna Veth		Rep. Pricey Harrison
			Brandon Ramirez		Rep. John Sauls

VISITOR REGISTRATION SHEET

HC on State and Local Government — 7/10/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Beau Mills	Metro Mayors
David Crawford	AIA NC
Neil Rowan	NCMS
April Neumann	MWC
Henry Jones	Cooper Carry
[illegible]	NCBOA
[illegible]	MWC
Amanda Mcaulay	SBA
Chad Essick	Poyner Spruill LLP
Robin Tatum	City of Raleigh
Demetrius Edwards	NCLM

VISITOR REGISTRATION SHEET

HC on State and Local Government — 7/10/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Matt Baker	BI
John Lucey	DEQ
Caroline Kozak	Citizen
ROB BUCKLIN	CITIZEN
Seth Peter	NCL
Erin Wynia	NCLM
Sarah Patterson	LWV
Kara Weishaar	SA
Sarah Bales	Brubaker & Assoc.
Margo Metzger	NCRLA
Frank Bragg	NCRLA

VISITOR REGISTRATION SHEET

HC on State and Local Government — 7/10/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Isabel Villa-Garcia	NCRLA
Lynn Mingus	NCRLA
Philip Riley	BMG
Jason Deans	SDA
Justin Delaney	NCDOT
Will Morgan	MFJ
Amy Thomas	FPA
[illegible]	FPA
Linda Wynn	NCSBA
Tim Minton	NCHBA
Daryl [illegible]	NCSTA

VISITOR REGISTRATION SHEET

HC on State and Local Government — 7/10/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Addison McDowell	NCLM
Travis Fain	WRAL
Susanna Davis	NCDPS
[illegible]	KTS
Connie Wilson	NCCTA
Rick Zechini	Williams Mullen
Will Robinson	TNC
Steven Wann	NCDOT

House Committee on State and Local Government
Monday, July 15, 2019 at 4:00 PM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 4:00 PM on July 15, 2019 in Room 1228/1327 of the Legislative Building. Representatives Corbin and Warren, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Batch, Boles, Carter, Dobson, Faircloth, Fisher, Jarvis, Lofton, Logan, McElraft, Quick, Ross, Sasser, Setzer, von Haefen, and Willingham attended. Ex-Officio members, Reps. Lewis and Stevens also attended.

Representative Harry Warren, Chair, presided.

The following bills were considered:

SB 118 - PED/Safekeeper Health Care Cost Recov. Pract. (Senators B. Jackson, Krawiec, Ballard)
Chairman Warren recognized Rep. Arp to explain the amendment to SB118 then opened the floor for discussion. Reps. Logan, Fisher, Faircloth, Ross, Autry, Batch, McElraft, Ager, Speciale, and Lofton asked questions and Billy Godwin from Legislative Analysis was recognized for clarification. Matt Allen of Land of the Sky Association of Realtors and Rob Bucklin, short-term rental owner were in favor of the bill and Erin Wynia of the NC League of Municipalities and Lynn Minges of the NCRLA were against the bill. After some discussion, Rep. Arp pulled the bill and re-referred to Rules, Calendar, and Operations of the House. Amendment #1 – Speciale failed.

SB 356 - Surplus Property Proceeds to Parks and Water. (Senators Wells, Brown)
Chairman Warren recognized Rep. Corbin to bring forth an amendment and Rep. Horn explained the bill. The Chairman opened the floor for discussion. There being none, Rep. Cleveland was recognized and moved that SB 356 receive a Favorable to the new PCS with Amendments rolled in, unfavorable to original bill with a referral to Rules, Calendar, and Operations of the House. The Chairman opened the floor for a vote and the motion passed. Amendment #1 – Corbin adopted.

The meeting adjourned at 4:54 p.m.

Representative Harry Warren, Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. SB 118, Amendment, PCS, Summary, and Guest Speakers
4. SB 356, Amendment, Summary, and Committee Report
5. Sergeant-at-Arms
6. Pages (none attended)
7. Visitor Registration Forms

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Monday, July 15, 2019
TIME: **4:00 PM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 118	PED/Safekeeper Health Care Cost Recov. Pract.	Senator B. Jackson Senator Krawiec Senator Ballard
SB 356	Surplus Property Proceeds to Parks and Water.	Senator Wells Senator Brown

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:29 AM on Monday, July 15, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Monday, July 15, 2019, 4:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 118 *(PCS)*	PED/Safekeeper Health Care Cost Recov. Pract.	Senator B. Jackson Senator Krawiec Senator Ballard
SB 356	Surplus Property Proceeds to Parks and Water.	Senator Wells Senator Brown

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED

SB 356 (CS#1) Surplus Property Proceeds to Parks and Water.

Draft Number:	S356-PCS15393-BG-58
Serial Referral:	RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Horn

TOTAL REPORTED: 1



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 118*

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S118-ABD-21 [v.1]

Amends Title [NO]
S118-CSTT-54[v.6]

Date 7-15 ,2019

Representative SPECIALE

moves to amend the bill on page 2, line 41, by rewriting the line to read:

"**SECTION 3.** This act is effective when it becomes law. Section 1 of this act expires on December 31, 2020.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____

S118-ABD-21-V-1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 118
Health Care Committee Substitute Adopted 4/18/19
Third Edition Engrossed 5/6/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S118-CSST-54 [v.6]
7/14/2019 5:57:15 PM

Short Title: Short-Term Rentals/Regulate & Study. (Public)

Sponsors:

Referred to:

February 25, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE COUNTIES AND CITIES TO REGULATE SHORT-TERM RENTAL ORDINANCES SUBJECT TO CERTAIN LIMITATIONS AND TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON SHORT-TERM RENTALS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-327. Residential rental property ordinances.**

(a) For purposes of short-term residential rental ordinances, the provisions of G.S. 160A-367(a) shall apply to counties.

(b) For purposes of zoning, G.S. 160A-367(b) shall apply to counties."

SECTION 1.(b) Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-367. Residential rental property ordinances.**

(a) A city may enforce any ordinance regulating short-term residential rentals adopted on or before June 30, 2019. After June 30, 2019, a city may amend, or adopt, an ordinance regulating short-term residential rentals, provided the ordinance does not do any of the following:

(1) Prohibit rentals, impose occupancy restrictions on rentals, or regulate the frequency or duration of rentals.

(2) Require the inspection, licensing, or registration of rentals, except as authorized in G.S. 160A-424.

(3) Require the licensing or registration of the owner of record of a rental.

(4) Require the licensing or registration of, or impose regulations on, the landlord's real estate broker or facilitator of the owner of a rental, as defined in G.S. 105-164.4F, except as required pursuant to Chapter 93A and Chapter 105 of the General Statutes.

(b) A vacation rental or long-term rental shall be classified as a residential land use for zoning purposes, subject to all applicable zoning requirements. The terms "vacation rental" and "long-term rental" as used in this section do not include a unit that is used for nonresidential use, including retail, restaurant, banquet space, event center, or other similar use."

SECTION 2.(a) There is established the Joint Legislative Study Committee on Short-Term Rentals. The Committee shall consist of five members of the Senate appointed by the President Pro Tempore of the Senate and five members of the House of Representatives

appointed by the Speaker of the House of Representatives. The President Pro Tempore and the Speaker of the House of the Representatives shall each appoint a co-chair of the Committee from among its membership. Members shall serve at the pleasure of the appointing officer.

SECTION 2.(b) The Committee shall study the regulation of residential rental property, including vacation rental property. The study shall include the following:

(1) A review of the tax collection and remittance procedures utilized by providers of residential rental properties for rental terms of less than 90 days.

(2) A review of Chapter 42A of the General Statutes, the Vacation Rental Act, along with any recommend legislation needed to ensure compliance by short-term rentals.

(3) A review of the reporting requirement of accommodation facilitators as defined by and required under HB 966, 2019 Regular Session, if that bill becomes law, or a substantially similar provision becomes law.

(4) A recommended definition of the term "short-term rental."

(5) A compilation of short-term rental regulations that the Committee recommends counties and cities could authorize to be adopt.

(6) A review of any other issues identified by the Committee as germane to the regulation of residential rental property by counties of cities along with any recommended legislation arising from therefrom.

SECTION 2.(c) The Committee shall meet upon the call of its cochairs. A quorum of the Committee is a majority of its members. No action may be taken except by a majority vote at a meeting at which a quorum is present. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1. The expenses of the Committee shall be considered expenses incurred for the joint operation of the General Assembly.

SECTION 2.(d) The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives and the Director of Legislative Assistants of the Senate shall assign clerical support to staff the Committee.

SECTION 2.(e) The Committee shall solicit input from relevant State regulatory agencies, including the North Carolina Real Estate Commission, property rights advocates and organizations or associations, local governments and their organizations or associations, homeowners, homeowner representatives, accommodation facilitators, and other stakeholders while conducting the study.

SECTION 2.(f) The Committee shall submit a final report on the results of its study, including any proposed legislation, to the Senate and the House of Representatives on or before the convening of the 2020 Regular Session of the 2019 General Assembly, by filing a copy of the report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, the Revenue Laws Study Committee, and the Legislative Library. The Committee shall terminate on April 15, 2020, or upon the filing of its final report, whichever occurs first.

SECTION 3. This act is effective when it becomes law.

SENATE BILL 118:
Short-Term Rentals/Regulate & Study.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	July 15, 2019
Introduced by:	Sens. B. Jackson, Krawiec, Ballard	**Prepared by:**	Billy R. Godwin Committee Counsel
Analysis of:	PCS to Third Edition S118-CSST-54		

OVERVIEW: ***The Proposed Committee Substitute (PCS) to Senate Bill 118 would (i) authorize counties and cities to enforce existing ordinances regulating short-term residential rental property adopted on or before June 30, 2019, (ii) authorize counties and cities to adopt new ordinances regulating short-term residential rental property after June 30, 2019, subject to certain limitations, (iii) subject a residential vacation rental or a long-term residential rental to zoning regulations applicable to land use regulations, and (iv) establish the Joint Legislative Study Committee on Short-Term Rentals.***

[As introduced, this bill was identical to H108, as introduced by Reps. Horn, Lucas, which was ordered enrolled on July 11, 2019.]

CURRENT LAW: Regulation of residential tenancies is generally governed by State law found in Chapter 42 of the General Statutes. Those statutes generally contain provisions addressing rights between landlord and tenant, ejectment of tenants, residential rental agreements, and security deposits. State law also governs regulation of vacation rental property (Chapter 42A of the General Statutes). Counties and cities have limited authority to regulate residential rental property, with explicit authority to conduct inspections of hazardous or unsafe buildings, and general authority to zone.

BILL ANALYSIS:

Section 1 of the PCS to Senate Bill 118 would authorize counties and cities to enforce existing ordinances regulating short-term residential rental property that were adopted on or before June 30, 2019. After June 30, 2019, counties and cities would be authorized to amend existing short-term residential rental ordinances or to adopt new short-term residential ordinances provided the amended ordinance, or the new ordinance, does not do any of the following:

- Prohibit rentals, impose occupancy restrictions, or regulate rental frequency or duration.
- Require licensing or registration of rentals or their owners.
- Require inspections of rentals, except those for hazardous or unlawful conditions.
- Regulate or require licensing or registration of a landlord's real estate broker except as required by the North Carolina Real Estate Commission.

The PCS would require local governments to treat a residential vacation rental or a long-term residential rental as residential property for purposes of zoning regulations applicable to land use regulations.

Section 2 of the PCS would establish the Joint Legislative Study Committee on Short-Term Rentals to study the regulation of residential rental and vacation property and to submit a final report on the results

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

of its study, including any proposed legislation, to the Senate and the House of Representatives on or before the convening of the 2020 Regular Session of the 2019 General Assembly.

EFFECTIVE DATE: The act would be effective when the bill becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 3

SENATE BILL 118*
Health Care Committee Substitute Adopted 4/18/19
Third Edition Engrossed 5/6/19

Short Title: PED/Safekeeper Health Care Cost Recov. Pract. (Public)

Sponsors:

Referred to:

February 25, 2019

A BILL TO BE ENTITLED

AN ACT TO IMPROVE DATA COLLECTION AND COST RECOVERY PRACTICES FOR HEALTH CARE SERVICES FOR SAFEKEEPERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162-39 reads as rewritten:

"**§ 162-39. Transfer of prisoners when necessary for safety and security; application of section to municipalities.**

(a) Whenever necessary for the safety of a prisoner held in any county jail or to avoid a breach of the peace in any county or whenever prisoners are arrested in such numbers that county jail facilities are insufficient and inadequate for the housing of such prisoners, the resident judge of the superior court or any judge holding superior court in the district or any district court judge may order the prisoner transferred to a fit and secure jail in some other county where the prisoner shall be held for such length of time as the judge may direct.

(b) Whenever necessary to avoid a security risk in any county jail, or whenever prisoners are arrested in such numbers that county jail facilities are insufficient and inadequate for the housing of such prisoners, the resident judge of the superior court or any judge holding superior court in the district or any district court judge may order the prisoner transferred to a unit of the State prison system designated by the Secretary of Public Safety or his authorized representative. For purposes of this subsection, a prisoner poses a security risk if the prisoner:

(1) Poses a serious escape risk;
(2) Exhibits violently aggressive behavior that cannot be contained and warrants a higher level of supervision;
(3) Needs to be protected from other inmates, and the county jail facility cannot provide such protection;
(4) Is a female or a person 18 years of age or younger, and the county jail facility does not have adequate housing for such prisoners;
(5) Is in custody at a time when a fire or other catastrophic event has caused the county jail facility to cease or curtail operations; or
(6) Otherwise poses an imminent danger to the staff of the county jail facility or to other prisoners in the facility.

(b1) The Department of Public Safety, Health Services Section, shall maintain records of prisoners transferred to a unit of the State prison system pursuant to subsection (b) of this section. The records shall utilize unique identifiers for each transferred prisoner and shall include all of the following information:

(1) The date the transfer order was received.

(2) The statutory basis upon which the order was granted.
(3) The date the prisoner was transferred to State custody.
(4) The State prison facility where the prisoner was transferred.
(5) The county where the prisoner was removed.
(6) The dates the prisoner received health services from the Department.
(7) A list of health services provided to the prisoner and the corresponding charges.
(8) The date the Department determined that the prisoner no longer needs health services to be provided by the State prison system.
(9) The date and method used by the Department to notify the county that the prisoner should be transferred back to the custody of the county.
(10) The date that the prisoner is returned to the custody of the county.

(c) The sheriff of the county from which the prisoner is removed shall be responsible for conveying the prisoner to the jail or prison unit where ~~he~~ the prisoner is to be held, and for returning ~~him~~ the prisoner to the common jail of the county from which ~~he~~ the prisoner was transferred. The return shall be made at the expiration of the time designated in the court order directing the transfer unless the judge, by appropriate order, ~~shall direct~~ directs otherwise. The sheriff or keeper of the jail of the county designated in the court order, or the officer in charge of the prison unit designated by the Secretary of Public Safety, shall receive and release custody of the prisoner in accordance with the terms of the court order. If a prisoner is transferred to a unit of the State prison system, the county from which the prisoner is transferred shall pay the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for maintaining the prisoner for the time designated by the court at the per day, per inmate rate at which the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pays a local jail for maintaining a prisoner. The county shall also pay the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for the costs of ~~extraordinary~~ medical care incurred while the prisoner was in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, defined as follows:

(1) Medical expenses incurred as a result of providing health care to a prisoner as an inpatient ~~(hospitalized);~~(hospitalized).
(2) Other medical expenses when the total cost exceeds thirty-five dollars ($35.00) per occurrence or illness as a result of providing health care to a prisoner as an outpatient ~~(nonhospitalized); and~~(nonhospitalized).
(3) Cost of replacement of eyeglasses and dental prosthetic devices if those eyeglasses or devices are broken while the prisoner is incarcerated, provided the prisoner was using the eyeglasses or devices at the time of his commitment and then only if prior written consent of the county is obtained by the Division.
(4) Transportation and custody costs associated with the transfer of prisoners receiving health care outside of the prison facility. The county shall reimburse the State for services provided to the prisoner at the same mileage reimbursement rate and hourly custody rate that are reimbursed pursuant to the Statewide Misdemeanant Confinement Program.
(5) Cost of sick call encounters at the rate charged to State prison inmates.

(c1) If the prisoner is transferred to a jail in some other county, the county from which the prisoner is transferred shall pay to the county receiving the prisoner in its jail the actual cost of maintaining the prisoner for the time designated by the court. Counties are ~~hereby~~ authorized to enter into contractual agreements with other counties to provide jail facilities to which prisoners may be transferred as deemed necessary under this section.

(c2) Whenever prisoners are arrested in such numbers that county jail facilities are insufficient and inadequate for the safekeeping of such prisoners, the resident judge of the superior court or any superior or district court judge holding court in the district may order the

prisoners transferred to a unit of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety designated by the Secretary of Public Safety or ~~his~~ the Secretary's authorized representative, where the prisoners may be held for such length of time as the judge may direct, such detention to be in ~~cell~~ cells separate from ~~that~~ those used for imprisonment of persons already convicted of crimes, except when admission to an inpatient prison medical or mental health unit is required to provide services deemed necessary by a prison health care clinician. The sheriff of the county from which the prisoners are removed shall be responsible for conveying the prisoners to the prison unit or units where they are to be held, and for returning them to the common jail of the county from which they were transferred. However, if due to the number of prisoners to be conveyed the sheriff is unable to provide adequate transportation, ~~he~~ the sheriff may request the assistance of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety is hereby authorized and directed to cooperate with the sheriff and provide whatever assistance is available, both in vehicles and manpower, to accomplish the conveying of the prisoners to and from the county to the designated prison unit or units. The officer in charge of the prison unit designated by the Secretary of Public Safety or ~~his~~ the Secretary's authorized representative shall receive and release the custody of the prisoners in accordance with the terms of the court order. The county from which the prisoners are transferred shall pay to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety the actual cost of transporting the prisoners and the cost of maintaining the prisoners at the per day, per inmate rate at which the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pays a local jail for maintaining a prisoner, provided, however, that a county is not required to reimburse the State for transporting or maintaining a prisoner who was a resident of another state or county at the time ~~he~~ the prisoner was arrested. However, if the county commissioners shall certify to the Governor that the county is unable to pay the bill submitted by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety to the county for the services rendered, either in whole or in part, the Governor may recommend to the Council of State that the State of North Carolina assume and pay, in whole or in part, the obligation of the county to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and upon approval of the Council of State the amount so approved shall be paid from the Contingency and Emergency Fund to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

(c3) When, due to an emergency, it is not feasible to obtain from a judge of the superior or district court a prior order of transfer, the sheriff of the county and the Division of Adult Correction and Juvenile Justice of the Department of Public Safety may exercise the authority hereinafter conferred; provided, however, that the sheriff shall, as soon as possible after the emergency, obtain an order from the judge authorizing the prisoners to be held in the designated place of confinement for such period as the judge may direct. All provisions of this ~~subsection~~ section shall be applicable to municipalities whenever prisoners are arrested in such numbers that the municipal jail facilities and the county jail facilities are insufficient and inadequate for the safekeeping of the prisoners. The chief of police is hereby authorized to exercise the authority herein conferred upon the sheriff, and the municipality shall be liable for the cost of transporting and maintaining the prisoners to the same extent as a county would be unless action is taken by the Governor and Council of State as herein provided for counties which are unable to pay such costs.

(d) Whenever a prisoner held in a county jail requires medical or mental health treatment that the county decides can best be provided by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the resident judge of the superior court or any judge holding superior court in the district or any district court judge may order the prisoner transferred to a unit of the State prison system designated by the Secretary of Public Safety or ~~his~~ the Secretary's authorized ~~representative.~~ representative for an initial period not to exceed 30 days.

The sheriff of the county from which the prisoner is removed shall be responsible for conveying the prisoner to the prison unit where ~~he~~ the prisoner is to be held, and for returning ~~him~~ the prisoner to the jail of the county from which ~~he~~ the prisoner was transferred. ~~The prisoner shall be returned when the attending medical or mental health professional determines that the prisoner may be returned safely.~~ The officer in charge of the prison unit designated by the Secretary of Public Safety shall receive custody of the prisoner in accordance with the terms of the ~~order and~~ order. Prior to the conclusion of the 30-day period, the Division of Adult Correction and Juvenile Justice shall conduct an assessment of treatment and venue needs. The assessment shall be conducted by the attending medical or mental health professional and shall assess the medical and mental health needs of the prisoner and make a recommendation on whether the prisoner should remain in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or if the prisoner should be returned to the custody of the county. To extend the order beyond the initial 30-day period, the sheriff shall provide the Division of Adult Correction and Juvenile Justice assessment and any other relevant information to the resident judge of the superior court or any judge holding superior court in the district or any district court judge who shall determine whether to extend the transfer of the prisoner to a unit of the State prison system beyond the initial 30-day period. The officer in charge of the prison unit designated by the Secretary of Public Safety shall release custody of the prisoner in accordance with the court order and the instructions of the attending medical or mental health professional. The county from which the prisoner is transferred shall pay the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for maintaining the prisoner for the period of treatment at the per day, per inmate rate at which the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pays a local jail for maintaining a prisoner, and for extraordinary medical expenses as set forth in subsection (c) of this section.

(e) The number of county prisoners incarcerated in the State prison system pursuant to safekeeping orders from the various counties pursuant to subsection (b) of this section or for medical or mental health treatment pursuant to subsection (d) of this section may not exceed 200 at any given time unless authorized by the Secretary of Public Safety. The Secretary may refuse to accept any safekeeper and may return any safekeeper transferred under a safekeeping order when this capacity limit is reached. The Secretary shall not refuse to accept a safekeeper because a county has failed to pay the Department of Public Safety for services rendered pursuant to this section.

(f) If, after 10 days of receiving notification and request for transfer from the Department of Public Safety pursuant to G.S. 148-19.3(a), the sheriff fails to assume custody of the county prisoner from the State prison facility to which the prisoner was assigned, then, in addition to the actual cost of transporting the prisoner and the cost of maintaining the prisoner at the per day, per inmate rate at which the Division of Adult Correction and Juvenile Justice of the Department of Public Safety pays a local jail for maintaining a prisoner, the county shall be liable to the State for an additional per day, per inmate rate not to exceed twenty dollars ($20.00) for each day the sheriff fails to assume custody of the prisoner, unless the sheriff has obtained an extension of the order because the inmate cannot be safely housed in the local jail. The section chief of the Health Services Section may waive up to 10 days of the additional per day rate if the sheriff provides documentation of extenuating circumstances."

SECTION 2.(a) Article 2 of Chapter 148 of the General Statutes is amended by adding a new section to read:

"**§ 148-19.3. Health care services to county prisoners.**

(a) All charges that are the responsibility of the transferring county for health care services provided to prisoners held under a safekeeping order shall not be paid by the Department and shall be submitted by the health care provider to the Inmate Medical Costs Management Plan through the North Carolina Sheriffs' Association for the Plan to review and negotiate all charges

for health care services to avoid overpayment and reduce overall health care service costs. The Department shall notify the health care provider when services are being provided to the prisoner that the invoice for health care services shall be submitted by the provider directly to the Plan. In the event an invoice is sent to the Department by a health care provider for health care services provided to a safekeeper under this section, the Department shall forward the invoice to the Plan within three days of receipt. All unreimbursed charges for health care services provided shall be documented and presented to the county for payment in accordance with G.S. 162-39. Upon expiration of the terms of the order and a determination that the prisoner may be safely returned to the custody of the county, the Department shall notify the sheriff, or the sheriff's designee, by telephone and electronic mail and request the transfer of the prisoner to the custody of the county.

(b) The Department shall update the medical services schedule of charges assessed to counties for the provision of health care services to county prisoners housed in the State prison system pursuant to safekeeping orders under G.S. 162-39. In updating the schedule of charges, at a minimum, the Department shall consider the actual rate for services provided and current established Medicaid rates for respective services. The schedule of charges shall be updated annually and shall be included in the Department's policies and procedures. The Department shall assess charges to counties for health care services provided to county prisoners at all State prison facilities."

SECTION 2.(b) The Department shall submit a report on the updated medical services schedule of charges required in subsection (a) of this section to the Joint Legislative Oversight Committee on Justice and Public Safety on or before December 1, 2019.

SECTION 3. This act becomes effective July 1, 2019.

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ERIN
WYNIA
Chief Legislative Counsel

m 919-961-6108
e ewynia@nclm.org

434 Fayetteville Street, Suite 1900, Raleigh, NC 27601
nclm.org

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Lynn D. Minges
President & CEO

222 North Person Street, Suite 210
Raleigh, NC 27601-1067
www.ncrla.org

Direct: 919-844-3007
Mobile: 919-218-9361
lminges@ncrla.org

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 356

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S356-ABG-41 [v.2]

Amends Title [NO]
Second Edition

Date 7/15 ,2019

Representative Kevin Corbin

moves to amend the bill on page 2, line 3; by deleting the phrase "July 1, 2019." and substituting the phrase "September 1, 2019.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 356:
Surplus Property Proceeds to Parks and Water.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	July 15, 2019
Introduced by:	Sens. Wells, Brown	**Prepared by:**	Howard Marsilio Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: Senate Bill 356 would distribute a portion of the gross proceeds from the sale of State-owned real property located outside the State Capital Area to the Clean Water Management Trust Fund and the Parks and Recreation Trust Fund.

CURRENT LAW: Under current law, the net proceeds from the sale of State-owned real property are distributed according to the following priority: 1) in accordance with the provisions of any trust or other instrument of title for the property; 2) as provided by an act of the General Assembly; 3) deposited with the State Treasurer, where the net proceeds become part of the General Fund.

Net proceeds from the sale of State-owned real property are the gross proceeds from the sale less:

- Expenses incurred incident to the sale as provided under rules adopted by the Governor and approved by the Council of State.
- A service charge to be paid into the State Land Fund as provided under rules adopted by the Governor and approved by the Council of State, but not to exceed 10% of the gross proceeds. Under certain circumstances, the service charge to be paid into the State Land Fund is not allowed.

There are a number of exceptions to the general disposition priority where State agencies may retain the net proceeds from the sale of real property held by the agency.

BILL ANALYSIS: Senate Bill 356 would modify how net proceeds are calculated for the sale of State-owned real property that is located outside the State Capital Area. In addition to expenses incurred incident to sale and a service charge to be paid to the State Land Fund, gross proceeds would be reduced by the following:

- 12.5% of the gross amount received, to be paid into the Clean Water Management Trust Fund.
- 12.5% of the gross amount received, to be paid into the Parks and Recreation Trust Fund.

The bill would define State Capital Area as the area located in Raleigh that is bound by Peace Street on the north, Capital Boulevard/Dawson Street on the west, Morgan Street on the south, and Person Street on the east. Except as otherwise provided, net proceeds would be handled in accordance with current law.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

These changes would not apply to proceeds derived from the sale of land or property originally purchased with, under the supervision and control of, or maintained with funds from the State Highway Fund or proceeds derived from the disposition of residue property.

EFFECTIVE DATE: This act would become effective July 1, 2019.

**Jeff Hudson, counsel to Senate Agriculture/Environment/Natural Resources, substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 2

SENATE BILL 356
Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/11/19

Short Title: Surplus Property Proceeds to Parks and Water. (Public)

Sponsors:

Referred to:

March 27, 2019

A BILL TO BE ENTITLED

AN ACT TO DIRECT THAT A PORTION OF PROCEEDS FROM THE SALE OF CERTAIN STATE PROPERTY BE TRANSFERRED TO THE CLEAN WATER MANAGEMENT TRUST FUND AND THE PARKS AND RECREATION TRUST FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Subchapter II of Chapter 146 of the General Statutes is amended by adding a new section to read:

"**§ 146-30.2. Calculation of net proceeds from the sale of State-owned real property located outside the State Capital area.**

(a) Limitation. – Notwithstanding G.S. 146-30 or any other provision of law, net proceeds from the sale of State-owned real property that is located outside of the State Capital area shall be calculated in accordance with this section.

(b) State Capital Area. – For the purposes of this section, the term "State Capital area" shall mean that area of land located in the City of Raleigh and situated within the following boundaries:

(1) Peace Street on the north.
(2) Capital Blvd./Dawson Street on the west.
(3) Morgan Street on the south.
(4) Person Street on the east.

(c) Calculation of Net Proceeds. – For the purposes of this section, the term "net proceeds" means the gross amount received from the sale of State-owned real property located outside of the State Capital area, less the following:

(1) Any expenses incurred incident to that sale as may be allowed under rules and regulations adopted by the Governor and approved by the Council of State.
(2) A service charge to be paid into the State Land Fund, unless such service charge is prohibited by G.S. 146-30.
(3) An amount equal to twelve and one-half percent (12.5%) of the gross amount received to be paid into the Clean Water Management Trust Fund established under G.S. 143B-135.234(a).
(4) An amount equal to twelve and one-half percent (12.5%) of the gross amount received to be paid into the Parks and Recreation Trust Fund established under G.S. 143B-135.56(a).

(d) Application of Proceeds. – Except as otherwise provided in this section, net proceeds shall be handled in accordance with the provisions of G.S. 146-30.

(e) Exception. – This section shall not apply to proceeds derived from the sale of land or property originally purchased with, under the supervision and control of, or maintained with

funds from the State Highway Fund or proceeds derived from the disposition of residue property pursuant to G.S. 136-19.7."

SECTION 2. This act becomes effective July 1, 2019.

SERGEANT-AT-ARMS

Rey Cooke
Rex Foster
Ken Gilbert
David Leighton

No Pages attended this meeting.

VISITOR REGISTRATION SHEET

H C on State and Local Government — 7/15/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hampton Billips	KTS
[illegible]	FL
Adam Priderac	Nextec
[illegible] Robinson	NCEMA
Kara Weisharr	SA
Leo John	Secy of State
[illegible]	Realtors
Rick Zechini	Williams Mullen
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

VISITOR REGISTRATION SHEET

H C on State and Local Government — 7/15/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
T. Nute Thompson	Jordan Price
Emma Shelby	PG
Beth Gray	GoT
[illegible]	[illegible]
Will Morgan	MFS
Robin Tatum	City of Raleigh
[illegible]	[illegible]
Lynn Mings	NCEC
Isabel Villa Garcia	NCRLD
Will Robinson	TNC
Frank Gray	NCRLA
Margo Metzger	NCRLA

VISITOR REGISTRATION SHEET

H C on State and Local Government — 7/15/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Erin Wynia	NCLM
Addison McDowell	NCLM
Deans Eatman	DNCR
Alicia [illegible]	NCDPS
Justin Delaney	NCDOT
Susan Deans	JDA
Amanda Falkenbury	JDA
Kenny Montilla	Airbnb
[illegible]	CGI
Caroline Kozar	citizen

VISITOR REGISTRATION SHEET

H C on State and Local Government — 7/15/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Nelson Freeman	Kilpatrick Townsend
Carmen Hooker	MCAA
Amber Harris	NCACC
ROB BUCKLIN	CITIZEN
Flint Benson	SEANC
LT McCrimmon	Gov
Courtney Crowder	CCC

VISITOR REGISTRATION SHEET

H C on State and Local Government — 7/15/2019

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Beau Mills	Metro Mayors
Richard Bostic	AVC SCSA
Rhaegan Cotton	FPA
Wendy Kelly	FPA
April Neumann	MWC
Katie Rinecker	Ambaker 3 Assoc

House Committee on State and Local Government
Wednesday, August 7, 2019 at 10:00 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 10:00 AM on August 7, 2019 in Room 1228/1327 of the Legislative Building. Representatives Corbin and Warren, Chairs; Representatives Cleveland and Speciale, Vice Chairs; Representatives Ager, Autry, Batch, Boles, Carter, Dobson, Faircloth, Fisher, Jarvis, Lofton, Logan, McElraft, Quick, Ross, Sasser, Setzer, von Haefen, and Willingham attended. Ex-Officio member, Rep. B. Jones also attended.

Representative Harry Warren, Chair, presided.

The following bill was considered:

HB 431 - FIBER NC Act. (Representatives Dobson, Lewis, Szoka, Corbin)
Chairman Warren recognized Reps. Dobson, Szoka, and Corbin to explain the bill. The Chairman opened the floor for discussion. Reps. Speciale, Autry, Batch, and Fisher asked questions. Rep. Cleveland was recognized to explain his amendment. Reps. Dobson and Corbin asked the committee to oppose the amendment. Rep. Warren posed a question to staff. Reps. Speciale, Boles, Willingham, Jarvis, Cleveland, and Corbin made comments regarding the proposed amendment. The Chairman asked for a show of hands to determine the vote on the amendment. The amendment failed 12 to 9. Once back to the original bill, questions and comments were made by Reps. Setzer, Dobson, Erica Churchill (staff), Ager, McElraft, Corbin, Szoka, Jarvis, Boles, Sasser, and Cleveland. The Chairman gave guests two minutes to speak on the bill. Brian Gregory of Charter Communications, Britton Allen of NC Telephone Cooperative Coalition, Sarah Hardin of Kinetic (Windstream), Marcus Trathen of Brooks Pierce, Jason Soper of NC Chamber, Lori Ann Harris of L.A. Harris & Associates (AT&T), Kevin Leonard of NC Association of County Commissioners, Sarah Collins of NC League of Municipalities, and Jonathan Bullock of EVP Corporate Development & Government (Hotwire) addressed the committee. The Chairman opened the floor to the members of the committee once again. Reps. Autry, Jarvis, McElraft, Setzer (who requested a roll call vote instead of a show of hands for the next vote), Corbin, and Dobson asked questions and made comments. Rep. Corbin was recognized for a motion and Chairman Warren then asked for a roll call vote. The motion passed 13 YES and 9 NO. Amendment #1 - Cleveland failed.

The meeting adjourned at 11:36.

Representative Harry Warren, Chair
Presiding

Cristy Yates, Committee Clerk

Attachments:

1. Meeting Notice
2. Meeting Agenda
3. HB 431, Amendment, PCS, Summary, Guest Speakers, and Hand-Out
4. Sergeant-at-Arms
5. Pages
6. Visitor Registration Forms

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, August 7, 2019
TIME: **10:00 AM**
LOCATION: **1228/1327 LB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 431	FIBER NC Act.	Representative Dobson Representative Lewis Representative Szoka Representative Corbin

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:59 PM on Monday, August 05, 2019.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, August 7, 2019, 10:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 431	FIBER NC Act.	Representative Dobson Representative Lewis Representative Szoka Representative Corbin

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 431 FIBER NC Act.

Draft Number:	H431-PCS40513-STxf-15
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Dobson

TOTAL REPORTED: 1



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 431*

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

H431-AST-67 [v.3]

Amends Title [NO]
H431-CSSTxf-15

Date August 7 ,2019

Representative Cleveland

moves to amend the bill on page 1, line 13 and page 2, line 38, by deleting "A" and substituting "Subject to subsection (f) of this section, a";

and on page 2, lines 29-30, by inserting the following between those lines:

"(f) Prior to adopting the resolution at a regular meeting under subsection (d) of this section, the county shall place the question of installing or maintain broadband infrastructure on the ballot. The governing board shall adopt a resolution setting the date for the special election in accordance with G.S. 163A-1592, and so notify the appropriate county board of elections. If less than a majority of the votes cast on the referendum are for installation and maintenance, the governing body may not proceed with the adoption of the resolution or conduct another referendum under this subsection with respect to that proposed area for at least 24 months from the date of the referendum. If a majority of the votes cast on the referendum are for installation and maintenance, the governing body may proceed with the adoption of the resolution. The ballots used in a referendum shall submit the following proposition:

"[ ] FOR [ ] AGAINST

The installation and maintenance of broadband infrastructure in (clear description of the proposed installation/maintenance area).";

and on page 3, lines 34-35, by inserting the following between those lines:

"(f) Prior to adopting the resolution at a regular meeting under subsection (d) of this section, the city shall place the question of installing or maintain broadband infrastructure on the ballot. The governing board shall adopt a resolution setting the date for the special election in accordance with G.S. 163A-1592, and so notify the appropriate county board of elections. If less than a majority of the votes cast on the referendum are for installation and maintenance, the governing body may not proceed with the adoption of the resolution or conduct another referendum under this subsection with respect to that proposed area for at least 24 months from the date of the referendum. If a majority of the votes cast on the referendum are for installation and maintenance, the governing body may proceed with the adoption of the resolution. The ballots used in a referendum shall submit the following proposition:

"[ ] FOR [ ] AGAINST

The installation and maintenance of broadband infrastructure in (clear description of the proposed installation/maintenance area).";

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 431*

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H431-AST-67 [v.3]

and on page 2, line 30 and page 3, line 35, by deleting "(f)" and substituting "(g)".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 431
PROPOSED COMMITTEE SUBSTITUTE H431-CSSTxf-15 [v.7]
08/06/2019 06:10:53 PM

Short Title: FIBER NC Act. (Public)

Sponsors:

Referred to:

March 25, 2019

A BILL TO BE ENTITLED

AN ACT TO FOSTER INFRASTRUCTURE FOR BROADBAND EXPANSION AND RESOURCES IN NORTH CAROLINA BY AUTHORIZING COUNTIES AND CITIES TO INSTALL AND LEASE BROADBAND INFRASTRUCTURE TO INCREASE ADEQUATE BROADBAND SERVICES TO ATTRACT INVESTMENT IN LOCAL ECONOMIES, PROVIDE FOR EDUCATIONAL AND CAREER OPPORTUNITIES, MODERNIZE FARMING TECHNOLOGIES, AND TO PROVIDE FOR IMPROVED HEALTH CARE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 23 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-458. Authority to construct and lease broadband infrastructure.**

(a) A county shall have the authority to install or maintain broadband infrastructure to be leased to a private provider in accordance with G.S. 160A-272.5 if all of the following apply:

(1) The lessee is a person operating for profit in this State to provide broadband services to customers.

(2) The county has at least one of the following:

a. More than four and three quarters percent (4.75%) of the county without a provider of broadband infrastructure according to the Federal Communications Commission.

b. A major military installation, as defined in G.S. 143-215.115.

(b) A board of county commissioners may utilize ad valorem tax levies authorized under general law, grants, or any other unencumbered funds in exercising authority granted under this section.

(c) Prior to beginning installation of broadband infrastructure under this section, a county shall prepare a report, available in the office of the clerk for at least 90 days prior to the date of the public hearing, containing at least all of the following:

(1) A business plan for providing broadband infrastructure, including plans for leasing the broadband infrastructure to a private provider.

(2) The results of a feasibility study conducted by the county to determine needs and available resources. The feasibility study shall include at least all of the following information:

a. Which areas within the county:

1. Have one or fewer wireline or fixed wireless private providers of broadband services to residential customers.

2. Have terrestrially deployed Internet access service with transmission speeds of 10 megabits per second (Mbps) download and no more than one megabit per second upload (10:1).
3. Have terrestrially deployed Internet access service with transmission speeds of 25 megabits per second (Mbps) download and no more than three megabits per second upload (25:3).

b. A determination of any areas within the county that State or federal grant moneys have been awarded within the 18 months prior to the date of the feasibility study to provide access to broadband. A county may rely on data from the Broadband Infrastructure Office in the Department of Information Technology in complying with this sub-subdivision.

c. A map, or sufficient written description, of the location and type of broadband infrastructure proposed to be installed.

d. A review of the county's financials, and proposed sources of revenue to fund installation of broadband infrastructure.

(d) The board of county commissioners shall hold a public hearing before adopting any resolution at a regular meeting stating its intent to install broadband infrastructure for the purpose of leasing in accordance with G.S. 160A-272.5. Notice of the hearing shall state the date, hour, and place of the public hearing and its subject, and shall include the map described in sub-subdivision (c)(2)c. of this section and a statement that the report required by subsection (c) of this section is available for public inspection in the office of the clerk. The notice shall be published at least once, not less than one week before the date of the hearing.

(e) Nothing in this section grants authority, or shall be construed to grant authority, to a county to use broadband infrastructure constructed under this section to provide communications services as defined in G.S. 160A-340(3) or in accordance with Article 16A of Chapter 160A of the General Statutes.

(f) For purposes of this section, "broadband infrastructure" shall mean wireline or wireless infrastructure capable of providing terrestrially deployed Internet access service with transmission speeds of at least 25 megabits per second (Mbps) download and at least three megabits per second upload (25:3) or as defined by the Federal Communication Commission, whichever speeds are faster."

SECTION 1.(b) Article 21 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-499.5. Authority to construct and lease certain facilities.**

(a) A city shall have the authority to install or maintain broadband infrastructure to be leased to a private provider in accordance with G.S. 160A-272.5 if all of the following apply:

(1) The city has at least sixty percent (60%) of its population, according to the most recent federal decennial census, lying in one of the counties described in G.S. 153A-458(a)(2).

(2) The lessee is a person operating for profit in this State to provide broadband services to customers.

(b) A city council may utilize ad valorem tax levies authorized under general law, grants, or any other unencumbered funds in exercising authority granted under this section.

(c) Prior to beginning installation of broadband infrastructure under this section, a city shall prepare a report, available in the office of the clerk for at least 90 days prior to the date of the public hearing, containing at least all of the following:

(1) A business plan for providing broadband infrastructure, including a plan for leasing the broadband infrastructure to a private provider.

(2) The results of a feasibility study conducted by the city to determine needs and available resources. The feasibility study shall include at least all of the following information:

a. Which areas within the city:

1. Have one or fewer wireline or fixed wireless private providers of broadband services to residential customers.

2. Have terrestrially deployed Internet access service with transmission speeds of 10 megabits per second (Mbps) download and no more than one megabit per second upload (10:1).

3. Have terrestrially deployed Internet access service with transmission speeds of 25 megabits per second (Mbps) download and no more than three megabits per second upload (25:3).

b. A determination of any areas within the city that State or federal grant moneys have been awarded within the 18 months prior to the date of the feasibility study to provide access to broadband. A city may rely on data from the Broadband Infrastructure Office in the Department of Information Technology in complying with this sub-subdivision.

c. A map, or sufficient written description, of the location and type of broadband infrastructure proposed to be installed.

d. A review of the city's financials, and proposed sources of revenue to fund installation of broadband infrastructure.

(d) The city council shall hold a public hearing before adopting any resolution at a regular meeting stating its intent to install broadband infrastructure for the purpose of leasing in accordance with G.S. 160A-272.5. Notice of the hearing shall state the date, hour, and place of the public hearing and its subject, and shall include the map described in sub-subdivision (c)(2)c. of this section and a statement that the report required by subsection (c) of this section is available for public inspection in the office of the clerk. The notice shall be published at least once, not less than one week before the date of the hearing.

(e) Nothing in this section grants authority, or shall be construed to grant authority, to a city to use broadband infrastructure constructed under this section to provide communications services as defined in G.S. 160A-340(3) or in accordance with Article 16A of Chapter 160A of the General Statutes.

(f) For purposes of this section, "broadband infrastructure" shall mean wireline or wireless infrastructure capable of providing terrestrially deployed Internet access service with transmission speeds of at least 25 megabits per second (Mbps) download and at least three megabits per second upload (25:3) or as defined by the Federal Communication Commission, whichever speeds are faster."

SECTION 2.(a) G.S. 153A-149(c) is amended by adding a new subdivision (7a) to read:

"(7a) Broadband Infrastructure. – To construct wireline and wireless infrastructure."

SECTION 2.(b) G.S. 160A-209(c) is amended by adding a new subdivision to read:

"(7a) Broadband Infrastructure. – To construct wireline and wireless infrastructure."

SECTION 2.(c) This section is effective for taxes imposed for taxable years beginning on or after July 1, 2020.

SECTION 3. G.S. 159-81(3) is amended by adding a new sub-subdivision to read:

"r. Broadband infrastructure for the purpose of leasing in accordance with G.S. 160A-272.5."

SECTION 4.(a) Article 12 of Chapter160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-272.5. Leases of broadband infrastructure to a private provider.**

(a) Notwithstanding this Article, broadband infrastructure installed or maintained in accordance with G.S. 153A-458 or G.S. 160A-499.5 shall be leased to a private provider for delivery of services to customers in accordance with this section.

(b) The governing board may lease broadband infrastructure installed or maintained in accordance with this Article to a private provider for a term of up to 25 years. Property may be leased only pursuant to a resolution of the governing board authorizing the execution of the lease agreement adopted at a regular governing board meeting upon 30 days' public notice. Notice shall be given by publication describing the property to be leased and announcing the governing board's intent to authorize the lease.

(c) All leases of broadband infrastructure installed or maintained in accordance with this Article shall comply with all of the following:

(1) The lease shall be entered into on a technology neutral basis.

(2) The lease shall be open to similarly situated private providers on comparable terms and conditions.

(3) Requests for proposals shall be solicited by the governing board prior to adoption of the resolution authorizing the execution of the lease, as follows:

a. Requests for proposals shall be invited by advertisement in a newspaper having general circulation in the city. A city may also invite proposals by electronic means.

b. Advertisement for proposals from potential lessees shall be published in a newspaper having general circulation in the city no less than 30 days prior to the date on the notice for the opening of bids.

c. A city shall seek and consider requests for proposals from qualified private providers within the city, by providing notice in accordance with G.S. 160A-340.6(c) and any other reasonable means to ensure that potential lessees are made aware of the notice for requests for proposals.

d. The advertisement for requests for proposals from potential lessees shall contain at least the following information:

1. The type and location of the broadband infrastructure to be leased.

2. The time and place where plans and specifications of the proposed lease may be had.

3. The time and place for opening of the proposals.

4. A statement reserving to the governing board the right to reject any or all proposals.

e. Proposals may be rejected for any reason determined by the governing board to be in the best interest of the city.

(d) For purposes of this section, in determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included.

SECTION 4.(b) This section becomes effective October 1, 2019, and applies to leases entered into on or after that date.

SECTION 5. G.S. 153A-349.60 reads as rewritten:

"**§ 153A-349.60. Authorization to provide grants.**

(a) A county may provide grants to unaffiliated qualified private providers of highspeed Internet access service, as that term is defined in G.S. 160A-340(4), for the purpose of expanding service in unserved areas ~~for economic development~~ in the county. The grants shall be awarded on a technology neutral basis, shall be open to qualified applicants, and may require matching funds by the qualified private provider. A county shall seek and consider request for proposals from qualified private providers within the county prior to awarding a broadband grant and shall

use reasonable means to ensure that potential applicants are made aware of the grant, including, at a minimum, compliance with the notice procedures set forth in G.S. 160A-340.6(c). The county shall use only unrestricted general fund revenue for the grants. For the purposes of this section, a qualified private provider is a private provider of high-speed Internet access service in the State prior to the issuance of the grant proposal.

(b) Nothing in this section authorizes a county to provide highspeed Internet broadband service."

SECTION 6. G.S. 160A-321 reads as rewritten:

"**§ 160A-321. Sale, lease, or discontinuance of city-owned enterprise.**

(a) A city is authorized to sell or lease as lessor any public enterprise that it may own upon any terms and conditions that the council may deem best. However, except as to transfers to another governmental entity pursuant to G.S. 160A-274 or as provided in ~~subsection~~ subsection (a1) and (b) of this section, a city-owned public enterprise shall not be sold, leased to another, or discontinued in its entirety unless the proposal to sell, lease, or discontinue such public enterprise in its entirety is first submitted to a vote of the people and approved by a majority of those who vote thereon.

(a1) Voter approval shall not be required for the sale, lease, or discontinuance of airports, off-street parking systems and facilities, or solid waste collection and disposal systems.

(b) For the sale, lease, or discontinuance of water treatment systems, water distribution systems, or wastewater collection and treatment systems, a city may, but is not required to, submit to its voters the question of whether such sale, lease, or discontinuance shall be undertaken.

(c) ~~The~~ Any referendum under this section is to be conducted pursuant to the general and local laws applicable to special elections in such city."

SECTION 7. G.S. 160A-340.2 is amended by adding a new subsection to read:

"(f) Broadband infrastructure constructed by a city for the purpose of leasing in accordance with G.S. 160A-272.5 shall not be used to provide communication services under this Article."

SECTION 8. Except as otherwise provided, this act becomes effective October 1, 2019.

HOUSE BILL 431: FIBER NC Act.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	August 6, 2019
Introduced by:	Reps. Dobson, Lewis, Szoka, Corbin	**Prepared by:**	Erika Churchill Staff Attorney
Analysis of:	PCS to First Edition H431-CSSTxf-15		

OVERVIEW: The proposed committee substitute for House Bill 431 would:

- ***Authorize counties and cities to install and maintain broadband infrastructure for the purpose of leasing that infrastructure to private providers, effective October 1, 2019.***
- ***Authorize counties and cities to impose and use ad valorem property taxes to construct wireline and wireless infrastructure, effective for taxable years on or after July 1, 2020.***
- ***Allow counties to offer grants to qualified private providers of high-speed Internet to expand service in unserved areas, effective October 1, 2019.***

CURRENT LAW: North Carolina counties and cities are authorized to engage in certain public enterprise activities, which are generally activities of a commercial nature that could be provided by the private sector. When a local government owns or operates a public enterprise it acts in a proprietary capacity, and it has more flexibility to treat the enterprise like a private business venture than it does with its traditional government functions. A local government is not required to provide any public enterprise services. If a county or city opts to provide one or more of the authorized public enterprises, it need not make them available to all citizens or property owners within the unit as there is generally no duty of equal service. Generally, as long as it is not unlawfully discriminating against a protected class of citizens, a local government can choose where, and under what circumstances, it will provide the services. If, however, a city involuntarily annexes property into its jurisdiction, the annexation triggers special statutory requirements regarding the provision of water and sewer services.

The general statutes authorize both counties and municipalities to operate public enterprises for all of the following purposes:

- Water supply and distribution
- Sewage collection and treatment
- Solid waste collection and disposal
- Airports
- Public transportation
- Off-street parking
- Stormwater management programs

Municipalities additionally are authorized to operate enterprises for the following purposes:

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Electric power generation and distribution
- Gas production and distribution
- Cable television, including communications services

With respect to communications services, Article 16A of Chapter 160A of the General Statutes establishes the parameters under which cities providing communications services (cable, video programming, telecommunications, broadband, or high-speed Internet access) to the public for a monthly or periodic fee operate. The requirements include that the city comply with all State, local, and federal laws and regulations to which a private company providing the same communications service is subject and remit to the city's general fund an amount equal to all the taxes and fees a private provider would pay if the private provider supplied the service. Cities and joint agencies are prohibited from incurring debt, including installment purchase contracts and certificates of participation, for a communications system unless a special election is held, posing the question whether or not the city may offer the communications service.

Counties are not authorized to provide high-speed Internet broadband service to the public for a monthly or periodic fee. However, counties may provide grants to unaffiliated qualified private providers of high-speed Internet access service for the purpose of expanding service in unserved areas for economic development in the county. The grants are to be awarded on a technology neutral basis, open to qualified applicants, and may require matching funds by the private provider. The county can use only unrestricted general fund revenue for the grants.

Counties and cities may install fiber or other infrastructure needed to operate internet for their own intergovernmental purposes.

BILL ANALYSIS: The PCS would authorize certain counties and cities to install and maintain broadband infrastructure (wireline or wireless infrastructure capable of providing terrestrially deployed Internet service of at least 25 down, three up, or as defined by the FCC, whichever is faster) to be leased to a private provider. The counties and cities could use ad valorem property taxes, grants, or any other unencumbered funds for this purpose; revenue bonds would also be authorized. Nothing in the PCS would authorize a county or a city to use the broadband infrastructure installed or maintained under this authority for the purpose of providing communications services to the public for a monthly or periodic fee under Article 16A of Chapter 160A of the General Statutes.

The counties and cities authorized to install or maintain such broadband infrastructure are as follows:

- Any county with more than 4.75% of the county without a provider of broadband according to the FCC.
- Any county with a major military installation (Fort Bragg, Pope Army Airfield, Marine Corps Base Camp Lejeune, New River Marine Corps Air Station, Cherry Point Marine Corps Air Station, Military Ocean Terminal at Sunny Point, the United States Coast Guard Air Station at Elizabeth City, Naval Support Activity Northwest, Air Route Surveillance Radar (ARSR 4) at Fort Fisher, and Seymour Johnson Air Force Base, in its own right and as the responsible entity for the Dare County Bombing Range, and any facility located within the State that is subject to the installations' oversight and control.)
- Any city with at least 60% of its population lying in one of the above counties.

The process for a county or city to install and maintain broadband infrastructure would be as follows:

1. Prepare a report, which must be available with the clerk to the board for at least 90 days before the public hearing. The report must include all of the following:
    i. A business plan, including plans for leasing the broadband infrastructure.
    ii. A feasibility study, which must address all of the following:
        - Which areas within the county or city have one or fewer wireline or fixed wireless private providers of broadband services to residential customers.
        - Which areas within the county or city have terrestrially deployed Internet access service with transmission speeds of 10:1.
        - Which areas within the county or city have terrestrially deployed Internet access service with transmission speeds of 25:3.
        - A determination of any areas within the county or city that State or federal grant moneys have been awarded to provide access to broadband within the 18 months before the feasibility study. A county may rely on data from the Broadband Infrastructure Office in the Department of Information Technology.
        - A map, or sufficient written description, of the location and type of broadband infrastructure proposed to be installed.
        - A review of the county's or city's financials, and proposed sources of revenue to fund installation of broadband infrastructure.
2. Conduct a public hearing. The public hearing must be held at a regular meeting of the board, and notice published at least once, not less than a week before the public hearing.
3. Adopt a resolution.

After installation , the county or city would lease the broadband infrastructure to a private provider, for a term of up to 25 years. Any lease must be adopted at a regular board meeting, with at least 30 days' public notice. The lease also must comply with all of the following:

- Be entered into on a technology neutral basis.
- Be open to similarly situated private providers on comparable terms and conditions.
- Requests for proposals (RFP's) are to be solicited by the governing board prior to adoption of the resolution authorizing the execution of the lease, as follows:
    - RFP's are to be invited by advertisement in a newspaper having general circulation, and may also invite proposals by electronic means.
    - Advertisement for RFP's from potential lessees are be published in a newspaper having general circulation no less than 30 days prior to the date on the notice for the opening of bids.
    - The county or city must seek and consider RFP's from qualified private providers within the county or city, by
        - Mailing a notice of RFP to each firm that has obtained a license or permit to use the public rights of way in the city to provide a communications service within the city by depositing such notices in the U.S. mail at least 30 days prior to the date specified for the opening of proposals. In identifying firms, the city may rely upon lists provided

by the Office of the Secretary of State and the North Carolina Utilities Commission.

- Posting a notice of RFP on the county or city's Web site at least 30 days before the time specified for the opening of proposals.
- Publishing a notice of RFP in a newspaper of general circulation at least 30 days before the time specified for the opening of proposals.
- Any other reasonable means to ensure that potential lessees are made aware of the notice for RFP.

The advertisement for RFP's must contain at least the following information:

- The type and location of the broadband infrastructure to be leased.
- The time and place where plans and specifications of the proposed lease may be had.
- The time and place for opening of the proposals.
- A statement reserving to the governing board the right to reject any or all proposals.

The PCS would also amend the authorization for counties to provide grants to qualified private providers to increase that authority for grants to be an authority to expand service in any unserved area in that county.

The PCS would also specify that a vote of the people is needed when a city is selling, leasing or discontinuing a public enterprise in its entirety for public transportation, stormwater management programs, electric power generation and distribution, gas production and distribution and cable television, including communications services.

EFFECTIVE DATE: For the authority to impose ad valorem property taxes, effective for taxable years beginning on or after July 1, 2020. For the remainder of the PCS, effective October 1, 2019.

HOUSE BILL 431*

Short Title:	FIBER NC Act.	(Public)
Sponsors:	Representatives Dobson, Lewis, Szoka, and Corbin (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Energy and Public Utilities, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	

March 25, 2019

A BILL TO BE ENTITLED

AN ACT TO FOSTER INFRASTRUCTURE FOR BROADBAND EXPANSION AND RESOURCES IN NORTH CAROLINA BY AUTHORIZING COUNTIES AND CITIES TO BUILD AND LEASE FACILITIES AND EQUIPMENT OF BROADBAND SERVICES TO INCREASE ADEQUATE BROADBAND SERVICES TO ATTRACT INVESTMENT IN LOCAL ECONOMIES, PROVIDE FOR EDUCATIONAL AND CAREER OPPORTUNITIES, MODERNIZE FARMING TECHNOLOGIES, AND TO PROVIDE FOR IMPROVED HEALTH CARE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 23 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-458. Authority to construct and lease certain facilities.**

(a) A county shall have the authority to construct facilities or equipment of a broadband service as defined by G.S. 62-3 for the purpose of leasing such facilities or equipment, in accordance with G.S. 160A-272, to one or more lessees who are not a governmental unit as defined in G.S. 160A-274.

(b) A board of county commissioners may utilize ad valorem tax levies authorized under G.S. 153A-149(c), grants, or any other unrestricted funds in exercising authority granted under this section.

(c) When a board of county commissioners determines to construct facilities or equipment of a broadband service as defined by G.S. 62-3, that county shall do all of the following prior to beginning construction:

(1) Conduct a feasibility study to determine needs and available resources.

(2) Adopt a resolution at a regular meeting stating its intent to construct facilities or equipment of a broadband service as defined by G.S. 62-3 for the purpose of leasing such facilities or equipment in accordance with G.S. 160A-272. Prior to the regular meeting, notice shall be published at least once, not less than 10 days before the regular meeting.

(3) Notify the Local Government Commission of any commitment to expend funds for construction over more than one fiscal year.

(4) Notify the State Chief Information Officer, or their designee, of the location and type of facilities or equipment of a broadband service as defined by G.S. 62-3 constructed, in the format determined by the State Chief Information Officer."

SECTION 1.(b) Article 21 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-499.5. Authority to construct and lease certain facilities.**

(a) A city shall have the authority to construct facilities or equipment of a broadband service as defined by G.S. 62-3 for the purpose of leasing such facilities or equipment, in accordance with G.S. 160A-272, to one or more lessees who are not a governmental unit as defined in G.S. 160A-274.

(b) A city may utilize ad valorem tax levies authorized under G.S. 160A-209(c), grants, or any other unrestricted funds in exercising authority granted under this section.

(c) When a city determines to construct facilities or equipment of a broadband service as defined by G.S. 62-3, that city shall do all of the following prior to beginning construction:

(1) Conduct a feasibility study to determine needs and available resources.

(2) Adopt a resolution at a regular meeting stating its intent to construct facilities or equipment of a broadband service as defined by G.S. 62-3 for the purpose of leasing such facilities or equipment in accordance with G.S. 160A-272. Prior to the regular meeting, notice shall be published at least once, not less than 10 days before the regular meeting.

(3) Notify the Local Government Commission of any commitment to expend funds for construction over more than one fiscal year.

(4) Notify the State Chief Information Officer, or their designee, of the location and type of facilities or equipment of a broadband service as defined by G.S. 62-3 constructed, in the format determined by the State Chief Information Officer."

SECTION 2.(a) G.S. 153A-149(c) is amended by adding a new subdivision (7a) to read:

"(7a) Broadband Services. – To build facilities and equipment of a broadband service as defined in G.S. 62-3."

SECTION 2.(b) G.S. 160A-209(c) is amended by adding a new subdivision to read:

"(7a) Broadband Services. – To build facilities and equipment of a broadband service as defined in G.S. 62-3."

SECTION 2.(c) This section is effective for taxes imposed for taxable years beginning on or after July 1, 2019.

SECTION 3. G.S. 159-81(3) is amended by adding a new sub-subdivision to read:

"r. Facilities or equipment of a broadband service as defined by G.S. 62-3 for the purpose of leasing such facilities or equipment in accordance with G.S. 160A-272."

SECTION 4.(a) G.S. 160A-272 reads as rewritten:

"**§ 160A-272. Lease or rental of property.**

(a) Any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 10 years (except as otherwise provided in subsection (b1) of this section) and only if the council determines that the property will not be needed by the city for the term of the lease. ~~In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included.~~

(a1) Property may be rented or leased only pursuant to a resolution of the council authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 30 days' public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the council's intent to authorize the lease or ~~rental at its next regular meeting.~~rental.

(b) No public notice as required by subsection (a1) of this section need be given for resolutions authorizing leases or rentals for terms of one year or less, and the council may

delegate to the city manager or some other city administrative officer authority to lease or rent city property for terms of one year or less.

(b1) Leases for terms of more than 10 years shall be treated as a sale of property and may be executed by following any of the procedures authorized for sale of real property.

(c) Notwithstanding ~~subsection~~ subsections (a) and (b1) of this section, the council may approve a lease without treating that lease as a sale of property for any of the following reasons:

(1) For the siting and operation of a renewable energy facility, as that term is defined in G.S. 62-133.8(a)(7), for a term up to 25 years.

(2) For the siting and operation of a tower, as that term is defined in G.S. 146-29.2(a)(7), for communication purposes for a term up to 25 years.

(3) For the operation and use of ~~components of a wired or wireless network,~~ any facilities and equipment of a broadband service, as defined in G.S. 62-3, for a term up to 25 ~~years; provided, however, that the lease is entered into with a private broadband provider or a cooperative in connection with a grant agreement pursuant to G.S. 143B-1373 and is for a discrete and specific project located in an unserved area of an economically distressed county seeking to provide broadband service to homes, businesses, and community anchor points not currently served.~~years.

(d) Notwithstanding ~~subsection (a)~~ subsections (a1) and (b) of this section, any lease by a city of any duration for ~~components of a wired or wireless network shall be entered into on a competitively neutral and nondiscriminatory basis and made available to similarly situated providers on comparable terms and conditions and shall not be used to subsidize the provision of competitive service.~~facilities and equipment of a broadband service, as defined in G.S. 62-3, shall comply with all of the following:

(1) Proposals shall be invited by advertisement in a newspaper having general circulation in the city. A city may also invite proposals by electronic means.

(2) Advertisement for proposals from lessees shall be published in a newspaper having general circulation in the city no less than seven full days prior to the date on the notice for the opening of bids.

(3) The advertisement for proposals from lessees shall contain at least the following information:

a. The type and location of the facilities or equipment of a broadband service to be leased.

b. The time and place where plans and specifications of the proposed lease may be had.

c. The time and place for opening of the proposals.

d. A statement reserving to the governing body the right to reject any or all proposals.

(4) Proposals may be rejected for any reason determined by the governing body to be in the best interest of the city.

(e) Notwithstanding G.S. 160A-321, for the lease of part of a city-owned public enterprise to be operated and used as facilities or equipment of a broadband service as defined in G.S. 62-3, a city shall not be required to submit to its voters the question of whether such lease shall be undertaken.

(f) For purposes of this section, in determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included."

SECTION 4.(b) This section becomes effective July 1, 2019, and applies to leases entered into on or after that date.

SECTION 5. G.S. 160A-340.2 is amended by adding a new subsection to read:

"(f) This Article shall not apply to facilities or equipment of a broadband service as defined in G.S. 62-3 constructed by a city for the purpose of leasing such facilities or equipment in accordance with G.S. 160A-272."

SECTION 6. G.S. 143-128.1C is amended by adding a new subsection to read:

"(n) For purposes of this section, the term "public-private project" shall also include a capital improvement project undertaken for the benefit of a city or county that includes construction of facilities or equipment of a broadband service, as defined in G.S. 62-3, in conjunction with, or part of, another construction project undertaken by the city or county."

SECTION 7. Except as otherwise provided, this act becomes effective July 1, 2019.

Charter
COMMUNICATIONS

Brian Gregory
Senior Director of Government Affairs

O 704.731.1915
M 864.421.3204
E brian.gregory@charter.com

7910 Crescent Executive Drive
Charlotte, NC 28217

L.A. Harris & Associates, Inc.
Government Relations

Lori Ann Harris
President
P.O. Box 26974
Raleigh, NC 27611-6974

(919) 272-0333
Lah@Lahassoc.com

Britton Allen
919-835-9529
NC Telephone Cooperative
Coalition
britton@carolinalink.org

KEVIN LEONARD
NCACC
Executive Director
919 369 8109
KLEONARD@NCACC.ORG

Sarah Hardin
Vice President - State Government Affairs

68 Cabarrus Ave. E.
Concord, NC 28025

t: 919.719.5003
m: 919.633.9733
Sarah.Hardin@windstream.com

kinetic
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NCLM
NC LEAGUE OF MUNICIPALITIES

SARAH COLLINS
Legislative and Regulatory Counsel

p 919-715-2919 m 919-368-1269
e scollins@nclm.org

434 Fayetteville Street, Suite 1900, Raleigh, NC 27601
nclm.org

BROOKS PIERCE
FOUNDED 1897

MARCUS W. TRATHEN
MTRATHEN@BROOKSPIERCE.COM

1600 WELLS FARGO CAPITOL CENTER
150 FAYETTEVILLE STREET
RALEIGH, NC 27601
T 919.839.0300
F 919.839.0304

Jason Soper
Director
Gov. Affairs
NC Chamber

JONATHAN BULLOCK
EVP CORPORATE DEVELOPMENT & GOV'T

M 919-909-7705
O 215-908-9748
E jonathan@hotwiremail.com
@HotwireJonathan

3 Bala Plaza East, Suite 700, Bala Cynwyd, PA 19004

August 6, 2019

To: Members of the House State & Local Committee
From: Americans for Tax Reform

Re: Oppose House Bill 431 (FIBER NC Act)

Dear Representative,

Governor Roy Cooper continues to hold teacher pay raises and pro-growth tax relief hostage until his demands for Obamacare's Medicaid expansion, which would cost an additional $6 billion over the next two years, are met. While it's unclear how this budget standoff will conclude, there are also a number of other consequential bills still pending in the General Assembly, such as the proposed FIBER NC Act. On behalf of Americans for Tax Reform (ATR) and supporters across North Carolina, **I urge you to oppose House Bill 431, the FIBER NC Act. If implemented, this bill would leave taxpayers across the Tar Heel State at risk for local tax hikes.**

Proponents of this misguided bill – which would allow municipalities to invest in broadband infrastructure – are selling it as a way to expand connectivity in North Carolina. However, as has been demonstrated by dozens of Government-Owned Network (GON) boondoggles throughout the country, where GONs have either failed outright or are being propped up by taxpayers, **government entities are not capable of successfully playing in the broadband space.**

In fact, the people of North Carolina do not need to look very far to find a cautionary tale. KentuckyWired, the statewide GON that is currently being constructed in the Bluegrass State, was sold to taxpayers as a $350 million project that would be complete by the spring of 2016. Now, more than three years past the original date of completion, **only half of the network has been installed, none of it is usable, and a recent report from the state auditor concludes that taxpayers will end up wasting around $1.5 billion on this redundant network over its 30-year life.**

In addition to the financial risks at stake, **HB 431 would create an unlevel playing field for broadband providers in North Carolina, ultimately jeopardizing North Carolinians' access to new technologies.** Unlike government, private sector providers cannot charge below the cost of service because it would drive them out of business. As if control of the permitting process and possession of regulatory authority were not enough of an advantage, government entities would also able to charge consumers below the cost of service since they can subsidize costs with tax dollars.

Naturally, this manufactured "competition" with government would discourage private providers from expanding and investing in areas where GONs are present, as their odds of success would be hindered by unfair competition from an entity that does not need to turn a profit. Since it is vigorous competition between private providers that spurs innovation, improves quality of service, and drives consumer prices down, passage of **HB 431 would**

lead to fewer choices for consumers, outmoded technology, and deteriorating service.

The best way to expand connectivity in North Carolina is to get government out of the way, which will allow the private sector to thrive and competition to ensue. This will subsequently benefit consumers. As such, **ATR opposes HB 431 and urges lawmakers to vote NO.** For more information, please contact Patrick Gleason, ATR's vice president of state affairs, at pgleason@atr.org.

Sincerely,

Grover Norquist
President
Americans for Tax Reform

Committee Sergeants at Arms

NAME OF COMMITTEE H C on State and Local Government

DATE: 8/7/2019 Room: 1228/1327

House Sgt-At Arms:

1. Name: Rex Foster
2. Name: Ken Gilbert
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Wednesday, August 07, 2019
Session: 4:00 PM

Committee	Room	Time	Staff	Comments	Member
State and Local Government I	1228/1327	10:00 AM	Jenna Donaldson		Rep. Susan C. Fisher
			Mary Kate Englehardt		Rep. Howard J. Hunter, III
			~~Abigail Job~~		Rep. Jason Saine
			Divya Korategere		Rep. Allison A. Dahle
			Debra Mullis		Rep. Debra Conrad

VISITOR REGISTRATION SHEET

H C on State and Local Government — 8/7/2019

Name of Committee — Date

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Lori Anne Harris	LAHA
Brittan Allen	NCTCC
Jonathan Bullock	Hotwire
Jake Cooper	NSG
Sarah Collins	NCLM
KEVIN LEONARD	NCACC
ALEX Arenia	NCACC
Marcus Trathen	Brooks Pierce - NCCTA
Mia Bailey	Charter Comm.
Brian Gregory	Charter Comm

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H C on State and Local Government — 8/7/2019

Name of Committee — Date

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Kemi Baker	NWC
Sarah McQuilla	ICGA
Scott Laster	KOA
David Heiner	NC Center for Nonprofits
JASON Soper	NC Chamber
	BP
Lindsey Dowling	TSS
Flint Benson	SEANC

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H C on State and Local Government — 8/7/2019

Name of Committee — Date

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Brady Allen	NC Telephone Coops
J Rhew	NCAEC
Nathan Hancock	Connect C
LAURA PURYEAR	MWC
Deans Eatman	DNCR
Dean Arthur	NCCTA
Sue Ann Furst	NCMS
Sarah Hardin	Windstream

VISITOR REGISTRATION SHEET

H C on State and Local Government 8/7/2019

Name of Committee Date

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Demetrius Doctor	NCLM
Richard Bostic	NC SBA
Leigh Jackson	NCDIT
Marissa Turner	TSS
Michelle Frazier	KP
Tiffany Gladney	NC Rural Center



North Carolina General Assembly

STATE & LOCAL GOVERNMENT COMMITTEE

2020 Short Session

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Representative Harry Warren

Co-Chairs

Representative George Cleveland
Representative Michael Speciale

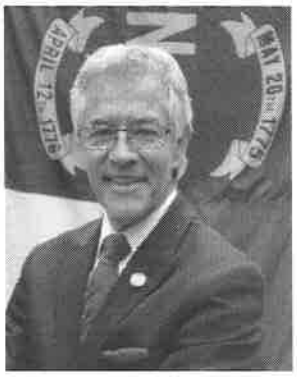
Committee Clerks

Cindy Hobbs
Cristy Yates

HOUSE COMMITTEE ON STATE AND LOCAL GOVERNMENT
2019-2020 SESSION



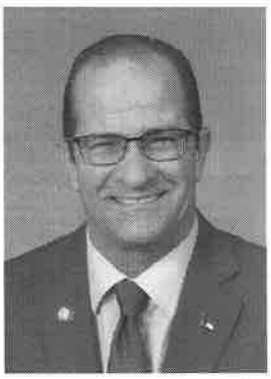
Rep. Kevin Corbin
Chair



Rep. Harry Warren
Chair



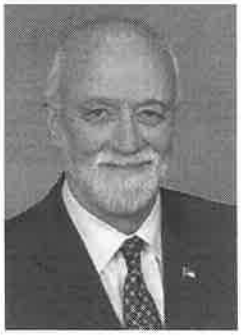
Rep. George Cleveland
Vice-Chair



Rep. Michael Speciale
Vice-Chair



Rep. John Ager



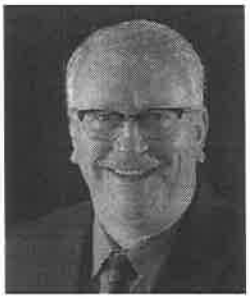
Rep. John Autry



Rep. Sydney Batch



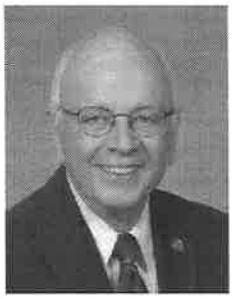
Rep. James Boles



Rep. Jerry Carter



Rep. Josh Dobson



Rep. John Faircloth



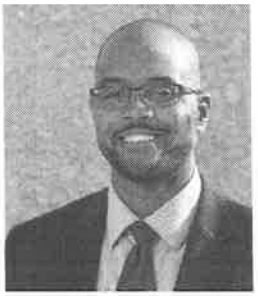
Rep. Susan Fisher



Rep. Charles Graham



Rep. Steve Jarvis



Rep. Brandon Lofton



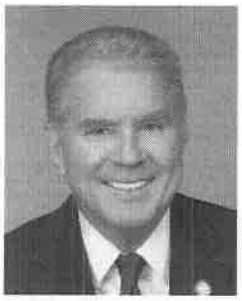
Rep. Carolyn Logan



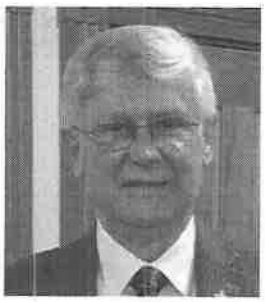
Rep. Pat McElraft



Rep. Amos Quick



Rep. Stephen Ross



Rep. Wayne Sasser



Rep. Mitchell Setzer



Rep. Julie von Haefen



Rep. Shelly Willingham

HOUSE COMMITTEE ON STATE & LOCAL GOVERNMENT
2019 - 2020 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
CORBIN, Kevin Chair	Cindy Hobbs Committee Clerk	733-5859	2215	90
WARREN, Harry Chair	Cristy Yates Committee Clerk	733-5784	611	16
CLEVELAND, George Vice-Chair	Pamela Ahlin	715-6707	417A	8
SPECIALE, Michael Vice-Chair	Hazel Speciale	733-5853	1106	42
AGER, John	Meredith Graf	733-5746	509	79
AUTRY, John	Tina Riley-Humphrey	715-0706	1019	115
BATCH, Sydney	Montravias King	733-2962	1209	117
BOLES, James	Dina Long	733-5903	528	4
CARTER, Jerry	Theresa Lopez	733-5779	418B	110
JOSH, Dobson	Julie Ryan	733-5862	307B	114
FAIRCLOTH, John	Becky Bauerband	733-5877	613	28
FISHER, Susan	Cindy Garrison	715-2013	504	55
GRAHAM, Charles	Linda Laton	715-0875	1309	35
JARVIS, Steve	Lynn Taylor	715-2526	606	99
LOFTON, Brandon	Taylor Allen	715-3009	1317	94
LOGAN, Carolyn	Robert Lockard	715-2530	603	83
McELRAFT, Pat	Nancy Fox	733-6275	634	9
QUICK, Amos	Jasmine Quick	733-5902	510	67
ROSS, Stephen	Tammy Ross	733-5820	1229	50
SASSER, Wayne	Anita Spence	733-5908	418A	89
SETZER, Mitchell	Margaret Herring	733-4948	2204	2
VON HAEFEN, Julie	Hudson McCormick	715-0795	1311	93
WILLINGHAM, Shelly	Johnna Smith	715-3024	513	46

ATTENDANCE

House Committee on State & Local Government

DATES	5/26/20	6/17/20	
Co-Chairs			
Representative Kevin Corbin	✓	✓	
Representative Harry Warren	✓	✓	
Vice-Chairs			
Representative George Cleveland	✓	✓	
Representative Michael Speciale	✓	✓	
Members			
Representative John Ager	✓	✓	
Representative John Autry		✓*	
Representative Sydney Batch	✓	✓*	
Representative James Boles	✓	✓*	
Representative Jerry Carter	✓	✓	
Representative Josh Dobson		✓*	
Representative John Faircloth			
Representative Susan Fisher	✓	✓*	
Representative Charles Graham	✓	✓*	
Representative Steve Jarvis	✓	✓	
Representative Brandon Lofton	✓	✓	
Representative Carolyn Logan	✓	✓	
Representative Pat McElraft	✓	✓	
Representative Amos Quick	✓	✓*	

ATTENDANCE

House Committee on State & Local Government

DATES	5/26/20	6/17/20	
Members			
Representative Stephen Ross	✓	✓	
Representative Wayne Sasser	✓	✓	
Representative Mitchell Setzer		✓	
Representative Julie von Haefen	✓	✓*	
Representative Shelly Willingham	✓	✓*	
Staff			
Nicholas Giddings, Staff Attorney Legislative Analysis Division	✓	✓	
Billy Godwin, Staff Attorney Legislative Analysis Division	✓	✓	
Howard Marsilio, Staff Attorney Legislative Analysis Division	✓		
Committee Clerks			
Cindy Hobbs	✓		
Cristy Yates		✓	
Ex-Officio			
Representative John Bell		✓	
Representative Brenden Jones			
Representative David Lewis		✓	
Representative Sarah Stevens			

ttended Remotely - *

House Committee on State and Local Government
Tuesday, May 26, 2020 at 3:00 PM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 3:00 PM on May 26, 2020 in Room 1228/1327 of the Legislative Building. Representatives Ager, Batch, Boles, Carter, Cleveland, Corbin, Fisher, Graham, Jarvis, Lofton, Logan, McElraft, Quick, Ross, Sasser, Speciale, von Haefen, Warren, and Willingham attended.

Representative Kevin Corbin, Chair, presided.

Introduction of Sergeant-at-Arms: Bill Bass, Jonas Cherry, Rey Cooke and Mark Douglas.

The following bills were considered:

HB 1062 Beaufort County/Animal Services Records. (Representative Kidwell)
Rep. Kidwell presented the bill and after discussion among members the bill passed with a favorable and referred to Rules.

HB 1151 Asheville-Buncombe Bd. of Trustees. (Representatives B. Turner, Fisher, Ager)
Rep. Turner presented the bill and after discussion among members the bill passed with a favorable report to Rules.

HB 1153 Iredell-Statesville Bd. of Ed/Election Method. (Representatives Fraley, McNeely)
Rep. Fraley presented the bill and after discussion among members the bill passed with a favorable report and referred to Rules.

HB 1154 Greater Asheville Regional Airport Authority. (Representatives McGrady, Fisher) Rep. McGrady presented the bill and after discussion among members passed with a favorable report and referred to Rules.

HB 1155 No Sp. Election Certain Vacancy/Town of Watha. (Representative C. Smith)
Withdrawn by bill sponsor.

HB 1157 Abolish Coroner in Various Counties. (Representative Brewer)
Rep. Brewer presented the bill. Rep. Boles offered amendment ABA-63[v.3], the amendment passed. After discussion among members the bill passed favorable to PCS, unfavorable to original bill.

HB 1159 Add Members/Johnston Cnty. Airport Authority. (Representatives Strickland, Bell, White)
Rep. Strickland presented the bill. Rep. Warren offered amendment ABD-38[v.1], the amendment passed. After discussion among members the bill passed with favorable to PCS, unfavorable to original bill.

HB 1168 Murphy Branch Corridor Reduction. (Representatives Corbin, McNeely)
Rep. Corbin presented the bill, after discussion among members the bill passed with a favorable report.

There being no further business the meeting adjourned at 3:55pm.

Representative Kevin Corbin, Chair
Presiding

Cindy Hobbs, Committee Clerk

Representative Harry Warren

Cristy Yates, Committee Clerk

Updated #2: Add HB1168

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Tuesday, May 26, 2020
TIME: **3:00 PM**
LOCATION: **1228/1327 LB**
COMMENTS: **Please note that this is a paperless meeting. The only document that will be provided is the agenda. No bills or summaries will be provided. You are welcome to bring your laptop or print your own copies for the meeting.**

In accordance with the latest guidance from the Center for Disease Control and the North Carolina Department of Health and Human Services, and the building rules of the North Carolina General Assembly, the House State and Local Government Committee; on May 26 members will have the option to attend remotely to minimize the gathering of Members and staff. Members of the public are requested to comply with the guidance from the North Carolina Department of Health and Human Services and the Centers for Disease Control by complying with social distancing guidelines and seating for 50 percent of room capacity or listening to a live stream audio via the NCGA committee website link by using committee room number 1228 of the Legislative Building. Additional video links are posted at ncleg.gov.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1062	Beaufort County/Animal Services Records.	Representative Kidwell
HB 1151	Asheville-Buncombe Bd. of Trustees.	Representative B. Turner Representative Fisher Representative Ager
HB 1153	Iredell-Statesville Bd. of Ed/Election Method.	Representative Fraley Representative McNeely
HB 1154	Greater Asheville Regional Airport Authority.	Representative McGrady Representative Fisher

HB 1155	No Sp. Election Certain Vacancy/Town of Watha.	Representative C. Smith
HB 1157	Montgomery Cty/Repeal Coroner Office.	Representative Brewer
HB 1159	Add Members/Johnston Cnty. Airport Authority.	Representative Strickland Representative Bell Representative White
HB 1168	Murphy Branch Corridor Reduction.	Representative Corbin Representative McNeely

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:04 PM on Monday, May 25, 2020.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #1: Room Change to 1228 LB

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Tuesday, May 26, 2020
TIME: **3:00 PM**
LOCATION: **1228/1327 LB**
COMMENTS: **Please note that this is a paperless meeting. The only document that will be provided is the agenda. No bills or summaries will be provided. You are welcome to bring your laptop or print your own copies for the meeting.**

In accordance with the latest guidance from the Center for Disease Control and the North Carolina Department of Health and Human Services, and the building rules of the North Carolina General Assembly, the House State and Local Government Committee; on May 26 members will have the option to attend remotely to minimize the gathering of Members and staff. Members of the public are requested to comply with the guidance from the North Carolina Department of Health and Human Services and the Centers for Disease Control by complying with social distancing guidelines and seating for 50 percent of room capacity or listening to a live stream audio via the NCGA committee website link by using committee room number 1228 of the Legislative Building. Additional video links are posted at ncleg.gov.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1062	Beaufort County/Animal Services Records.	Representative Kidwell
HB 1151	Asheville-Buncombe Bd. of Trustees.	Representative B. Turner Representative Fisher Representative Ager
HB 1153	Iredell-Statesville Bd. of Ed/Election Method.	Representative Fraley Representative McNeely
HB 1154	Greater Asheville Regional Airport Authority.	Representative McGrady Representative Fisher

HB 1155	No Sp. Election Certain Vacancy/Town of Watha.	Representative C. Smith
HB 1157	Montgomery Cty/Repeal Coroner Office.	Representative Brewer
HB 1159	Add Members/Johnston Cnty. Airport Authority.	Representative Strickland Representative Bell Representative White

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 6:04 PM on Thursday, May 21, 2020.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Tuesday, May 26, 2020
TIME: **3:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Please note that this is a paperless meeting. The only document that will be provided is the agenda. No bills or summaries will be provided. You are welcome to bring your laptop or print your own copies for the meeting. There will be no remote access or voting. Members must be present to vote.**

In accordance with the latest guidance from the Center for Disease Control, the North Carolina Department of Health and Human Services, and the building rules of the North Carolina General Assembly, members of the public are requested to comply with social distancing guidelines and seating for 50 percent of room capacity. Audio/video links are posted at ncleg.gov.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1062	Beaufort County/Animal Services Records.	Representative Kidwell
HB 1151	Asheville-Buncombe Bd. of Trustees.	Representative B. Turner Representative Fisher Representative Ager
HB 1153	Iredell-Statesville Bd. of Ed/Election Method.	Representative Fraley Representative McNeely
HB 1154	Greater Asheville Regional Airport Authority.	Representative McGrady Representative Fisher
HB 1155	No Sp. Election Certain Vacancy/Town of Watha.	Representative C. Smith
HB 1157	Montgomery Cty/Repeal Coroner Office.	Representative Brewer
HB 1159	Add Members/Johnston Cnty. Airport Authority.	Representative Strickland Representative Bell Representative White

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:37 AM on Thursday, May 21, 2020.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Tuesday, May 26, 2020, 3:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 1062	Beaufort County/Animal Services Records.	Representative Kidwell
HB 1151	Asheville-Buncombe Bd. of Trustees.	Representative B. Turner Representative Fisher Representative Ager
HB 1153	Iredell-Statesville Bd. of Ed/Election Method.	Representative Fraley Representative McNeely
HB 1154	Greater Asheville Regional Airport Authority.	Representative McGrady Representative Fisher
HB 1155	No Sp. Election Certain Vacancy/Town of Watha.	Representative C. Smith
HB 1157	Montgomery Cty/Repeal Coroner Office.	Representative Brewer
HB 1159	Add Members/Johnston Cnty. Airport Authority.	Representative Strickland Representative Bell Representative White
HB 1168	Murphy Branch Corridor Reduction.	Representative Corbin Representative McNeely

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

HB **1062** Beaufort County/Animal Services Records.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Kidwell

HB **1151** Asheville-Buncombe Bd. of Trustees.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	B. Turner

HB **1153** Iredell-Statesville Bd. of Ed/Election Method.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Fraley

HB **1154** Greater Asheville Regional Airport Authority.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McGrady

HB **1168** Murphy Branch Corridor Reduction.

Draft Number:	None
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Corbin



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **1157** Montgomery Cty/Repeal Coroner Office.

Draft Number:	H1157-PCS40636-BA-30
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Brewer

HB **1159** Add Members/Johnston Cnty. Airport Authority.

Draft Number:	H1159-PCS40637-BD-33
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Strickland

TOTAL REPORTED: 2

CMR904-V-1

HOUSE BILL 1062:
Beaufort County/Animal Services Records.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 26, 2020
Introduced by:	Rep. Kidwell	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 1062 would add Beaufort County to the list of counties that declare personally identifiable information held by animal services agencies not to be public records, but allow those counties to disclose that information at their discretion.

CURRENT LAW: Chapter 132 of the General Statutes governs public records and makes all documents of a public entity that are not specifically excluded a public record.

Every custodian of public records is required to allow the public record in their custody to be inspected and examined at reasonable times and under reasonable supervision, as well as furnish copies thereof upon payment of fees.

Personally identifiable information held by a county animal services agency that relates to any of the following persons is not a public record in Burke, Guilford, and Pitt counties.

- An individual who voluntarily surrendered ownership of an animal to an animal shelter.
- An individual who adopted a shelter animal or to whom a shelter animal has been placed through a foster program.

Remaining a public record would be the identity of any animal rescue organization with whom the county places an animal. The counties listed above, in their discretion, could disclose personally identifiable information related to the county animal services agency that is not a public record.

BILL ANALYSIS: House Bill 1062 would add Beaufort County to the list of counties that exempt from public records law any personally identifiable information held by the county animal services agency.

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

Karen Cochrane-Brown
Director

H1062-SMBG-169 E1 -V-7

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 1062

Short Title:	Beaufort County/Animal Services Records.	(Local)
Sponsors:	Representative Kidwell. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

May 6, 2020

A BILL TO BE ENTITLED

AN ACT RELATING TO THE RELEASE OF ANIMAL SERVICES RECORDS IN BEAUFORT COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1(b) of S.L. 2018-105, as rewritten by Section 1 of S.L. 2019-106, reads as rewritten:

"**SECTION 1.(b)** This section applies to Beaufort, Guilford, Pitt, and Burke Counties only."

SECTION 2. This act is effective when it becomes law.

ROLL CALL VOTE

16 YES 0 NO = _____ (TOTAL)

HB# 1062
SB# _____

HOUSE STANDING COMMITTEE ON STATE & LOCAL GOVERNMENT

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Chair			**Chair**
✓		**CORBIN**, Kevin	✓		**WARREN**, Harry
		Members			**Members**
		AGER, John	✓		**LOFTON**, Brandon
		AUTRY, John			**LOGAN**, Carolyn
✓		**BATCH**, Sydney			**McELRAFT**, Pat
		BOLES, James	✓		**QUICK**, Amos
✓		**CARTER**, Jerry	✓		**ROSS**, Stephen
✓		**CLEVELAND**, George	✓		**SASSER**, Wayne
		DOBSON, Josh	✓		**SPECIALE**, Michael
		FAIRCLOTH, John			**SETZER**, Mitchell
✓		**FISHER**, Susan	✓		**VON HAEFEN**, Julie
✓		**GRAHAM**, Charles	✓		**WILLINGHAM**, Shelly
✓		**JARVIS**, Steve			
		Ex-Officio Members			**Ex-Officio Members**
		BELL, John			**LEWIS**, David
		JONES, Brendan			**STEVENS**, Sarah

HOUSE BILL 1151:
Asheville-Buncombe Bd. of Trustees.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 26, 2020
Introduced by:	Reps. B. Turner, Fisher, Ager	**Prepared by:**	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: House Bill 1151 would modify the procedure to elect trustees to the Asheville-Buncombe Technical Community College (AB Tech) to provide that the Asheville City Board of Education and the Buncombe County Board of Education would each be authorized to elect two trustees to the Board of Trustees of AB Tech. The act would apply to trustees elected on or after July 1, 2021.

CURRENT LAW: G.S. 115D-12 establishes the local boards of trustees for community colleges. There are thirteen members on each board, including the president of the student body as an ex officio member. Of the remaining twelve members, they are appointed in groups of four respectively by the following entities and serve four-year terms:

- The board of education of the public school administrative unit located in the administrative area of the institution. If the administrative area of the community college is 2 or more school administrative units, then the boards of education jointly elect the 4 trustees. The administrative area for AB Tech serves both Buncombe County and Madison County and the boards of education of all the public school administrative units located in that administrative area jointly elect four trustees.
- The board of commissioners of the county in which the institution is located. If the administrative area of the community college is 2 or more counties, then the boards of commissioners jointly elect the 4 trustees.
- The Governor.

BILL ANALYSIS: House Bill 1151 would modify the procedure to elect trustees to AB Tech to provide that the Asheville City Board of Education and the Buncombe County Board of Education would each be authorized to elect two trustees to the Board of Trustees of AB Tech as follows:

- Two trustees would be elected by the Asheville City Board of Education as follows:
  - One trustee for a term commencing July 1, 2021, and quadrennially thereafter.
  - One trustee for a term commencing July 1, 2023, and quadrennially thereafter.
- Two trustees would be elected by the Buncombe County Board of Education as follows:
  - One trustee for a term commencing July 1, 2022, and quadrennially thereafter.
  - One trustee for a term commencing July 1, 2024, and quadrennially thereafter.

EFFECTIVE DATE: This act would be effective when the bill becomes law and would apply to trustees elected on or after July 1, 2021.

Karen Cochrane-Brown
Director

H1151-SMBD-107 E1 -V-5

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 1151

Short Title:	Asheville-Buncombe Bd. of Trustees.	(Local)
Sponsors:	Representatives B. Turner, Fisher, and Ager (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

May 18, 2020

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE APPOINTMENTS MADE BY THE BOARDS OF EDUCATION TO THE ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-12(a), as amended by Section 1 of S.L. 2013-175, reads as rewritten:

"(a) Each community college established or operated pursuant to this Chapter shall be governed by a board of trustees consisting of 13 members, or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection, who shall be selected by the following agencies. No member of the General Assembly may be appointed to a local board of trustees for a community college.

Group One – four trustees, ~~elected by the board of education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in G.S. 115D-59.~~elected as follows:

(1) Two trustees elected by the Asheville City Board of Education as follows:
  a. The appointment of one trustee for a term commencing July 1, 2021, and quadrennially thereafter.
  b. The appointment of one trustee for a term commencing July 1, 2023, and quadrennially thereafter.

(2) Two trustees elected by the Buncombe County Board of Education as follows:
  a. The appointment of one trustee for a term commencing July 1, 2022, and quadrennially thereafter.
  b. The appointment of one trustee for a term commencing July 1, 2024, and quadrennially thereafter.

No board of education shall elect a member of the board of education or any person employed by the board of education to serve as a trustee, however, any such person currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's current term.

Group Two – four trustees, elected by the board of commissioners of the county in which the institution is located. Provided, however, if the administrative area of the institution is composed of two or more counties, the trustees shall be elected jointly by the boards of commissioners of

all those counties, each board having one vote in the election of each trustee. Provided, also, the county commissioners of the county in which the community college has established a satellite campus may elect an additional two members if the board of trustees of the community college agrees. No more than one trustee from Group Two may be a member of a board of county commissioners of a given county. Should the boards of education or the boards of commissioners involved be unable to agree on one or more trustees the senior resident superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by appointment.

Group Three – four trustees, appointed by the Governor.

Group Four – the president of the student government or the chairman of the executive board of the student body of each community college established pursuant to ~~G.S. 115D~~ this Chapter shall be an ex officio nonvoting member of the board of trustees of each said institution."

SECTION 2. This act applies only to Asheville-Buncombe Technical Community College.

SECTION 3. This act is effective when it becomes law and applies to appointments made on or after July 1, 2021.

ROLL CALL VOTE

18 YES 0 NO = _____ (TOTAL)

HB# 1151
SB# _____

HOUSE STANDING COMMITTEE ON STATE & LOCAL GOVERNMENT

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Chair			**Chair**
✓		**CORBIN**, Kevin	✓		**WARREN**, Harry
		Members			**Members**
✓		**AGER**, John	✓		**LOFTON**, Brandon
✓		**AUTRY**, John	✓		**LOGAN**, Carolyn
✓		**BATCH**, Sydney			**McELRAFT**, Pat
		BOLES, James	✓		**QUICK**, Amos
✓		**CARTER**, Jerry	✓		**ROSS**, Stephen
✓		**CLEVELAND**, George	✓		**SASSER**, Wayne
		DOBSON, Josh	✓		**SPECIALE**, Michael
		FAIRCLOTH, John			**SETZER**, Mitchell
✓		**FISHER**, Susan	✓		**VON HAEFEN**, Julie
✓		**GRAHAM**, Charles	✓		**WILLINGHAM**, Shelly
✓		**JARVIS**, Steve			
		Ex-Officio Members			**Ex-Officio Members**
		BELL, John			**LEWIS**, David
		JONES, Brendan			**STEVENS**, Sarah

HOUSE BILL 1153:
Iredell-Statesville Bd. of Ed/Election Method.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 26, 2020
Introduced by:	Reps. Fraley, McNeely	**Prepared by:**	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: House Bill 1153 would provide for a voter referendum on November 3, 2020, by the qualified voters of the Iredell-Statesville Schools Administrative Unit on changing the method of election of the Iredell-Statesville Schools Board of Education from partisan to nonpartisan.

CURRENT LAW: The Iredell-Statesville Schools Board of Education is a seven-member board whose members are elected by districts on a partisan basis for staggered, four-year terms. On the current Board, three members were elected in 2016 and the remaining four members were elected in 2018. Vacancies on the Board are filled by the remaining members of the Board, provided that the remaining members must consult with the county executive committee of the relevant political party and must appoint the executive committee's nominee, if the committee's recommendation is made within 30 days after the seat becomes vacant.

BILL ANALYSIS: House Bill 1153 would authorize a voter referendum to be held on November 3, 2020, on the ballot question of whether to change the method of election of the Iredell-Statesville Schools Board of Education from partisan to nonpartisan plurality. If the referendum is approved by a majority of the qualified voters of the Iredell-Statesville Schools Administrative Unit, partisan elections would begin with the **2022 election** and newly elected members would take office the first Monday in December following their election. The filing period would run from 12:00 noon on the first Friday in July (unless a holiday, then from 12:00 noon the following Monday) until 12:00 noon on the first Friday in August of the year of election. Beginning in 2022, vacancies would be filled by the remaining members of the Board for the remained of the unexpired term. The bill would not affect the terms of office or vacancy procedures for members elected in 2018 or 2020 under the partisan method.

EFFECTIVE DATE: The act would be effective when the bill becomes law. Changes to the election method would only be effective upon ratification of the approval by the voters of the referendum

BACKGROUND: The Iredell County Board of Education and the Statesville City of Board of Education merged into the Iredell-Statesville Schools Board of Education pursuant to a Plan of Merger adopted by those respective boards on February 20, 1990, and approved by the Iredell County Board of Commissioners on April 5, 1990.

Karen Cochrane-Brown
Director

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 1153
May 19, 2020
HOUSE PRINCIPAL CLERK

H D

HOUSE BILL DRH10796-MK-224

Short Title: Iredell-Statesville Bd. of Ed/Election Method. (Local)

Sponsors: Representative Fraley.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A VOTER REFERENDUM ON CHANGING THE METHOD OF ELECTION OF THE IREDELL-STATESVILLE SCHOOLS BOARD OF EDUCATION FROM PARTISAN TO NONPARTISAN.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 3.5 of S.L. 2015-35, as amended by Section 30 of S.L. 2015-264, reads as rewritten:

"**SECTION 3.5.(a)** Notwithstanding the PLAN OF MERGER OF THE IREDELL COUNTY AND STATESVILLE CITY SCHOOLS, as amended by Section 2 of S.L. 2002-18, beginning in ~~2016,~~ 2022, members of the Iredell-Statesville Schools Board of Education shall be elected on a ~~partisan~~ nonpartisan plurality basis at the time of the general election in each even-numbered year as terms ~~expire. Candidates for election to the Iredell-Statesville Schools Board of Education shall be nominated at the same time and manner as other county officers.~~ expire in accordance with G.S. 163-292. Candidates shall file notice of candidacy not earlier than 12:00 noon on the first Friday in July (except that if that day is a holiday, then not earlier than 12:00 noon on the next Monday) and not later than 12:00 noon on the first Friday in August of the year of election.

Members elected shall take office and qualify on the first Monday in December of the year of their election and the terms of their predecessors shall expire at that same time. Vacancies on the Iredell-Statesville Schools Board of Education for positions elected on a partisan basis in 2018 or 2020 shall be filled in accordance with G.S. 115C-37.1.

"**SECTION 3.5.(b)** For positions elected on a nonpartisan basis ~~in 2012 or 2014,~~ beginning in 2022, vacancies occurring in the membership of the Iredell-Statesville Schools Board of Education shall be filled for the unexpired term by the remaining members of the Board of Education."

SECTION 1.(b) This act does not affect the terms of office of any person elected in 2018 or 2020 to the Iredell-Statesville Schools Board of Education. Each member of the Iredell-Statesville Schools Board of Education elected in 2018 and 2020, or any member appointed to fill a vacancy for a member elected in 2018 or 2020, shall serve until a successor has been elected and qualified.

SECTION 2. Effective the first Monday in December of 2022, G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Beaufort, Brunswick, Carteret, Cherokee, Clay, Cleveland, Dare, Davie, Graham, Guilford, Harnett, Hyde, ~~Iredell,~~ Lee, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey."

SECTION 3. Sections 1 and 2 of this act become effective only if approved by a majority of the qualified voters of the Iredell-Statesville Schools Administrative Unit in a referendum. The election shall be conducted by the Iredell County Board of Elections on November 3, 2020. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Changing the election method of the Iredell-Statesville Schools Board of Education from partisan to nonpartisan."

SECTION 4. Sections 1 and 2 of this act become effective upon ratification of the approval by the voters of the referendum set forth in Section 3 of this act. The remainder of this act is effective when it becomes law.

ROLL CALL VOTE

15 YES 4 NO = _____ (TOTAL)

HB# 1153
SB# ____

HOUSE STANDING COMMITTEE ON STATE & LOCAL GOVERNMENT

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Chair			**Chair**
✓		**CORBIN**, Kevin	✓		**WARREN**, Harry
		Members			**Members**
✓		**AGER**, John	✓		**LOFTON**, Brandon
✓		**AUTRY**, John	✓		**LOGAN**, Carolyn
✓		**BATCH**, Sydney			**McELRAFT**, Pat
	✓	**BOLES**, James	✓		**QUICK**, Amos
	✓	**CARTER**, Jerry	✓		**ROSS**, Stephen
	✓	**CLEVELAND**, George	✓		**SASSER**, Wayne
		DOBSON, Josh		✓	**SPECIALE**, Michael
		FAIRCLOTH, John			**SETZER**, Mitchell
✓		**FISHER**, Susan	✓		**VON HAEFEN**, Julie
✓		**GRAHAM**, Charles	✓		**WILLINGHAM**, Shelly
✓		**JARVIS**, Steve			
		Ex-Officio Members			**Ex-Officio Members**
		BELL, John			**LEWIS**, David
		JONES, Brendan			**STEVENS**, Sarah

HOUSE BILL 1154:
Greater Asheville Regional Airport Authority.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 26, 2020
Introduced by:	Reps. McGrady, Fisher	**Prepared by:**	Howard Marsilio Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 1154 would amend the staggering of appointment terms of certain members of the Greater Asheville Regional Airport Authority.

CURRENT LAW: The Greater Asheville Regional Airport Authority (Authority) has seven members:

- Two members appointed by the Asheville City Council from the registered voters of Asheville.
- Two members appointed by the Board of Commissioners of Buncombe County from the registered voters of Buncombe County.
- Two members appointed by the Board of Commissioners of Henderson County from the registered voters of Henderson County.
- One member appointed by majority vote of the other six members.

Four Authority members' terms expire June 30, 2020, and three members' terms expire June 30, 2022. Current members serve four-year terms.

BILL ANALYSIS: The bill would remove the current member staggering language currently utilized for the Authority, and would further stagger the terms of the certain Authority members as follows:

- The member appointed by majority vote of the other six members would serve a term of one year which would begin July 1, 2020, and then the appointment would continue as a four-year term.
- One member appointed by the Ashville City Council would serve a term of three years which would begin July 1, 2020, and then the subsequent appointment term would continue as a four-year term.
- One member appointed by the Board of Commissioners of Buncombe County would serve a term of three years which would begin July 1, 2020, and then the subsequent appointment term would continue as a four-year term.

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

BACKGROUND: The Greater Asheville Regional Airport Authority was created in 2012 by S.L. 2012-121 to succeed the Asheville Regional Airport Authority, which was created by interlocal agreement, and governed by a Board from Asheville and Buncombe County.

Karen Cochrane-Brown
Director

H1154-SMBG-170 E1 -V-5

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 1154

Short Title:	Greater Asheville Regional Airport Authority.	(Local)
Sponsors:	Representatives McGrady and Fisher (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

May 19, 2020

A BILL TO BE ENTITLED

AN ACT FURTHER STAGGERING THE TERMS OF SOME MEMBERS OF THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY TO PROVIDE INCREASED CONTINUITY OF SERVICE ON THE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1.4(c) of S.L. 2012-121, as amended by S.L. 2014-52, reads as rewritten:

"**SECTION 1.4.(c)** Members of the Authority shall serve four-year terms and may serve up to a total of two successive four-year terms. A member may not be reappointed to the Authority except after a lapse of four years following the most recent term served. In the event a member is appointed to fill an unexpired term, and at least two years of the unexpired term remain to be served, such appointment shall be counted in applying the two-term limit; otherwise it shall not be counted. ~~Notwithstanding the foregoing, those individuals serving as ARAA members as of the effective date of this act may continue to serve as members of the Authority until the completion of their respective then current terms and until their successors are appointed and qualified. In the event an ARAA member resigns or is removed, the appointing authority under the agreement between the County of Buncombe and the City of Asheville shall forthwith appoint a replacement ARAA member to complete the unexpired term. Thereafter, and with respect to the four ARAA members whose terms expire June 30, 2012, the Asheville City Council, the Board of Commissioners of Buncombe County, and the Board of Commissioners of Henderson County each shall appoint one member of the Authority, and the other members shall appoint, by majority vote, the fourth member. With respect to the three ARRA members whose terms expire June 30, 2014, the Asheville City Council, the Board of Commissioners of Buncombe County, and the Board of Commissioners of Henderson County each shall appoint one member of the Authority.~~"

SECTION 2. Notwithstanding any other provision of law, the following members of the Greater Asheville Regional Airport Authority shall be appointed as follows to further stagger the terms of the members of the Authority:

(1) One member appointed by majority vote of the other six members of the Authority shall be appointed for a term of one year, which shall begin on July 1, 2020, and expire on June 30, 2021. Upon the expiration of the one-year term, one member appointed by majority vote of the other six members of the Authority shall serve for a term of four years as provided for in Section 1.4(c) of S.L. 2012-121, as amended by S.L. 2014-52. The initial one-year term

provided for in this subdivision shall not count in applying the two-term limit provided for in Section 1.4(c) of S.L. 2012-121, as amended by S.L. 2014-52.

(2) One registered voter of the City of Asheville appointed by the Asheville City Council shall be appointed for a term of three years, which shall begin on July 1, 2020, and expire on June 30, 2023. Upon the expiration of the three-year term, one registered voter of the City of Asheville shall be appointed by the Asheville City Council for a term of four years as provided for in Section 1.4(c) of S.L. 2012-121, as amended by S.L. 2014-52. The initial three-year term provided for in this subdivision shall count in applying the two-term limit provided for in Section 1.4(c) of S.L. 2012-121, as amended by S.L. 2014-52.

(3) One registered voter of Henderson County shall be appointed by the Board of Commissioners of Henderson County for a term of three years, which shall begin on July 1, 2020, and expire on June 30, 2023. Upon the expiration of the three-year term, one registered voter of Henderson County shall be appointed by the Board of Commissioners of Henderson County for a term of four years as provided for in Section 1.4(c) of S.L. 2012-121, as amended by S.L. 2014-52. The initial three-year term provided for in this subdivision shall count in applying the two-term limit provided for in Section 1.4(c) of S.L. 2012-121, as amended by S.L. 2014-52.

SECTION 3. Except as provided in Section 2 of this act, the provisions of Section 1.4 of S.L. 2012-121, as amended by Section 69.1 of S.L. 2012-194 and S.L. 2014-52, shall apply to the appointment of members appointed as provided in Section 2 of this act.

SECTION 4. This act is effective when it becomes law.

ROLL CALL VOTE

18 YES 0 NO = _____ (TOTAL) 1154

HB# 1154
SB# ____

HOUSE STANDING COMMITTEE ON STATE & LOCAL GOVERNMENT

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Chair			**Chair**
✓		**CORBIN**, Kevin	✓		**WARREN**, Harry
		Members			**Members**
✓		**AGER**, John	✓		**LOFTON**, Brandon
		AUTRY, John	✓		**LOGAN**, Carolyn
✓		**BATCH**, Sydney			**McELRAFT**, Pat
✓		**BOLES**, James	✓		**QUICK**, Amos
✓		**CARTER**, Jerry	✓		**ROSS**, Stephen
✓		**CLEVELAND**, George	✓		**SASSER**, Wayne
		DOBSON, Josh	✓		**SPECIALE**, Michael
		FAIRCLOTH, John			**SETZER**, Mitchell
✓		**FISHER**, Susan	✓		**VON HAEFEN**, Julie
✓		**GRAHAM**, Charles	✓		**WILLINGHAM**, Shelly
✓		**JARVIS**, Steve			
		Ex-Officio Members			**Ex-Officio Members**
		BELL, John			**LEWIS**, David
		JONES, Brendan			**STEVENS**, Sarah

HOUSE BILL 1155

Short Title:	No Sp. Election Certain Vacancy/Town of Watha.	(Local)
Sponsors:	Representative C. Smith. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

May 19, 2020

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT NO SPECIAL ELECTION IS REQUIRED IN THE TOWN OF WATHA WHEN A VACANCY OCCURS IN THE OFFICE OF MAYOR OR COMMISSIONER DURING THE FIRST TWO YEARS OF A FOUR-YEAR TERM FOR THAT OFFICE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of the Charter of the Town of Watha, being Chapter 158 of the 1909 Private Laws, as amended by Chapter 884 of the 1989 Session Laws and Section 1 of S.L. 2005-141, reads as rewritten:

"Sec. 3. The elected officers of the town shall be a mayor and three commissioners, and they shall be elected by all the qualified voters of the entire town. In 2005, and quadrennially thereafter, the mayor and the town commissioners shall be elected for four-year terms or until their successors are elected and qualified. However, when a vacancy occurs in the office of mayor or in one or more of the offices of town commissioner during the first two years of a four-year term, the person appointed to fill the vacancy shall serve the remainder of the unexpired term without the requirement of holding a special election to fill the vacancy. The commission's organizational meeting shall be fixed as provided in G.S. 160A-68."

SECTION 2. This act is effective when it becomes law.

Committee Bill Action Sheet

Date: _____

Committee: _____**House State and Local Gov**_____

Chair: _____

Bill #: 1155

PCS: YES/NO_____ Motion made PCS before the Committee_____

Amendments: _____

Serial referral to: _____

Representative/Senator_____ explained the bill.

Floor Manager: _____

Rep._____ motioned for:

____Favorable Report

____Favorable to PCS, unfavorable to original bill

____Favorable to new PCS with Amendments rolled in, unfavorable to original bill

____Adoption (Conference Report/House Resolution)

____Unfavorable Report (recommend not be passed) (Minority report YES/NO)

__✓__No vote or Bill sponsor pulled bill from consideration

_____Concur or NOT Concur (SCS on a House bill)

Vote: _____ (Voice Vote/Show of hands (Division called)/Roll Call)

Speakers_____

_____

_____

Attached Handouts: YES/NO

pulled

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

HOUSE BILL 1157:
Montgomery Cty/Repeal Coroner Office.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 26, 2020
Introduced by:	Rep. Brewer	**Prepared by:**	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 1157 would abolish the office of coroner in Montgomery County.

CURRENT LAW: Chapter 152 of the General Statutes sets out the duties of elected county coroners in the State.

BILL ANALYSIS: House Bill 1157 would abolish the office of coroner in Montgomery County and provide that Chapter 152 of the General Statutes does not apply to Montgomery County.

EFFECTIVE DATE: House Bill 1157 would be effective when it becomes law.

BACKGROUND:

- From 1965-67, several local laws were enacted providing for the appointment of medical doctors as county medical examiners and abolishing the office of coroner in several counties.
- In 1967, the General Assembly enacted S.L. 1967-1154 which established the State Office of Chief Medical Examiner to provide for a Statewide system for postmortem examinations of deaths related to crimes, suicide, prison confinement, or other specified circumstances.
- Since the 1960s, the office of elected county coroner has been abolished in most counties.

Karen Cochrane-Brown
Director

H1157-SMBA-112 E1 -V-4

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 1157

Short Title:	Montgomery Cty/Repeal Coroner Office.	(Local)
Sponsors:	Representative Brewer. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

May 19, 2020

A BILL TO BE ENTITLED

AN ACT ABOLISHING THE OFFICE OF CORONER IN MONTGOMERY COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The office of coroner in Montgomery County is abolished.

SECTION 1.(b) Chapter 152 of the General Statutes is not applicable to Montgomery County.

SECTION 2. This act is effective when it becomes law.

ROLL CALL VOTE

19 YES 0 NO = _____ (TOTAL)

HB# 1157
SB# ____

HOUSE STANDING COMMITTEE ON STATE & LOCAL GOVERNMENT

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Chair			**Chair**
✓		**CORBIN**, Kevin	✓		**WARREN**, Harry
		Members			**Members**
		AGER, John	✓		**LOFTON**, Brandon
✓		**AUTRY**, John	✓		**LOGAN**, Carolyn
✓		**BATCH**, Sydney	✓		**McELRAFT**, Pat
✓		**BOLES**, James	✓		**QUICK**, Amos
✓		**CARTER**, Jerry	✓		**ROSS**, Stephen
✓		**CLEVELAND**, George	✓		**SASSER**, Wayne
		DOBSON, Josh	✓		**SPECIALE**, Michael
		FAIRCLOTH, John			**SETZER**, Mitchell
✓		**FISHER**, Susan	✓		**VON HAEFEN**, Julie
✓		**GRAHAM**, Charles	✓		**WILLINGHAM**, Shelly
✓		**JARVIS**, Steve			
		Ex-Officio Members			**Ex-Officio Members**
		BELL, John			**LEWIS**, David
		JONES, Brendan			**STEVENS**, Sarah

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1157

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H1157-ABA-63 [v.3]

Amends Title [YES]
First Edition

Date May 25, 2020

Representative Boles

moves to amend the bill on page 1, line 2, by rewriting the line to read:
"AN ACT ABOLISHING THE OFFICE OF CORONER IN AVERY, BLADEN, HOKE, MONTGOMERY AND YADKIN COUNTIES.";

and on page 1, line 7 by rewriting the line to read:
"**SECTION 2.(a)** The office of coroner is abolished.
SECTION 2.(b) Chapter 152 of the General Statutes is not applicable.
SECTION 2.(c) This section applies only in the following counties: Avery, Bladen, Hoke, and Yadkin Counties.
SECTION 3. Notwithstanding Section 2 of this act, any coroner elected in the 2018 or 2020 general election shall serve the remainder of their term. If a vacancy occurs in the office of coroner, a person may be appointed to serve the remainder of the unexpired term.
SECTION 4. This act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

ROLL CALL VOTE

19 YES 0 NO = _____ (TOTAL)

HB# 1157
SB# ____

HOUSE STANDING COMMITTEE ON STATE & LOCAL GOVERNMENT

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Chair			**Chair** amend
✓		**CORBIN**, Kevin	✓		**WARREN**, Harry
		Members			**Members**
		AGER, John	✓		**LOFTON**, Brandon
✓		**AUTRY**, John	✓		**LOGAN**, Carolyn
✓		**BATCH**, Sydney	✓		**McELRAFT**, Pat
✓		**BOLES**, James	✓		**QUICK**, Amos
✓		**CARTER**, Jerry	✓		**ROSS**, Stephen
✓		**CLEVELAND**, George	✓		**SASSER**, Wayne
		DOBSON, Josh	✓		**SPECIALE**, Michael
		FAIRCLOTH, John			**SETZER**, Mitchell
✓		**FISHER**, Susan	✓		**VON HAEFEN**, Julie
✓		**GRAHAM**, Charles	✓		**WILLINGHAM**, Shelly
✓		**JARVIS**, Steve			
		Ex-Officio Members			**Ex-Officio Members**
		BELL, John			**LEWIS**, David
		JONES, Brendan			**STEVENS**, Sarah

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

HOUSE BILL 1159: Add Members/Johnston Cnty. Airport Authority.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 26, 2020
Introduced by:	Reps. Strickland, Bell, White	**Prepared by:**	Jonathan Zator Billy R. Godwin Staff Attorneys
Analysis of:	First Edition		

OVERVIEW: ***House Bill 1159 would increase the size of the Johnston County Airport Authority (JCAA) from five members to seven members by adding two additional members who would be appointed by the Johnston County Board of Commissioners (Board).***

CURRENT LAW: The JCAA is composed of five members appointed by the Johnston County Board of Commissioners to serve four-year staggered terms.

BILL ANALYSIS: House Bill 1159 would increase the size of the JCAA by adding two additional members who would be appointed by the Johnston County Board of Commissioners. The Board would appoint the two additional members within 90 days of the effective date of this act and the initial terms of the new members would be staggered as follows:

- One new member's initial term would expire April 30, 2022.
- One new member's initial term would expire March 31, 2024.

EFFECTIVE DATE: This act is effective when the bill becomes law.

Karen Cochrane-Brown
Director

H1159-SMBV-1 E1 -V-6

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 1159

Short Title:	Add Members/Johnston Cnty. Airport Authority.	(Local)
Sponsors:	Representatives Strickland, Bell, and White (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

May 19, 2020

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE APPOINTMENT OF ADDITIONAL MEMBERS TO THE JOHNSTON COUNTY AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 1971-624 reads as rewritten:

"**Sec. 2.** The Airport Authority shall consist of ~~five~~ seven members who shall be appointed to staggered terms of four years by the Johnston County Board of Commissioners. All of the members shall be residents of the County. ~~The terms of the initial five members of the Airport Authority shall be as follows: two members to be appointed to a term of four years; three members appointed for a term of two years. Thereafter, all terms shall be for four year.~~ Each of the members and their successors so appointed shall take and subscribe before the Clerk of the Superior Court of Johnston County, an oath of office and file same with the Johnston County Board of Commissioners. Upon the occurrence of any vacancy on said Airport Authority, said vacancy shall be filled within 60 days after notice thereof at a regular meeting of the Board of County Commissioners. In the event the Johnston County Board of Commissioners should appoint one of the members of that said Board as a member of the said Airport Authority, such membership shall not constitute double office holding within the meaning of Article VI, Sec. 9 of the Constitution of North Carolina."

SECTION 2. Within 90 days of the effective date of this act, the Johnston County Board of Commissioners shall appoint two additional members to the Airport Authority to serve staggered terms as follows: one term shall expire April 30, 2022, and the other term shall expire March 31, 2024.

SECTION 3. This act is effective when it becomes law.

ROLL CALL VOTE

20 YES 0 NO = _____ (TOTAL)

1157

HB# _____
SB# _____

HOUSE STANDING COMMITTEE ON STATE & LOCAL GOVERNMENT

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Chair			**Chair**
✓		**CORBIN**, Kevin	✓		**WARREN**, Harry
		Members			**Members**
✓		**AGER**, John	✓		**LOFTON**, Brandon
✓		**AUTRY**, John	✓		**LOGAN**, Carolyn
✓		**BATCH**, Sydney	✓		**McELRAFT**, Pat
✓		**BOLES**, James	✓		**QUICK**, Amos
✓		**CARTER**, Jerry	✓		**ROSS**, Stephen
✓		**CLEVELAND**, George	✓		**SASSER**, Wayne
		DOBSON, Josh	✓		**SPECIALE**, Michael
		FAIRCLOTH, John			**SETZER**, Mitchell
✓		**FISHER**, Susan	✓		**VON HAEFEN**, Julie
✓		**GRAHAM**, Charles	✓		**WILLINGHAM**, Shelly
✓		**JARVIS**, Steve			
		Ex-Officio Members			**Ex-Officio Members**
		BELL, John			**LEWIS**, David
		JONES, Brendan			**STEVENS**, Sarah

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1159

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

H1159-ABD-38 [v.1]

Amends Title [NO]
First Edition

Date May 26 ,2020

Representative WARREN

moves to amend the bill on page 1, line 22, by inserting the following at the end of the line:

"Thereafter, the terms shall be for four years.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Amend 1

ROLL CALL VOTE

20 YES 0 NO = _____ (TOTAL)

HB# 1159
SB# _____

HOUSE STANDING COMMITTEE ON STATE & LOCAL GOVERNMENT

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Chair			**Chair**
✓		**CORBIN**, Kevin	✓		**WARREN**, Harry
		Members			**Members**
✓		**AGER**, John	✓		**LOFTON**, Brandon
✓		**AUTRY**, John	✓		**LOGAN**, Carolyn
✓		**BATCH**, Sydney	✓		**McELRAFT**, Pat
✓		**BOLES**, James	✓		**QUICK**, Amos
✓		**CARTER**, Jerry	✓		**ROSS**, Stephen
✓		**CLEVELAND**, George	✓		**SASSER**, Wayne
		DOBSON, Josh	✓		**SPECIALE**, Michael
		FAIRCLOTH, John		✓	**SETZER**, Mitchell
✓		**FISHER**, Susan	✓		**VON HAEFEN**, Julie
✓		**GRAHAM**, Charles	✓		**WILLINGHAM**, Shelly
✓		**JARVIS**, Steve			
		Ex-Officio Members			**Ex-Officio Members**
		BELL, John			**LEWIS**, David
		JONES, Brendan			**STEVENS**, Sarah

HOUSE BILL 1168

Short Title:	Murphy Branch Corridor Reduction.	(Public)
Sponsors:	Representatives Corbin and McNeely (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government, if favorable, Rules, Calendar, and Operations of the House	

May 22, 2020

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE REDUCTION OF THE DEPARTMENT OF TRANSPORTATION'S INTEREST IN A CERTAIN PORTION OF THE ANDREWS TO MURPHY RAIL CORRIDOR WITHIN THE LIMITS OF CHEROKEE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Subject to applicable federal requirements, the right-of-way of the Department of Transportation's interest in the portion of the former Murphy Branch rail corridor between Andrews and Murphy in Cherokee County between Milepost 101.1 and Milepost 113.7 (Rail Corridor) is uniformly reduced to 25 feet on each side of the center line of the tracks traversing the Rail Corridor, with any interest in real property previously held by the State of North Carolina transferred without consideration to current adjacent real property owners. For purposes of this act, where there is more than one track, the State shall retain its property interest in the Rail Corridor for a distance of 25 feet from the center of each track.

SECTION 2. Any adjacent real property owner desiring record evidence of the real property so transferred may petition the Department of Transportation to provide a quitclaim deed to the real property so transferred, and the Department of Transportation shall provide a quitclaim deed, the expenses for preparation and recording of which shall be borne by the petitioning party.

SECTION 3. Notwithstanding any provisions of law to the contrary, the transfers of real property described herein shall not require Council of State or Board of Transportation approval.

SECTION 4. The Department of Transportation shall retain an easement for right of entry and access for maintenance and repair of the track and associated structures that is parallel to each side of the retained portion of the Rail Corridor and 15 feet in width.

SECTION 5. If the Department of Transportation determines a portion of the subject Rail Corridor is not needed for future transportation or utility purposes, the Department of Transportation shall, upon application of any person owning an underlying fee simple interest in that portion of the Rail Corridor, convey the Department of Transportation's interest in the portion of the Rail Corridor as permitted under applicable federal law.

SECTION 6. Section 35.18 of Session Law 2016-94 is repealed.

SECTION 7. One hundred thousand dollars ($100,000) in nonrecurring funds for the 2020-2021 fiscal year is appropriated from the Highway Fund to the Department of Transportation for costs related to the implementation of this act.

ROLL CALL VOTE

20 YES 6 NO = _____ (TOTAL)

HB# 1168
SB# _____

HOUSE STANDING COMMITTEE ON STATE & LOCAL GOVERNMENT

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Chair			**Chair**
✓		**CORBIN**, Kevin	✓		**WARREN**, Harry
		Members			**Members**
✓		**AGER**, John	✓		**LOFTON**, Brandon
✓		**AUTRY**, John	✓		**LOGAN**, Carolyn
✓		**BATCH**, Sydney	✓		**McELRAFT**, Pat
✓		**BOLES**, James	✓		**QUICK**, Amos
✓		**CARTER**, Jerry	✓		**ROSS**, Stephen
✓		**CLEVELAND**, George	✓		**SASSER**, Wayne
		DOBSON, Josh	✓		**SPECIALE**, Michael
		FAIRCLOTH, John			**SETZER**, Mitchell
✓		**FISHER**, Susan	✓		**VON HAEFEN**, Julie
✓		**GRAHAM**, Charles	✓		**WILLINGHAM**, Shelly
✓		**JARVIS**, Steve			
		Ex-Officio Members			**Ex-Officio Members**
		BELL, John			**LEWIS**, David
		JONES, Brendan			**STEVENS**, Sarah

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Government

DATE: May 26, 2020 Room: 1228/1327 LB

House Sgt-At Arms:

1. Name: Bill Bass
2. Name: Jonas Cherry
3. Name: Rey Cooke
4. Name: Mark Douglas
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

Cancelled Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will **NOT** meet as follows:

DAY & DATE: Tuesday, June 2, 2020
TIME: **3:00 PM**
LOCATION: **643 LOB**

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:21 AM on Friday, May 29, 2020.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #1: Meeting Cancelled

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Tuesday, June 2, 2020
TIME: **3:00 PM**
LOCATION: **643 LOB**

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:43 AM on Friday, May 29, 2020.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Tuesday, June 2, 2020
TIME: **3:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Agenda TBA.**

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:24 PM on Thursday, May 28, 2020.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, June 17, 2020 at 9:00 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on State and Local Government met at 9:00 AM on June 17, 2020 in Room 1228/1327 of the Legislative Building. Representatives Warren (in-person) and Corbin (in-person), Chairs; Representatives Cleveland (in-person) and Speciale (in-person), Vice Chairs; Representatives Ager (in-person), Autry (remote), Batch (remote), Boles (remote & in-person), Carter (in-person), Dobson (remote), Fisher (remote), Graham (remote) Jarvis (in-person), Lofton (in-person), Logan (in-person), McElraft (in-person), Quick (remote), Ross (in-person), Sasser (in-person), Setzer (in-person), von Haefen (remote), and Willingham (remote) attended. Ex-Officio members, Reps. David Lewis and John Bell also attended in-person.

Rep. Harry Warren, Chair, presided.

Introduction of Sergeant-at-Arms. Mark Douglas, Rex Foster, Russell Salisbury, and David Leighton.

The following bills were considered:

SB 286 - Amend Fire Prot. Fees/Union/Brunswick. (Senators Rabon, Johnson)
Chairman Warren recognized Sen. Todd Johnson to explain the bill. The Chairman opened the floor for discussion. There being none, Rep. Speciale was recognized and moved that SB 286 receive a Favorable Report, with a referral to Finance. The Chairman opened the floor for a vote and the motion passed.

SB 380 - Reestablish NC Milk Commission. (Senators Wells, Hise, Daniel)
Chairman Warren recognized Rep. Hardister to explain the PCS to SB 380 then opened the floor for discussion. Reps. Cleveland, Carter, Speciale, McElraft, Corbin, Jarvis, and Warren asked questions. Erika Churchill from Legislative Analysis was recognized for clarification. Doug Miskew of Public Sector Group, Troy Shelton of Fox Rothchild, and Mike Hager of Hager Strategic Solutions were recognized for comments. The Chairman opened the floor for a vote and the PCS passed with a Favorable Report, unfavorable to the original bill with a referral to Rules, Calendar, and Operations of the House.

The meeting adjourned at 9:33 a.m.

Select or Type Name of Presiding Chair
Presiding

Cristy Yates, Committee Clerk

Updated #2: Add SB286

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, June 17, 2020
TIME: **9:00 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **Representative Warren will Chair. The Chairman intends to ALSO hear the PCS for S796 pending arrival to the committee.**

In accordance with the latest guidance from the Center for Disease Control and the North Carolina Department of Health and Human Services, and the building rules of the North Carolina General Assembly, the House State and Local Government Committee; on June 17 members will have the option to attend remotely to minimize the gathering of Members and staff. Members of the public are requested to comply with the guidance from the North Carolina Department of Health and Human Services and the Centers for Disease Control by complying with social distancing guidelines and seating for 50 percent of room capacity or listening to a live stream audio via the NCGA committee website link by using committee room number 1228 of the Legislative Building. The video stream may be accessed on the NCGA webpage here: https://www.ncleg.gov/Video. Additionally, audio and video links can be found on the front page of the NCGA website in the Legislative Calendar section.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 380	Reestablish NC Milk Commission.	Senator Wells Senator Hise Senator Daniel
SB 286	Amend Fire Prot. Fees/Union/Brunswick.	Senator Rabon Senator Johnson

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:14 AM on Wednesday, June 17, 2020.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

Updated #1: Add SB380

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, June 17, 2020
TIME: **9:00 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **Please notify Chairman Warren no later than noon on Tuesday, June 16, if anyone attending the meeting prefers access to WebEx over attending in person.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 380	Reestablish NC Milk Commission.	Senator Wells Senator Hise Senator Daniel

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:27 PM on Monday, June 15, 2020.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION

You are hereby notified that the **House Committee on State and Local Government** will meet as follows:

DAY & DATE: Wednesday, June 17, 2020
TIME: **9:00 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **Bills to be added later.**

Respectfully,

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:04 PM on Monday, June 15, 2020.

___ Principal Clerk
___ Reading Clerk – House Chamber

Cristy Yates (Committee Assistant)

House Committee on State and Local Government
Wednesday, June 17, 2020
9:00 AM
Legislative Building
Room 1228/1327

AGENDA

Welcome and Opening Remarks

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 380	Reestablish NC Milk Commission. (PCS)	Senator Wells Senator Hise Senator Daniel
SB 286	Amend Fire Prot. Fees/Union/Brunswick.	Senator Rabon Senator Johnson

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Representative Kevin Corbin, Co-Chair
Representative Harry Warren, Co-Chair

FAVORABLE AND RE-REFERRED

SB **286** **(CS#1)** Amend Fire Prot. Fees/Union/Brunswick.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Warren

FAVORABLE HOUSE COM SUB NO. 2, UNFAVORABLE HOUSE COM SUB NO. 1 AND RE-REFERRED

SB **380** **(HCS#1)** Reestablish NC Milk Commission.

Draft Number:	S380-PCS35426-SA-72
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Hardister

TOTAL REPORTED: 2



SENATE BILL 286:
Amend Fire Prot. Fees/Union/Brunswick.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 17, 2020
Introduced by:	Sens. Rabon, Johnson	**Prepared by:**	Jonathan Zator and Billy Godwin, Staff Attorneys
Analysis of:	Second Edition		

OVERVIEW: For Brunswick and Union Counties, Senate Bill 286 establishes that any portion of a fee-supported fire district that is annexed by a municipality as a noncontiguous area remains a part of and pays fees to the fee-supported fire district.

CURRENT LAW: In Brunswick and Union Counties, when a portion of a fee-supported fire district (1) has been annexed by a municipality, (2) the municipality furnishes fire protection to its citizens, and (3) the municipality has not agreed to allow territory within the annexed portion to be in the fire district, then the portion no longer remains in the fire district. Accordingly, the portion does not pay fees to the fire district.

BILL ANALYSIS: Senate Bill 286 would make identical changes to the current law affecting Brunswick and Union Counties.

Section 1 would provide that if a portion of a fee-supported fire district in Brunswick County is annexed as a noncontiguous area by a municipality furnishing fire protection to its citizens, then the annexed portion will continue to remain in, and pay fees to, the fee-supported fire district.

Section 2 would provide that if a portion of a fee-supported fire district in Union County is annexed as a noncontiguous area by municipality furnishing fire protection to its citizens, then the annexed portion will continue to remain in, and pay fees to, the fee-supported fire district.

EFFECTIVE DATE: This bill is effective when it becomes law and expires on June 30, 2049.

Karen Cochrane-Brown
Director

S286-SMBV-2 E2 -V-6

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 2

SENATE BILL 286
State and Local Government Committee Substitute Adopted 3/26/19

Short Title: Amend Fire Prot. Fees/Union/Brunswick. (Local)

Sponsors:

Referred to:

March 18, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND FIRE PROTECTION FEE PROCEDURES REGARDING CERTAIN ANNEXED AREAS IN BRUNSWICK AND UNION COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 1999-323, as amended by S.L. 2001-74, Section 2 of S.L. 2007-355, and S.L. 2017-60, reads as rewritten:

"**Section 1.** Fee-supported fire districts.

...

"**Section 1.(h)** Annexation of District. – When any portion of a fee-supported fire district has been annexed by a municipality furnishing fire protection to its citizens, and the municipality has not agreed to allow territory within it to be in the district, then the portion of the district annexed is no longer part of a fee-supported district. For the purposes of this section and regardless of the actual effective date of annexation, the date of annexation shall be considered to be a date in the month of June. When any portion of a fee-supported fire district is annexed by a municipality furnishing fire protection to its citizens, there is debt associated with the prior fee-supported district providing the fire protection to that area, an assumption of debt shall be paid to the fee-supported district at a rate of not less than one-half the fees that are collected from the annexed area for a period of not less than three years. This shall in no way limit or restrict a municipality from contracting with a fee-supported district to provide fire protection services nor shall it require a fee-supported district to provide fire protection services without an additional contract.

"**Section 1.(h1)** Alternative for Certain Annexations. – When any portion of a fee-supported fire district has been annexed as a noncontiguous area as set forth in Part 4 of Article 4A of Chapter 160A of the General Statutes, then notwithstanding subsection (h) of this section, the area so annexed shall continue to remain a part of and pay fees to the fee-supported fire district.

"**Section 1.(i)** Abolition of District. – Upon finding that there is no longer a need for a given fee-supported fire district, the board of commissioners may repeal the resolution establishing the district and thus abolish the district.

...."

SECTION 2. G.S. 153A-236, as it applies to Union County pursuant to Chapter 883 of the 1991 Session Laws, as amended by Chapter 61 of the 1995 Session Laws, S.L. 1999-39, and S.L. 2010-84, reads as rewritten:

"**§ 153A-236. Fee-supported fire districts.**

...

(h) Annexation of District. – When any portion of a fee-supported fire district has been annexed by a municipality furnishing fire protection to its citizens, and the municipality has not

agreed to allow territory within it to be in the district, then the portion of the district annexed is no longer part of a fee-supported district. For the purposes of this section and regardless of the actual effective date of annexation, the date of annexation shall be considered to be a date in the month of June.

(h1) Alternative for Certain Annexations. – When any portion of a fee-supported fire district has been annexed as a noncontiguous area as set forth in Part 4 of Article 4A of Chapter 160A of the General Statutes, then notwithstanding subsection (h) of this section, the area so annexed shall continue to remain a part of and pay fees to the fee-supported fire district.

...."

SECTION 3. Section 1 of this act applies only to Brunswick County. Section 2 of this act applies only to Union County.

SECTION 4. This act is effective when it becomes law and expires on June 30, 2049.

SENATE BILL 380:
Clarify Felony Possess Sweepstakes Machine.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	June 16, 2020
Introduced by:	Sens. Wells, Hise, Daniel	**Prepared by:**	Erika Churchill Staff Attorney
Analysis of:	PCS to Fourth Edition S380-CSSA-72		

OVERVIEW: The proposed committee substitute for Senate Bill 380 would remove the contents of the fourth edition and substitute contents to amend the laws relating to electronic machines or devices.

[As introduced, this bill was identical to H532, as introduced by Reps. Blackwell, Setzer, McGrady, Dobson, which is now S.L. 2019-20.]

CURRENT LAW:

Illegal Slot Machines (G.S. 14-296; G.S. 14-306): The general rule in North Carolina is that slot machines are illegal. A slot machine is any machine which can be activated by putting any "piece of money, coin, or other object" into the machine, which causes it to operate and the user will receive anything of "value or otherwise" including additional rights to use the machine, sometimes referred to as credits. Any person who knowingly suffers to be opened, kept or used on their property, an illegal slot machine is guilty of a Class 2 misdemeanor. G.S. 14-297.

Legal Slot Machines (G.S. 14-306): All coin-operated machines, video games, pinball machines, and other computer, electronic or mechanical devices that meet all of the following criteria:

- Are operated and played for amusement.
- Involve the use of skill or dexterity to solve problems or tasks, or to make varying scores.
- Do not display, emit, or otherwise record anything which is capable of being redeemed for cash, prizes, or free replays.
- Limit the player to eight (8) credits or replays at one time, and which may award free replays or coupons that may be exchanged for prizes or merchandise with a value not exceeding $10. The prize or merchandise may not be converted to money. Law requires a sticker to be attached noting that it is a criminal offense to exceed the $10 value amount.

This does not apply to any machine that pays out in cash, or where any prizes, merchandise, credits, or replays are repurchased for cash, exchanged for anything worth more than $10, or any type of cash payout whatsoever. Examples include:

- Vending machines – Insert a given amount in which is associated with a specific item which is dispensed every time.
- Juke boxes – Insert coins and hear music.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Video Gaming Machines (G.S. 14-306.1A): It is illegal to operate, allow to be operated, place into operation, or keep in your possession for the purpose of operation a video gaming machine. The definition of a "video gaming machine" includes (i) slot machines, and (ii) other forms of electrical, mechanical, or computer games. It is a video machine that requires any method of payment to activate the game. Examples of video games are video poker (or any other kind of card game), video bingo, or any video game based on the random matching of different words, numbers, or symbols, and that is not dependent on the player's skill or dexterity. The statute specifically does not allow the exception to the slot machine law that allows for the pay-out of merchandise of a value of $10 or less.

Server Based Game Promotions (G.S. 14-306.3): It is illegal to possess a game terminal with a display that simulates a game that is ordinarily played on a slot machine, or video gaming machine. However, the system must meet all four of the following criteria, or it is not covered under the law:

1. A database contains a pool of entries with each entry associated with a prize value.
2. Participants obtain a prepaid card.
3. With each prepaid card, the participant obtains one or more entries.
4. Entries are revealed: at a point-of-sale terminal, or at a game terminal with a display that simulates a game ordinarily played on a slot machine or a video gaming machine.

"Sweepstakes" machines (G.S. 14-306.4): It is unlawful for any person to operate, or place into operation, an electronic machine or device to do either of the following:

1. Conduct a sweepstakes through the use of an entertaining display, including the entry process or the reveal of a prize.
2. Promote a sweepstakes that is conducted through the use of an entertaining display, including the entry process or the reveal of a prize.

A sweepstakes, for this purpose, is "any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance." Games of skills are excluded.

Each violation is a separate offense, and punishment is on a sliding scale:

- First Offense – Class 1 misdemeanor.
- Second Offense – Class H felony.
- Third or subsequent Offense – Class G felony.

The statute does not address possession of the electronic machine or device.

BILL ANALYSIS: The PCS would amend G.S. 14-306.4 to do all of the following:

- Amend the definition of electronic machine or device to specify that definition applies whether or not the machine or device is autonomous. As defined by that statute, an "electronic machine or device" means a mechanically, electrically or electronically operated machine or device, that is owned, leased or otherwise possessed by a sweepstakes sponsor or promoter, or any of the sweepstakes sponsor's or promoter's partners, affiliates, subsidiaries or contractors, that is intended to be used by a sweepstakes entrant, that uses energy, and that is capable of displaying information on a screen or other mechanism.

- Add a definition of autonomous. 'Autonomous' would be any electronic machine or device that is not connected to a server; is incapable of connection to the Internet; is incapable of receiving any maintenance, upgrades, or changes to software remotely over any network; and is not capable of allowing any accounting functions or retrieval of accounting data related to the machine or device remotely over any network.
- Specify that a 'fish game' or other multiplayer/multi-station video game in which players can play against the software or each other is a stated example of an 'entertaining display.'

The PCS would also create a new Class G felony for any person to operate, or place into operation, any one of the following:

- Five or more electronic machines or devices in one location.
- Any electronic machine or device within 100 feet of four or more other electronic machines or devices.
- One or more non-autonomous electronic machines or devices.

EFFECTIVE DATE: This act would become effective December 1, 2020, and apply to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 380

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/17/19
House Committee Substitute Without Prejudice 8/7/19
Corrected Copy 8/9/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S380-PCS35426-SA-72

Short Title: Clarify Felony Possess Sweepstakes Machine. (Public)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO CLARIFY FELONIOUS POSSESSION OF ELECTRONIC SWEEPSTAKES MACHINES OR DEVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-306.4 reads as rewritten:

"**§ 14-306.4. Electronic machines and devices for sweepstakes prohibited.**

(a) Definitions. – For the purposes of this section, the following definitions apply:

(1) "Electronic machine or device" means a mechanically, electrically or electronically operated machine or device, that is owned, leased or otherwise possessed by a sweepstakes sponsor or promoter, or any of the sweepstakes sponsor's or promoter's partners, affiliates, subsidiaries or contractors, that is intended to be used by a sweepstakes entrant, that uses energy, and that is capable of displaying information on a screen or other mechanism. This section is applicable to an electronic machine or device whether or not:

a. It is server-based.

b. It uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.

c. It utilizes software such that the simulated game influences or determines the winning or value of the prize.

d. It selects prizes from a predetermined finite pool of entries.

e. It utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.

f. It predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.

g. It utilizes software to create a game result.

h. It requires deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device.

i. It requires direct payment into the electronic machine or device, or remote activation of the electronic machine or device.

j. It requires purchase of a related product.

k. The related product, if any, has legitimate value.

l. It reveals the prize incrementally, even though it may not influence if a prize is awarded or the value of any prize awarded.
m. It determines and associates the prize with an entry or entries at the time the sweepstakes is entered.
n. It is a slot machine or other form of electrical, mechanical, or computer game.
o. It is autonomous.

(2) "Enter" or "entry" means the act or process by which a person becomes eligible to receive any prize offered in a sweepstakes.

(3) "Entertaining display" means visual information, capable of being seen by a sweepstakes entrant, that takes the form of actual game play, or simulated game play, such as, by way of illustration and not exclusion:
a. A video poker game or any other kind of video playing card game.
b. A video bingo game.
c. A video craps game.
d. A video keno game.
e. A video lotto game.
f. Eight liner.
g. Pot-of-gold.
h. A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player.
i. Any other video game not dependent on skill or dexterity that is played while revealing a prize as the result of an entry into a sweepstakes.
j. A fish game or any other multiplayer or multi-station video game in which players can play against the software or each other.

(4) "Prize" means any gift, award, gratuity, good, service, credit, or anything else of value, which may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

(5) "Sweepstakes" means any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance.

(6) "Autonomous" means an electronic machine or device as defined by this section that meets all the following conditions:
a. The game board is not connected to the Internet or capable of being connected to the Internet or any electronic network, including, but not limited to, a virtual private network.
b. The game board is not connected to a local server or remote server.
c. The game board is not capable of receiving any maintenance, upgrades, or changes to software remotely over any network.
d. The game board is not capable of allowing any accounting functions or retrieval of accounting data related to the activities of the electronic machine or device remotely over any network.

(b) Notwithstanding any other provision of this Part, it shall be unlawful for any person to operate, or place into operation, an autonomous or non-autonomous electronic machine or device to do either of the following:

(1) Conduct a sweepstakes through the use of an entertaining display, including the entry process or the reveal of a prize.

(2) Promote a sweepstakes that is conducted through the use of an entertaining display, including the entry process or the reveal of a prize.

(c) It is the intent of this section to prohibit any mechanism that seeks to avoid application of this section through the use of any subterfuge or pretense whatsoever.

(d) Nothing in this section shall be construed to make illegal any activity which is lawfully conducted on Indian lands pursuant to, and in accordance with, an approved Tribal-State Gaming Compact applicable to that Tribe as provided in G.S. 147-12(14) and G.S. 71A-8.

(e) Each violation of this section shall be considered a separate offense.

(f) Any person who violates this section is guilty of a Class 1 misdemeanor for the first offense and is guilty of a Class H felony for a second offense and a Class G felony for a third or subsequent offense.

(g) In addition to any other penalty provided by law, it shall be a Class G felony for any person to operate or place into operation any of the following:

(1) More than four electronic machines or devices in one location.

(2) Any electronic machine or device within 100 feet of more than three other electronic machines or devices.

(3) One or more electronic machines or devices that do not operate autonomously.

Conviction of a violation of this subsection shall result in forfeiture of all electronic machines and devices operated or placed into operation in violation of this subsection. For purposes of this subsection, "autonomously" has the same meaning as "autonomous" as defined in subsection (a) of this section."

SECTION 2. This act becomes effective December 1, 2020, and applies to offenses committed on or after that date.

VISITOR REGISTRATION SHEET

House Comm on State and Local Government 6/17/2020

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sm	Vida
JB	NCPA
Mike Hager	HSS
Andy Mann	EGV
Doug Mistken	PSG
Amy Ell	NCAM
Betty Rutherford	PARENTS
TROY SHELTON	FOX ROTHSCHILD
Tom Fetzer	FSP
Lt Wanda Fowler	CJ EN

PSG
PUBLIC SECTOR GROUP

Doug Miskew

5 West Hargett St Ste 212
Raleigh, NC 27601

o: 919.825.0914
m: 919.522.5201

dmiskew@publicsectorgroup.com
publicsectorgroup.com

Committee Sergeants at Arms

NAME OF COMMITTEE House Comm on State and Local Government

DATE: 6/17/2020 Room: 1228/1327

House Sgt-At Arms:

1. Name: Mark Douglas
2. Name: Rex Foster
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____