2019-2020

SENATE
STATE & LOCAL
GOVERNMENT

MINUTES

SENATE STATE & LOCAL GOVERNMENT COMMITTEE

2019 - 2020 SESSION

SENATOR JOHN ALEXANDER, JR. CO-CHAIR
SENATOR RICK HORNER, CO-CHAIR

JESSICA DAIGLER-WALLS, COMMITTEE CLERK
REGINA IRWIN, COMMITTEE CLERK

STATE AND LOCAL GOVERNMENT COMMITTEE
2019-2020 SESSION

Co-Chairmen	Email	Assistant	Telephone	Room Number
Sen. John Alexander	John.Alexander@ncleg.net	Jessica Daigler-Walls	919-733-5850	625 LOB
Sen. Rick Horner	Rick.Horner@ncleg.net	Regina Irwin	919-715-3030	2106 LB
Members:				
Sen. Ted Alexander	Ted.Alexander@ncleg.net	Lynn Tennant	919-715-0690	2117 LB
Sen. Jim Burgin	Jim.Burgin@ncleg.net	Elissa Tew	919-733-5748	2113 LB
Sen. Carl Ford	Carl.Ford@ncleg.net	Angela Ford	919-733-5665	608 LOB
Sen. Valerie Foushee	Valerie.Foushee@ncleg.net	James Spivey	919-733-5804	517 LOB
Sen. Eddie Gallimore	Eddie.Gallimore@ncleg.net	Lauren Brown	919-733-5743	2111 LB
Sen. Jeff Jackson	Jeff.Jackson@ncleg.net	Dylan Arant	919-715-8331	1104 LB
Sen. Tom McInnis	Tom.McInnis@ncleg.net	James H. Blohm	919-733-5953	620 LOB
Sen. Mujtaba Mohammed	Mujtaba.Mohammed@ncleg.net	Sean Grier	919-733-5955	310 LOB
Sen. Jim Perry	Jim.Perry@ncleg.net	Leigh Ann Biddix	919-733-5621	311 LOB
Sen. Harper Peterson	Harper.Peterson@ncleg.net	Rita Harris	919-715-2525	518 LOB
Sen. Norman Sanderson	Norman.Sanderson@ncleg.net	Emily Barnes	919-733-5706	628 LOB
Sen. Sam Searcy	Sam.Searcy@ncleg.net	Michael Barnhill	919-733-5653	1118 LB
Sen. Erica Smith	EricaD.Smith@ncleg.net	Angelicia Simmons	919-715-3040	520 LOB
Sen. Bob Steinburg	Bob.Steinburg@ncleg.net	Edward Stiles	919-715-8293	301-B LOB
Staff:				
Brad Krehely	Brad.Krehely@ncleg.net	Legislative Analysis	919-733-2578	545 LOB
Billy Godwin	Billy.Godwin@ncleg.net	Legislative Analysis	919-733-2578	200 LOB
Bill Patterson	Bill.Patterson@ncleg.net	Legislative Analysis	919-733-2578	545 LOB
Susan Barham	Susan.Barham@ncleg.net	Legislative Analysis	919-733-2578	545 LOB

North Carolina General Assembly
Through Senate Committee on
State and Local Government

2019-2020 Biennium
Leg. Day: H-119/S-115

Date: 08/26/2019
Time: 5:36:19 PM

Bill	Introducer	Short Title		Latest Action	Date In	Date Out
H 324	Hastings	Local Hunting Omnibus.	*R	Ch. SL 2019-107	07/01/2019	07/02/2019
H 52	Davis	Wrightsville Beach Local Act Amendment.	R	Ch. SL 2019-94	06/27/2019	06/28/2019
H 134	Cleveland	Filling Vacancy/Onslow County Board of Comm.	*R	Ch. SL 2019-102	06/26/2019	06/28/2019
H 80	Wray	Roanoke Rapids Lake/Unattended Equip.	*R	Ch. SL 2019-98	06/20/2019	06/26/2019
H 217	Saine	DIT Changes.-AB	*R	Ch. SL 2019-200	05/20/2019	06/26/2019
H 98	Corbin	Macon/Clay/No Right-of-Way Spotlighting.	*R	Ch. SL 2019-101	05/29/2019	06/25/2019
H 187	Ross	Amend Town of Elon Charter/Parking Ordinances.	*R	Ch. SL 2019-104	06/17/2019	06/25/2019
H 239	Smith	Pitt County Animal Control Records.	*R	Ch. SL 2019-106	05/29/2019	06/25/2019
H 243	Riddell	State Human Resources Act Amendments.-AB	*R	Ch. SL 2019-152	06/06/2019	06/25/2019
H 489	Saine	Lincolnton-Lincoln County Airport Authority.	R	Ch. SL 2019-97	06/12/2019	06/25/2019
H 757	Smith	Pender County/Butner Property Transfers.	*R	Ch. SL 2019-137	05/21/2019	06/25/2019
S 267	Edwards	Buncombe 1/4 Cent Sales Tax Use Restriction.	*H	Ref To Com On Rules, Calendar, and Operations of the House	06/20/2019	06/25/2019
H 4	Setzer	Claremont Deannexation.	R	Ch. SL 2019-93	06/12/2019	06/18/2019
H 6	Ross	Burlington Airport/Lease/Contract Authority.	*R	Ch. SL 2019-67	06/12/2019	06/18/2019
H 240	Sasser	Albemarle/City Labor for Business Ctr.	*R	Ch. SL 2019-65	05/24/2019	06/18/2019
H 349	Elmore	Wilkes County Fire Tax-Procedure.	R	Ch. SL 2019-96	06/05/2019	06/18/2019
S 267	Edwards	Buncombe 1/4 Cent Sales Tax Use Restriction.	*H	Ref To Com On Rules, Calendar, and Operations of the House	06/13/2019	06/18/2019

'$' indicates the bill is an appropriations bill.
A bold line indicates that the bill is an appropriations bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill

North Carolina Ger Assembly
Through Senate Committee on
State and Local Government

H 99	McNeill	Transfer ALE/Move Boxing Advisory Commission.	*H	Pres. To Gov. 8/22/2019	05/28/2019	06/11/2019
H 383	Smith	Topsail Beach Charter/Board Vacancies.	*R	Ch. SL 2019-44	05/21/2019	06/11/2019
H 697	Horn	State Surplus Prop. Computers for Nonprofits.	S	Re-ref Com On Rules and Operations of the Senate	05/29/2019	06/11/2019
H 9	Hastings	Bessemer City Charter Amendment.	R	Ch. SL 2019-24	05/29/2019	06/04/2019
H 170	McNeill	Various Satellite Annexations.	*R	Ch. SL 2019-103	05/29/2019	06/04/2019
H 201	Hurley	Randolph Co. Register of Deeds Tax Cert.	*R	Ch. SL 2019-25	05/29/2019	06/04/2019
H 204	McElraft	Town of Beaufort/Annexation.	*R	Ch. SL 2019-95	05/24/2019	06/04/2019
H 285	Sauls	City of Sanford/Town of Beaufort/Vol Annex.	*R	Ch. SL 2019-105	05/24/2019	06/04/2019
H 336	Torbett	Extend Suspension of Spencer Mountain.	*R	Ch. SL 2019-29	05/29/2019	06/04/2019
H 368	Howard	Bermuda Run/Speed Restrictions.	*R	Ch. SL 2019-100	05/29/2019	06/04/2019
H 629	McNeill	Law Enforcement Mutual Aid.	*R	Ch. SL 2019-130	05/29/2019	06/04/2019
S 201	Britt	Town of Bolton/Deannexation.	*H	Ref To Com On Rules, Calendar, and Operations of the House	03/14/2019	04/30/2019
S 208	McInnis	Limit Local Restrictions/Noncommercial Signs.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	03/14/2019	04/30/2019
S 264	Burgin	Lee Cty Municipalities/Voluntary Annexations.	S	Re-ref Com On Finance	04/17/2019	04/30/2019
S 316	Wells	Affordable Housing.	*R	Ch. SL 2019-144	04/11/2019	04/30/2019
S 458	Brown	PTS Day/Cardiac Task Force/Titus's Law/Data.	*H	Conf Com Appointed	04/18/2019	04/30/2019
S 474	Wells	Clean Up Obsolete Boards.	*H	Re-ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House	04/03/2019	04/30/2019
S 478	Sawyer	Modify Appointment Reporting.	*R	Ch. SL 2019-167	04/10/2019	04/16/2019
S 610	Ballard	Authorize Northern Peaks Trail.	R	Ch. SL 2019-74	04/04/2019	04/16/2019

'$' indicates the bill is an appropriations bill.
A bold line indicates that the bill is an appropriations bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill

North Carolina Ger Assembly
Through Senate Committee on
State and Local Government

S 232	Davis	Tracking Outcomes of Veterans Programs.	*H	Ref To Com On Rules, Calendar, and Operations of the House	03/14/2019	04/09/2019
S 367	McInnis	Clarify Property Owners' Rights.	*S	Re-ref Com On Judiciary	04/03/2019	04/09/2019
S 409	Davis	Study NC Veterans Registry.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04/03/2019	04/09/2019
S 434	Sanderson	Merger of Certain Sewerage Districts.	*S	Re-ref Com On Finance	04/03/2019	04/09/2019
S 191	Waddell	Out-of-State Law Enforcement/2020 Rep Convtn.	*R	Ch. SL 2019-109	03/14/2019	03/26/2019
S 235	Alexander	Franklin/Nash Municipalities/Unfit Dwellings.	*R	Ch. SL 2019-30	03/14/2019	03/26/2019
S 239	Davis	Children of Wartime Vets/Scholarships.	H	Re-ref Com On Rules, Calendar, and Operations of the House	03/14/2019	03/26/2019
S 242	Burgin	Recreational Land Fee Changes.	*R	Ch. SL 2019-59	03/14/2019	03/26/2019
S 270	McKissick	Durham Deannexation.	*H	Placed On Cal For 08/26/2019	03/19/2019	03/26/2019
S 286	Rabon	Amend Fire Prot. Fees/Union/Brunswick.	*H	Re-ref to the Com on State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House	03/19/2019	03/26/2019
S 84	Krawiec	Walkertown Zoning Authorizations.	R	Ch. SL 2019-61	03/04/2019	03/19/2019
S 186	Sanderson	Beaufort-Morehead Cty Airport Authority/Amend.	*R	Ch. SL 2019-121	03/14/2019	03/19/2019
S 194	Ballard	West Jefferson/Saluda Satellite Annexations.	*R	Ch. SL 2019-160	03/07/2019	03/19/2019
S 272	McKissick	Zoning for University Facilities-Durham.	R	Ch. SL 2019-8	03/18/2019	03/19/2019
S 63	Ford	City of Kannapolis/Annexation.	*R	Ch. SL 2019-12	02/14/2019	03/05/2019
S 80	Ford	China Grove Satellite Annexation.	*R	Ch. SL 2019-58	02/21/2019	03/05/2019
S 4	Brown	Extend Terms of 2 Members/Coastal Carolina CC.	R	Ch. SL 2019-7	01/31/2019	02/12/2019

'$' indicates the bill is an appropriations bill.
A bold line indicates that the bill is an appropriations bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill

North Carolina General Assembly
Through Senate Committee on
State and Local Government

S 12	Wells	Fill Certain Vacancies/Alexander & Burke Co.	*R	Ch. SL 2019-5	02/06/2019	02/12/2019
S 284	Hise	State Auditor/Verifications & Access.	H	Ref To Com On Rules, Calendar, and Operations of the House	04/08/2019	07/04/1776
S 303	Hise	State Emps./No Payroll Dues Deduction.	S	Re-ref to Pensions and Retirement and Aging. If fav, re-ref to Rules and Operations of the Senate	03/20/2019	07/04/1776
S 205	Krawiec	Village of Clemmons/Deannexation.	S	Re-ref to State and Local Government. If fav, re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate	03/14/2019	
S 416	Daniel	Recruit/Retain Vol. Firefighters.	S	Re-ref to State and Local Government. If fav, re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate	05/14/2019	
S 571	Perry	Local Governments/Unsafe Buildings.	S	Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate	04/11/2019	

'$' indicates the bill is an appropriations bill.
A bold line indicates that the bill is an appropriations bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill

Principal Clerk
Reading Clerk

Updated #1: Bill Added

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	February 12, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 4	Extend Terms of 2 Members/Coastal Carolina CC.	Senator Brown
SB 12	Fill Certain Vacancies/Alexander & Burke Co.	Senator Wells

Senator Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	February 12, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 4	Extend Terms of 2 Members/Coastal Carolina CC.	Senator Brown

Senator Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, February 12, 2019, 2:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Sergeant-at-Arms

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
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
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, February 12, 2019

Senator J. Alexander,
submits the following with recommendations as to passage:

FAVORABLE

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

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

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

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Senator Harry Brown will handle SB 4
Senator Andy Wells will handle SB 12

Senate Committee on State and Local Government
Tuesday, February 12, 2019 at 2:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 PM on February 12, 2019 in Room 1124/1224 of the Legislative Building. 12 members were present.

Senator John M. Alexander, Jr., Chair, presided.

Senator Alexander welcomed committee members and guests. He introduced the Sergeants-at-Arms John Enloe, Billy Fritscher and Sheree Hedrick. He also introduced Senate Page Christina Bond, sponsored by Senator Smith.

SB 4 Extend Terms of 2 Members/Coastal Carolina CC. (Senator Brown)
Senator McInnis moved for a favorable report on the bill. Motion passed
Reported as: Favorable with a sequential referral to Rules.

SB 12 Alexander County/Sheriff Vacancies. (Senator Wells)
Senator McInnis moved for a favorable report on the bill. Motion passed.
Reported as: Favorable with a sequential referral to Rules.

The meeting adjourned at 2:03 p.m.

Senator John M. Alexander, Jr.
Presiding

Jessica Daigler-Walls, Committee Clerk

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

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	February 12, 2019
Introduced by:	Sen. Brown	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 4 is a local bill that would extend the terms of office for two members of the Board of Trustees of Coastal Carolina Community College. The terms would expire on June 30, 2020, instead of June 30, 2019. 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. G.S. 115D-13.

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.

Karen Cochrane-Brown
Director

S4-SMRN-1 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.

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.

SENATE BILL 12:
Alexander County/Sheriff Vacancies.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	February 12, 2019
Introduced by:	Sen. Wells	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 12 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 bill would become effective when it becomes law.

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: Senate Bill 12 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.

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

Karen Cochrane-Brown
Director

S12-SMBD-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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 1

SENATE BILL 12

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.

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.

Public Sign-in

SENATE COMMITTEE on STATE and LOCAL GOVERNMENT

02/12/2019

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Flint Benson	SEANC
Amber Harris	NCACC

Public Sign-in

SENATE COMMITTEE on STATE and LOCAL GOVERNMENT

02/12/2019

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Seth Riggins	NCCCS (NC community colleges)
Claudia Smoemaker	governors office
Ty Ford	MWC
Jane Boyd	NCFPC

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Senate Committee

On

State and Local Government

February 12, 2019

Room 1124/1224

2:00 PM

Senate Sergeant at Arms:

John Enloe

Billy Fritscher

Sheree Hedrick

State & Local Gov't

Senate Page List by Senator
February 11-14, 2019

1124 LB

Senator Erica Smith

Christina Bond, Grade 11
Parents: Eric and Twinner Bond
Windsor

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 5, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 63	City of Kannapolis/Annexation.	Senator Ford
SB 80	China Grove Satellite Annexations.	Senator Ford

Senator Rick Horner, Chair

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

SENATE COMMITTEE ON STATE AND LOCAL GOVERNMENT

Tuesday, March 5, 2019, 2:00 pm

1124/1224 Legislative Building

AGENDA

I. CALL TO ORDER

Chairs: **Sen. Rick Horner, Co-Chair, presiding**
Senator John Alexander, Co-Chair

II. WELCOME AND OPENING REMARKS

III. AGENDA ITEMS

BILL NO.	SHORT TITLE	SPONSOR
SB 63	City of Kannapolis/Annexation.	Senator Ford
SB 80	China Grove Satellite Annexations.	Senator Ford

IV. ADJOURNMENT

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, March 05, 2019

Senator Horner,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **63** City of Kannapolis/Annexation.

Draft Number:	S63-PCS35073-BDx-2
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Carl Ford will handle SB 63

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, March 05, 2019

Senator Horner,
submits the following with recommendations as to passage:

FAVORABLE

SB **80** China Grove Satellite Annexations.

Draft Number:	None
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Carl Ford will handle SB 80

Senate Committee on State and Local Government
Tuesday, March 5, 2019 at 2:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 pm on March 5, 2019 in Room 1124/1224 of the Legislative Building. Fifteen members were present.

A Visitor Registration log is attached and made part of these minutes.

Senator Horner, Presiding Chair, called the meeting to order at 2:00 pm. He introduced the Sergeant-at-Arms staff. The following bills were considered:

SB 63; City Of Kannapolis/Annexation. (Senator Ford) The Chair recognized Senator Ford to explain the bill. SB 63 would annex, 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. Senator Ford sent forth an amendment **S63-ABD-2 [v3]**. Senator McInnis moved for the adoption of the amendment for consideration. The motion passed. The Chair recognized Senator Ford to explain the amendment. Senator Burgin moved to roll the amendment into a PCS, with a favorable report as to the PCS, as amended; unfavorable to the original bill and recommendation the bill be re-referred to the Senate Committee on Finance. The motion passed. A copy of the bill, the bill summary, the amendment, PCS and Committee Report is attached.

SB 80; China Grove Satellite Annexations. (Senator Ford). The Chair recognized Senator Ford to explain the bill. 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. Senator J. Jackson moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Finance. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

There being no further business, the Chair adjourned the meeting at 2:10 pm.

Senator Rick Horner, Chair
Presiding

Regina Irwin, Committee Clerk

SENATE BILL 63:
City of Kannapolis/Annexation.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	March 4, 2019
Introduced by:	Sen. Ford	**Prepared by:**	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: ***Senate Bill 63 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 H84, as introduced by Reps. Howard, Warren, which is currently in House Finance.]

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: Senate Bill 63 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.

Karen Cochrane-Brown
Director

S63-SMBD-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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 1

SENATE BILL 63*

Short Title:	City of Kannapolis/Annexation.	(Local)
Sponsors:	Senator Ford (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 63
PROPOSED COMMITTEE SUBSTITUTE S63-PCS35073-BDx-2

Short Title: City of Kannapolis/Annexation. (Local)

Sponsors:

Referred to:

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.(a) 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) chords: (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 1.(b) This section becomes effective June 30, 2020. Property in the territory described in this section as of January 1, 2020, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2020.

SECTION 2. The City of Kannapolis may exercise extraterritorial jurisdiction in the territory described in Section 1 of this act.

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 63*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S63-ABD-2 [v.3]

Amends Title [NO]
First Edition

Date March 5 ,2019

Senator Ford

moves to amend the bill on page 1, line 5, by deleting "**SECTION 1.**" and substituting "**SECTION 1.(a)**";

and on page 4, lines 29-31, by rewriting those lines to read:
"**SECTION 1.(b)** This section becomes effective June 30, 2020. Property in the territory described in this section as of January 1, 2020, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2020.";

and on page 4, line 31, by inserting the following after that line:
"**SECTION 2.** The City of Kannapolis may exercise extraterritorial jurisdiction in the territory described in Section 1 of this act.
SECTION 3. Except as otherwise provided, this act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

SENATE BILL 80:
China Grove Satellite Annexations.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	March 5, 2019
Introduced by:	Sen. Ford	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Co-Counsel

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 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).

Karen Cochrane-Brown
Director

S80-SMRN-3 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.

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.

Senate Committee On State and Local Government

March 5, 2019 – Room 1124 / 1224 LB – 2:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Michael Bardish	Sparq
Elissa Lee	Senator Burgin
Lauren Brown	LA
Flint Benson	SELNC
Resha Fortson	SEANC

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Senate Committee

On

State and Local Government

March 5, 2019

Room 1124 / 1224

Legislative Building – 2:00 PM

Senate Sergeant at Arms:

TOM BURROUGHS

JIM HAMILTON

Principal Clerk
Reading Clerk

Updated #2: Bill Removed

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 19, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 84	Walkertown Zoning Authorizations.	Senator Krawiec
SB 186	Beaufort-Morehead Cty Airport Authority/Amend.	Senator Sanderson
SB 194	West Jefferson Satellite Annexations.	Senator Ballard
SB 272	Zoning for University Facilities-Durham.	Senator McKissick Senator Woodard

Senator Alexander will be chairing

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

Updated #1: Bills Added

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 19, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 84	Walkertown Zoning Authorizations.	Senator Krawiec
SB 186	Beaufort-Morehead Cty Airport Authority/Amend.	Senator Sanderson
SB 194	West Jefferson Satellite Annexations.	Senator Ballard
SB 205	Village of Clemmons/Deannexation.	Senator Krawiec
SB 272	Zoning for University Facilities-Durham.	Senator McKissick Senator Woodard

Senator Alexander will be chairing

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 19, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 84	Walkertown Zoning Authorizations.	Senator Krawiec
SB 194	West Jefferson Satellite Annexations.	Senator Ballard

Senator Alexander will be chairing

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, March 19, 2019, 2:00 PM
1124/1224 Legislative Building

AGENDA

CALL TO ORDER

Chairs: Sen. John Alexander, Co-Chair, presiding
Sen. Rick Horner, Co-Chair

WELCOME & OPENING REMARKS

AGENDA ITEMS

BILL NO.	SHORT TITLE	SPONSOR
SB 84	Walkertown Zoning Authorizations.	Senator Krawiec
SB 186	Beaufort-Morehead City Airport Authority/Amend.	Senator Sanderson
SB 194	West Jefferson Satellite Annexations.	Senator Ballard
SB 272	Zoning for University Facilities-Durham.	Senator McKissick Senator Woodard

ADJOURNMENT

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, March 19, 2019

Senator J. Alexander,
submits the following with recommendations as to passage:

FAVORABLE

SB **84** Walkertown Zoning Authorizations.
- Draft Number: None
- Sequential Referral: Rules and Operations of the Senate
- Recommended Referral: None
- Long Title Amended: No

SB **186** Beaufort-Morehead Cty Airport Authority/Amend.
- Draft Number: None
- Sequential Referral: Transportation
- Recommended Referral: None
- Long Title Amended: No

SB **194** West Jefferson Satellite Annexations.
- Draft Number: None
- Sequential Referral: Finance
- Recommended Referral: None
- Long Title Amended: No

SB **272** Zoning for University Facilities-Durham.
- Draft Number: None
- Sequential Referral: Rules and Operations of the Senate
- Recommended Referral: None
- Long Title Amended: No

TOTAL REPORTED: 4

Senator Joyce Krawiec will handle SB 84
Senator Norman W. Sanderson will handle SB 186
Senator Deanna Ballard will handle SB 194
Senator Floyd B. McKissick, Jr. will handle SB 272

Senate Committee on State and Local Government
Tuesday, March 19, 2019 at 2:00 PM
Room 1124/1224 of the Legislative Building

Minutes

The Senate Committee on State and Local Government met at 2:00 pm on March 19, 2019 in Room 1124/1224 of the Legislative Building. Eleven members were present.

A Visitor Registration log is attached and made part of these minutes.

Senator Alexander, Presiding Chair, called the meeting to order at 2:00 pm. He introduced the Pages and the Sergeant-at-Arms staff. The following bills were considered:

SB 84; Walkertown Zoning Authorizations. (Senator Krawiec). The Chair recognized Senator Krawiec to explain the bill. 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. Senator Ford moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

SB 186; Beaufort-Morehead City Airport Authority. (Senator Sanderson). The Chair recognizes Senator Sanderson to explain the bill. Senate Bill 186 would rename the Beaufort-Morehead City Airport Authority as the Carteret County-Beaufort Airport Authority, would increase the membership of the Airport Authority from five to seven members, and would change the manner of appointment to the Airport Authority. Senator Horner moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Transportation. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

SB 194; West Jefferson Satellite Annexations. (Senator Ballard). The Chair recognizes Senator Ballard to explain the bill. 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. Senator Ford moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Finance. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

SB 272; Zoning for University Facilities-Durham. (Senators McKissick, Woodard). The Chair recognizes Senator McKissick, bill sponsor, to explain the bill. Senate Bill 272 would permit student housing projects associated with North Carolina Central University to be constructed in any zoning district in Durham if the parcels of land upon which the projects are to be built meet specified criteria, and if development submittals for the qualifying projects are initially submitted to the City of Durham on or before June 30, 2019. After a brief discussion Senator McInnis moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

There being no further business, the Chair adjourned the meeting at 2:10 pm.

Senator J. Alexander, Chair
Presiding

Regina Irwin
Regina Irwin, Committee Clerk

SENATE BILL 84:
Walkertown Zoning Authorizations.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	March 19, 2019
Introduced by:	Sen. Krawiec	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

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.

Karen Cochrane-Brown
Director

S84-SMBD-21 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.

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.

SENATE BILL 186: Beaufort-Morehead Cty Airport Authority/Amend.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Transportation. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	March 19, 2019
Introduced by:	Sen. Sanderson	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 186 would rename the Beaufort-Morehead City Airport Authority as the Carteret County-Beaufort Airport Authority, would increase the membership of the Airport Authority from five to seven members, and would change the manner of appointment to the Airport Authority.

CURRENT LAW: The Beaufort-Morehead City Airport Authority consists of five members. One of the members must be a resident voter of the Town of Beaufort and must be appointed by the Town of Beaufort Commissioners. One of the members must be a resident voter of Morehead City and must be appointed by the 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 has the power to (1) purchase, acquire, operate, and regulate airports or landing fields, ramps, and other facilities for the use of airplanes within Carteret County; (2) sue or be sued in the name of the Airport Authority, hold lands, and make contracts for the Airport Authority; (3) charge and collect fees for use of airport property; and (4) make rules to maintain and operate the airport. The Airport Authority is also permitted to make agreements with Carteret County and the Towns of Beaufort and Morehead City to acquire any real or personal property necessary to construct and operate any airport in Carteret County.

BILL ANALYSIS: Senate Bill 186 would do all of the following:

- Change the name of the Beaufort-Morehead City Airport Authority to the Carteret County-Beaufort Airport Authority.
- Increase the membership of the Airport Authority from five members to seven members. The terms of the new members would begin on July 1, 2019.
- Provide that one of the members of the Airport Authority must be a resident voter of the Town of Beaufort and appointed by the Beaufort Town Commissions and the other six members must be resident voters of Carteret County and appointed by the Carteret County Board of Commissioners.
- Authorize the Airport Authority to acquire from Carteret County and Beaufort any real or personal property necessary for the construction, operation, and maintenance of any airport in Carteret County.

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

Karen Cochrane-Brown
Director

S186-SMRN-7 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.

SENATE BILL 186

Short Title:	Beaufort-Morehead Cty Airport Authority/Amend.	(Local)
Sponsors:	Senator Sanderson (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

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. 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 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. The terms of the two new members of the Airport Authority authorized by Section 1 of this act shall begin July 1, 2019.

SECTION 5. This act is effective when it becomes law.

SENATE BILL 194:
West Jefferson Satellite Annexations.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	March 19, 2019
Introduced by:	Sen. Ballard	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Co-Counsel

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).

Karen Cochrane-Brown
Director

S194-SMRN-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.

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 272:
Zoning for University Facilities-Durham.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	March 19, 2019
Introduced by:	Sens. McKissick, Woodard	**Prepared by:**	Bill Patterson Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 272 would permit student housing projects associated with North Carolina Central University to be constructed in any zoning district in Durham if the parcels of land upon which the projects are to be built meet specified criteria, and if development submittals for the qualifying projects are initially submitted to the City of Durham on or before June 30, 2019.

BILL ANALYSIS:

Section 1 of Senate Bill 272 would provide that, notwithstanding any provision of Article 19 of Chapter 160A of the General Statutes (Planning and Regulation of Development), student housing associated with North Carolina Central University (NCCU) meeting all the following criteria is permitted in any zoning district in the City of Durham:

- Each of the parcels of land being assembled and upon which the project is to be built is owned either by the State or by a nonprofit foundation affiliated with NCCU.
- Each of the parcels of land being assembled and upon which the project is to be built has been included in the UNC Board of Governors Millennial Campus Plan.
- At least one of the parcels of land being assembled and upon which the project is to be built is in a zoning district in which student housing is a generally permitted use.

Section 2 of the bill would provide that development submittals for a project meeting the criteria of Section 1, including site plans and construction drawings, are subject to the UC-2 zoning requirements of the Durham City-County Unified Development Ordinance.

EFFECTIVE DATE: This act is effective when it becomes law and applies only to development submittals initially submitted to the City of Durham on or before June 30, 2019.

Karen Cochrane-Brown
Director

S272-SMTG-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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SENATE BILL 272

Short Title:	Zoning for University Facilities-Durham.	(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 TO ALLOW FOR UNIFORM ZONING CLASSIFICATION OF CERTAIN RESIDENTIAL FACILITIES AT NORTH CAROLINA CENTRAL UNIVERSITY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any provision of Article 19 of Chapter 160A of the General Statutes to the contrary, student housing associated with North Carolina Central University shall be permitted in any zoning district provided that all of the following criteria are met:

(1) The parcels of land being assembled on which a student housing project is planned to be built each are owned either by the State or by a nonprofit foundation affiliated with North Carolina Central University.

(2) The parcels of land being assembled on which a student housing project is planned to be built each have been included in the Millennial Campus Plan which has been approved by The University of North Carolina Board of Governors.

(3) At least one of the parcels of land being assembled on which a student housing project is planned to be built presently is located in a zoning district in which student housing is a generally permitted use.

SECTION 2. Development submittals, including site plans and construction drawings, submitted for a student housing project that meets the criteria provided in Section 1 of this act shall be subject to, and may be developed pursuant to, the UC-2 zoning requirements of the Durham City-County Unified Development Ordinance.

SECTION 3.(a) This act applies to the City of Durham only.

SECTION 3.(b) This act is effective when it becomes law and applies only to development submittals initially submitted to the City of Durham on or before June 30, 2019.

Senate Committee on State and Local Government

March 19, 2019 – Room 1124/1224 LB – 2:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Sarah Patterson	WM
Austin Norvell	UNC system
Beth Doctor	UNC Charlotte
Pat Smith	Guest
Emma Smith	Guest
Courtney Crowder	CCC
Chandler Spaulding	SA
Will Doran	NCO

Senate Committee on State and Local Government

March 19, 2019 – Room 1124/1224 LB – 2:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Anna J. Matherson	North Carolina Central Univ.
[illegible]	BCI
Tyler Ford	MWC
Tonya Hilton	OSHR
Henry M Lancaster	LCA
Michael Barnett	NCGA
Deana Eatman	NCDOT
Mark Bondo	OSBM

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Senate Committee on

State and Local Government

March 19, 2019

Room 1124/1224 LB

2:00 PM

Senate Sergeant at Arms:

Terry Edmondson

Chris Moore

Senate Pages Attending

COMMITTEE: State & Local Gov't **ROOM:** 1124

DATE: 3-19 **TIME:** 2 pm

PLEASE PRINT LEGIBLY....*or else!!!!!*

Page Name	Hometown	Sponsoring Senator
1. Anaya Truss-Williams	Charlotte	Waddell
2. Sarah Neer	Edenton	Smith
3. Wyatt Sullivan	Raleigh	Sanderson
4.		
5.		
6.		
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Principal Clerk
Reading Clerk

Updated #2: Removed SB 201

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 26, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 191	Out-of-State Law Enforcement/2020 Rep Convtn.	Senator Waddell Senator Bishop
SB 270	Durham Deannexation.	Senator McKissick Senator Woodard
SB 235	Franklin/Nash Municipalities/Unfit Dwellings.	Senator J. Alexander
SB 239	Children of Wartime Vets/Scholarships.	Senator D. Davis Senator Brown
SB 242	Recreational Land Fee Changes.	Senator Burgin
SB 286	Amend Fire Prot. Fees/Union/Brunswick.	Senator Rabon Senator Johnson

Senator Horner, Chair

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

Updated #1: Removed SB 208

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 26, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 191	Out-of-State Law Enforcement/2020 Rep Convtn.	Senator Waddell Senator Bishop
SB 201	Town of Bolton/Deannexation.	Senator Britt
SB 270	Durham Deannexation.	Senator McKissick Senator Woodard
SB 235	Franklin Cty Municipalities/Unfit Dwellings.	Senator J. Alexander
SB 239	Children of Wartime Vets/Scholarships.	Senator D. Davis Senator Brown
SB 242	Recreational Land Fee Changes.	Senator Burgin
SB 286	Amend Fire Prot. Fees/Union/Brunswick.	Senator Rabon Senator Johnson

Senator Horner, Chair

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 26, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 191	Out-of-State Law Enforcement/2020 Rep Convtn.	Senator Waddell Senator Bishop
SB 201	Town of Bolton/Deannexation.	Senator Britt
SB 208	Remove Size Restrictions/Certain Polit. Signs.	Senator McInnis Senator Daniel Senator Hise
SB 235	Franklin Cty Municipalities/Unfit Dwellings.	Senator J. Alexander
SB 239	Children of Wartime Vets/Scholarships.	Senator D. Davis Senator Brown
SB 242	Recreational Land Fee Changes.	Senator Burgin
SB 270	Durham Deannexation.	Senator McKissick Senator Woodard
SB 286	Amend Fire Prot. Fees/Union/Brunswick.	Senator Rabon Senator Johnson

Senator Horner, Chair

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, March 26, 2019, 2:00 PM
1124/1224 Legislative Building

AGENDA

CALL TO ORDER

Chairs: Sen. Rick Horner, Co-Chair, presiding
Sen. John Alexander, Co-Chair

WELCOME & OPENING REMARKS

AGENDA ITEMS

BILL NO.	SHORT TITLE	SPONSOR
SB 191	Out-of-State Law Enforcement/2020 Rep Convtn.	Senator Waddell Senator Bishop
SB 270	Durham Deannexation	Senator McKissick Senator Woodard
SB 235	Franklin Cty Municipalities/Unfit Dwellings./AMENDMENT	Senator J. Alexander
SB 239	Children of Wartime Vets/Scholarships.	Senator D. Davis Senator Brown
SB 242	Recreational Land Fee Changes.	Senator Burgin
SB 286	Amend Fire Prot. Fees/Union/Brunswick.	Senator Rabon Senator Johnson

ADJOURNMENT

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, March 26, 2019

Senator Horner,
submits the following with recommendations as to passage:

FAVORABLE

SB **191** Out-of-State Law Enforcement/2020 Rep Convtn.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

SB **239** Children of Wartime Vets/Scholarships.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

SB **270** Durham Deannexation.

Draft Number:	None
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 3

Senator Joyce Waddell will handle SB 191
Senator Don Davis will handle SB 239
Senator Floyd B. McKissick, Jr. will handle SB 270

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, March 26, 2019

Senator Horner,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **235** Franklin Cty Municipalities/Unfit Dwellings.

Draft Number:	S235-PCS45173-RN-3
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	Yes

SB **242** Recreational Land Fee Changes.

Draft Number:	S242-PCS35154-RN-5
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	Yes

SB **286** Amend Fire Prot. Fees/Union/Brunswick.

Draft Number:	S286-PCS35148-TG-7
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 3

Senator John M. Alexander, Jr. will handle SB 235
Senator Jim Burgin will handle SB 242
Senator Todd Johnson will handle SB 286

Senate Committee on State and Local Government
Tuesday, March 26, 2019 at 2:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 pm on March 26, 2019 in Room 1124/1224 of the Legislative Building. Fourteen members were present.

A Visitor Registration log is attached and made part of these minutes.

Senator Horner, Presiding Chair, called the meeting to order at 2:00 pm. He introduced the Pages and the Sergeant-at-Arms staff. The following bills were considered:

SB 191; Out-Of-State Law Enforcement/2020 Rep Convtn. (Senators Waddell, Bishop). The Chair recognized Senator Waddell to explain the bill. Senate Bill 191 would authorize the city of Charlotte's police department to contract with out-of-state law enforcement agencies for assistance during this event. 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. The Chair welcomed questions from the committee. *Senator J. Alexander*, did the City of Charlotte contract with out-of-state law enforcement agencies for assistance during the Democratic Convention? Senator Waddell, absolutely. *Senator Sanderson*, will the out-of-state law enforcement officers have the same power of arrest as the regular City of Charlotte police officers? Senator Waddell; absolutely, they are police officers in their respective communities.

Sen. Horner referred to line17/18 of SB 191; "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." Senator McInnis moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

SB 270; Durham Deannexation. (Senators McKissick, Woodard) The Chair recognized Senator McKissick to explain the bill. Senate Bill 270 would de-annex 114 acres of specified property from the corporate limits of the City of Durham. The Chair welcomed questions from the committee. *Senator McInnis*, does the owner of the property consent to having his property de-annexed, did he requested it? Senator McKissick, yes, the owner of the property realizes that it's better to develop the land on well and septic tanks, rather than spent $3 mil to bring water and sewer lines to it. *Senator Sanderson*, has there been any construction done on the property? Senator McKissick, no development what so ever. Senator Burgin moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Finance. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

SB 235; Franklin/Nash Municipalities/Unfit Dwellings. (Senator J. Alexander). The Chair recognized Senator J. Alexander to explain the bill. Senate Bill 235 would give the municipalities in Franklin County additional authority to address abandoned structures in the same manner as municipalities in larger counties. Senator Ford sent forth an amendment **S235-ARN-2 [v2]**.

Senator McInnis moved for the adoption of the amendment for consideration. The motion passed. The Chair recognized Senator Ford to explain the amendment. The Chair welcomed questions from the committee and visitors. Ms. Angela Harris, Franklin County manager spoke in support of the bill. Senator Burgin moved to roll the amendment into a PCS, with a favorable report as to the PCS, as amended; unfavorable to the original bill and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, the amendment, PCS and Committee Report is attached.

SB 239; Children of Wartime Vets/Scholarships. (Senators D. Davis). The Chair recognized Senator D. Davis to explain the bill. Senate Bill 239 would expand the definition of "child" for purposes of determining college scholarship eligibility for children of North Carolina war veterans to include stepchildren, adopted children, and certain illegitimate children, and would require the Department of Military and Veterans Affairs to report certain scholarship data to the Joint Legislative Oversight Committee on General Government by March 30, 2020. Senator Sanderson moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

SB 242; Recreational Land Fee Changes. (Senator Burgin). The Chair recognized Senator Burgin to explain the bill. Senate Bill 242 would require Harnett County to use the moneys paid by a developer for the acquisition of recreational lands for that purpose only. Senator Burgin sent forth an amendment **S242-ARN-3 [v.1].** Senator Steinburg moved for the adoption of the amendment for consideration. The motion passed. The Chair recognized Senator Burgin to explain the amendment. Senator J. Alexander moved to roll the amendment into a PCS, with a favorable report as to the PCS, as amended; unfavorable to the original bill and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, the amendment, PCS and Committee Report is attached.

SB 286; Amend Fire Prot. Fees/Union/Brunswick. (Senators Rabon, Johnson). The Chair recognized Senator Johnson to explain the bill. SB 286 would provide that when a portion of a fee-supported fire district in Brunswick or Union County is annexed as a non-contiguous area by a municipality furnishing fire protection to its citizens, the annexed portion will continue to remain in and pay fees to the fee-supported fire district. Senator T. Alexander sent forth an amendment **S286-ATG-12 [v.3].** Senator Burgin moved for the adoption of the amendment for consideration. The motion passed. The Chair recognized Senator T. Alexander to explain the amendment. Senator Ford moved to roll the amendment into a PCS, with a favorable report as to the PCS, as amended; unfavorable to the original bill and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, the amendment, PCS and Committee Report is attached.

There being no further business, the Chair adjourned the meeting at 2:20 pm.

Senator Rick Horner, Chair
Presiding

Regina Irwin, Committee Clerk

SENATE BILL 191: Out-of-State Law Enforcement/2020 Rep Convtn.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	March 22, 2019
Introduced by:	Sens. Waddell, Bishop	**Prepared by:**	Bill Patterson Committee Co-Counsel
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]

[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.
https://www.census.gov/quickfacts/fact/table/raleighcitynorthcarolina,charlottecitynorthcarolina/PST045217

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 270:
Durham Deannexation.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	March 26, 2019
Introduced by:	Sens. McKissick, Woodard	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 270 would remove 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 acres of specified property from the corporate limits of the City of Durham.

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

Karen Cochrane-Brown
Director

S270-SMRN-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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 1

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 235
PROPOSED COMMITTEE SUBSTITUTE S235-PCS45173-RN-3

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 235:
Franklin Cty Municipalities/Unfit Dwellings.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	March 26, 2019
Introduced by:	Sen. J. Alexander	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 235 would grant the municipalities in Franklin County authority to address abandoned structures in the same manner as municipalities in larger counties and certain other 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 can 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 cannot 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 available to municipalities in counties with populations over 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, and the Towns of Bethel, Farmville, Newport, and Waynesville. G.S. 160A-443(5a) and (5b).

Karen Cochrane-Brown
Director

S235-SMRN-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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 1

SENATE BILL 235

Short Title:	Franklin Cty Municipalities/Unfit Dwellings.	(Local)
Sponsors:	Senator J. Alexander (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

March 14, 2019

A BILL TO BE ENTITLED

AN ACT TO GRANT MUNICIPALITIES IN FRANKLIN COUNTY 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 and Lee Counties, and the Towns of Bethel, Farmville, Newport, and Waynesville only.

...."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 235

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

S235-ARN-2 [v.2]

Amends Title [YES]
First Edition

Date March 26 ,2019

Senator Ford

moves to amend the bill on page 1, lines 2-4, by rewriting those lines to read:

"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.";

and on page 2, lines 18-21, by rewriting those lines to read:

"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.";

and by rewriting the short title to read:

"Franklin/Nash Municipalities/Unfit Dwellings.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

S235-ARN-2-V-2

SENATE BILL 239:
Children of Wartime Vets/Scholarships.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	March 26, 2019
Introduced by:	Sens. D. Davis, Brown	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 239 would expand the definition of "child" for purposes of determining college scholarship eligibility for children of North Carolina war veterans to include stepchildren, adopted children, and certain illegitimate children, and would require the Department of Military and Veterans Affairs to report certain scholarship data to the Joint Legislative Oversight Committee on General Government by March 30, 2020.

CURRENT LAW: The Department of Military and Veterans Affairs (DMVA) administers a college scholarship program for children of State war veterans. The Veterans' Affairs Commission determines the eligibility of applicants and selects the scholarship recipients. Class I and Class IV scholarships are automatically awarded to qualifying children. Class II and Class III scholarships may be awarded to qualifying children on a competitive basis. For all classes of scholarship, a child is one under the age of 25 who either:

- Has a veteran parent who was a legal resident of North Carolina at the time of the veteran's entrance into the period of service in the Armed Forces during which eligibility is established for the scholarship.
- Was born as the child of a veteran in North Carolina and has been a resident of North Carolina continuously since birth, with certain limited exceptions.[1]

For purposes of *Class II and Class III scholarships only*, a child, as defined in 37 U.S.C. 401, also includes a veteran's:

- Stepchild, provided the veteran is not divorced from the stepchild's parent by blood.
- Adopted child, including a child placed in the veteran's home by a placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the child by the veteran.
- Illegitimate child, if the veteran's parentage of the child is established.

BILL ANALYSIS: Senate Bill 239 would extend to Class I and Class IV scholarships the expanded (federal) definition of "child" currently used for Class II and Class III scholarships for veterans' children. The bill would also make a conforming change to the statutes and require the DMVA to document the number of applicants applying for the scholarships and the total number of applicants made eligible as a result of this act and report its findings to the Joint Legislative Oversight Committee on General Government by March 30, 2020.

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

[1] An individual legally adopted by the veteran prior to reaching the age of 15 may also satisfy either of these conditions.

Karen Cochrane-Brown
Director

S239-SMBD-24 E1 -V-8

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 239

Short Title:	Children of Wartime Vets/Scholarships.	(Public)
Sponsors:	Senators D. Davis and Brown (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

March 14, 2019

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT ALL ELIGIBLE CHILDREN CAN OBTAIN WARTIME VETERANS SCHOLARSHIPS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-1224(3) reads as rewritten:

"**§ 143B-1224. Definitions.**

As used in this Part the terms defined in this section shall have the following meaning:

...

(3) "Child" means a person: (i) under 25 years of age at the time of application for a scholarship, (ii) who is a domiciliary of North Carolina and is a resident of North Carolina when applying for a scholarship, (iii) who has completed high school or its equivalent prior to receipt of a scholarship awarded under this Part, (iv) who has complied with the requirements of the Selective Service System, if applicable, and (v) who further meets one of the following requirements:

a. A person whose veteran parent was a legal resident of North Carolina at the time of said veteran's entrance into that period of service in the Armed Forces during which eligibility is established under G.S. 143B-1226.

b. A veteran's child who was born in North Carolina and has been a resident of North Carolina continuously since birth. Provided, that the requirement in the preceding sentence as to birth in North Carolina may be waived by the Department of Military and Veterans Affairs if it is shown to the satisfaction of the Department that the child's mother was a native-born resident of North Carolina and was such resident at the time of her marriage to the veteran and was outside the State temporarily at the time of the child's birth, following which the child was returned to North Carolina within a reasonable period of time where said child has since lived continuously.

c. A person meeting either of the requirements set forth in subdivision (3) a or b above, and who ~~was legally adopted by the veteran prior to said person's reaching the age of 15 years.~~is a child, as that term is defined in 37 U.S.C. § 401."

SECTION 2. Section 2(a) of S.L. 2018-37 is repealed.

SECTION 3. The Department of Military and Veterans Affairs shall document the number of applicants who apply for scholarships provided in G.S. 143B-1226 and shall report on

this information to the Joint Legislative Oversight Committee on General Government by March 30, 2020. The report shall include the total number of applications received and the total number of those applications made eligible as a result of this act.

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 242
PROPOSED COMMITTEE SUBSTITUTE S242-PCS35154-RN-5

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.

SENATE BILL 242:
Recreational Land Fee Changes.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	March 26, 2019
Introduced by:	Sen. Burgin	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 242 would require Harnett County to use the moneys paid by a developer for the acquisition of recreational lands for that purpose only.

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 also 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 provide that Harnett County's use of funds under G.S.153A-331 must be used only for the purchase or development of recreation, park, or open space sites.

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

BACKGROUND: A similar provision was enacted for Johnston County. (S.L. 2012-122).

Karen Cochrane-Brown
Director

S242-SMRN-10 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

SENATE BILL 242

Short Title:	Recreational Land Fee Changes.	(Local)
Sponsors:	Senator Burgin (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

March 14, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW HARNETT COUNTY TO USE FUNDS RECEIVED FOR RECREATIONAL PURPOSES IN CONNECTION WITH ITS SUBDIVISION CONTROL ORDINANCE TO DEVELOP RECREATIONAL SITES.

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 to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the immediate area. All funds received by the county pursuant to this subsection shall be used only for the acquisition or development of recreation, park, or open-space sites.

...."

SECTION 2.(a) This act applies to Harnett County only.

SECTION 2.(b) This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 286
PROPOSED COMMITTEE SUBSTITUTE S286-PCS35148-TG-7

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.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 242

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

S242-ARN-3 [v.1]

Amends Title [YES]
First Edition

Date March 26 ,2019

Senator Burgin

moves to amend the bill on page 1, lines 2-4, by rewriting those lines to read:

"AN ACT RELATING TO SUBDIVISION RECREATIONAL FACILITIES IN HARNETT COUNTY.;

and on page 1, lines 24-29, by rewriting those lines to read:

"(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.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

S242-ARN-3-V-1

SENATE BILL 286:
Amend Fire Prot. Fees/Union/Brunswick.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	March 25, 2019
Introduced by:	Sens. Rabon, Johnson	**Prepared by:**	Bill Patterson Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: ***Senate Bill 286 would provide that when a portion of a fee-supported fire district in Brunswick or Union County is annexed as a non-contiguous area by a municipality furnishing fire protection to its citizens, the annexed portion will continue to remain in and pay fees to the fee-supported fire district.***

CURRENT LAW: Under current law, when any portion of a fee-supported fire district in Brunswick or Union County 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 that portion of the district annexed is no longer a part of a fee-supported district.

BILL ANALYSIS: Section 1 of Senate Bill 286 would provide that when a portion of a fee-supported fire district in Brunswick County is annexed as a non-contiguous area by a municipality furnishing fire protection to its citizens, the annexed portion will continue to remain in and pay fees to the fee-supported fire district.

Section 1 of Senate Bill 286 would provide that when a portion of a fee-supported fire district in Union County is annexed as a non-contiguous area by municipality furnishing fire protection to its citizens, the annexed portion will continue to remain in and pay fees to the fee-supported fire district.

EFFECTIVE DATE: This act is effective when it becomes law and expires on June 30, 2049.

Karen Cochrane-Brown
Director

S286-SMTG-15 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 286

Short Title:	Amend Fire Prot. Fees/Union/Brunswick.	(Local)
Sponsors:	Senators Rabon and Johnson (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

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 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 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.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 286

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S286-ATG-12 [v.3]

Amends Title [NO]
First Edition

Date March 26 ,2019

Senator T. Alexander

moves to amend the bill on page 1, line 23 and page 2, line 6, by inserting the words "of Chapter 160A" after the words "Article 4A".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

SIGN-UP SHEET

Senate Committee On State and Local Government

March 26, 2018 – Room 1124 / 1224

Legislative Building – 2:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Fuller, Monica	NCGA LOB 523 Sen Davis
[illegible]	NCCRSA
Jim Mims	NCHBA
Stewart Wilkes	NEMBA
Angela L. Harris	Franklin County
Kim Denton	Franklin County
Tim W. Griffin	ARLLC

SPEAKER SIGN-UP SHEET

Senate Committee On State and Local Government

March 26, 2019 – Room 1124 / 1224

Legislative Building – 2:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Angel L. Harris	Franklin County

SIGN-UP SHEET

Senate Committee On State and Local Government

March 26, 2018 – Room 1124 / 1224

Legislative Building – 2:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Chris McDaniel	LTS
Michael Bolt	NCGA
Zach Godwin	NCGA
[signature]	[signature]
Claude Snowmaker	Governor's Office
Flint Benson	SEANC

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Senate Committee on State and Local Government

March 26, 2019

Room 1124 / 1224, LOB

2:00 PM

Senate Sergeant at Arms:

JIM HAMILTON

CHRIS MOORE

Senate Pages Attending

COMMITTEE: State & Local Gov't **ROOM:** 1124B

DATE: 3-26 **TIME:** 2 pm

PLEASE PRINT LEGIBLY....*or else!!!!!*

Page Name	Hometown	Sponsoring Senator
1. Chloe Worner	Youngsville	Sen. Sanderson
2. Taylor Harris	Charlotte	Sen. Bishop
3. Trey Wilhoit	China Grove	Sen. Carl Ford
4.		
5.		
6.		
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Principal Clerk
Reading Clerk

Updated #2: Removed SB201

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 9, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 232	Tracking Outcomes of Veterans Programs.	Senator D. Davis Senator Brown Senator B. Jackson
SB 367	Clarify Property Owners' Rights.	Senator McInnis Senator Krawiec Senator B. Jackson
SB 409	Study NC Veterans Registry.	Senator D. Davis Senator Sanderson Senator Burgin
SB 434	Merger of Certain Sewerage Districts.	Senator Sanderson

Senator John Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

Updated #1: Removed SB303

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 9, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 201	Town of Bolton/Deannexation.	Senator Britt
SB 232	Tracking Outcomes of Veterans Programs.	Senator D. Davis Senator Brown Senator B. Jackson
SB 367	Clarify Property Owners' Rights.	Senator McInnis Senator Krawiec Senator B. Jackson
SB 409	Study NC Veterans Registry.	Senator D. Davis Senator Sanderson Senator Burgin
SB 434	Merger of Certain Sewerage Districts.	Senator Sanderson

Senator John Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 9, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 303	State Emps./No Payroll Dues Deduction.	Senator Hise
SB 201	Town of Bolton/Deannexation.	Senator Britt
SB 232	Tracking Outcomes of Veterans Programs.	Senator D. Davis Senator Brown Senator B. Jackson
SB 367	Clarify Property Owners' Rights.	Senator McInnis Senator Krawiec Senator B. Jackson
SB 409	Study NC Veterans Registry.	Senator D. Davis Senator Sanderson Senator Burgin
SB 434	Merger of Certain Sewerage Districts.	Senator Sanderson

Senator John Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, April 9, 2019, 2:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages and Sergeant-at-Arms

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 232	Tracking Outcomes of Veterans Programs.	Senator D. Davis Senator Brown Senator B. Jackson
SB 367	Clarify Property Owners' Rights.	Senator McInnis Senator Krawiec Senator B. Jackson
SB 409	Study NC Veterans Registry.	Senator D. Davis Senator Sanderson Senator Burgin
SB 434	Merger of Certain Sewerage Districts.	Senator Sanderson

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, April 09, 2019

Senator J. Alexander,
submits the following with recommendations as to passage:

FAVORABLE

SB **434** Merger of Certain Sewerage Districts.

Draft Number:	None
Sequential Referral:	Agriculture/Environment/Natural Resources
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Norman W. Sanderson will handle SB 434

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, April 09, 2019

Senator J. Alexander,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **232** Tracking Outcomes of Veterans Programs.

Draft Number:	S232-PCS15313-RN-7
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	Yes

SB **367** Clarify Property Owners' Rights.

Draft Number:	S367-PCS45275-RN-8
Sequential Referral:	Judiciary
Recommended Referral:	None
Long Title Amended:	No

SB **409** Study NC Veterans Registry.

Draft Number:	S409-PCS45273-TG-12
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 3

Senator Don Davis will handle SB 232
Senator Tom McInnis will handle SB 367
Senator Don Davis will handle SB 409

Senate Committee on State and Local Government
Tuesday, April 9, 2019 at 2:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 PM on April 9, 2019 in Room 1124/1224 of the Legislative Building. 15 members were present.

Senator John M. Alexander, Jr., Chair, presided.

Senator Alexander welcomed committee members and guests. He introduced the Sergeants-at-Arms Chris Moore and Linda Matthews. He also introduced Senate Page Owen Wing, sponsored by Senator Berger.

SB 232 Tracking Outcomes of Veterans Programs. (Senators D. Davis, Brown, B. Jackson)
Senator Smith presented an amendment. Senator Steinburg approved the amendment and the motion passed. Senator Davis answered questions from Senator Smith and Senator T. Alexander. Senator Perry moved for a favorable report to bill as amended into a PCS with a serial referral to Rules. Motion Passed.
Reported as: Unfavorable as to bill, but favorable as to Senate Committee Substitute Bill with a sequential referral to Rules.

SB 367 Clarify Property Owners' Rights. (Senators McInnis, Krawiec, B. Jackson)
Senator McInnis provided handout to committee (Attachment 1). Senator McInnis presented an amendment. Brad Krehely, Legislative Analysis, spoke on the amendment. Senator Smith approved the amendment and the motion passed. Senator McInnis fielded questions from Senators Peterson, Horner, Gallimore, Mohammed, Foushee and Steinburg. Brad Krehely, Legislative Analysis assisted in answered the questions. Additional speakers that spoke on the bill included: Hugh Johnson (Government Relations Coordinator, NC Association of County Commissioners), Leslie Moorman (Executive Director, NC Urban Forest Council), Dennis Niemeyer (President/Chairman, NC Green Industry Council), Cady Thomas (Senior Vice President of Government Affairs, NC Realtors), Steven Webb (Legislative Lobbyist, NC Home Builders Association) and Erin Wynia (Chief Legislative Counsel, NC League of Municipalities). Senator Ford moved for a favorable report to bill as amended into a PCS with a serial referral to Judiciary. Motion passed.
Reported as: Unfavorable as to bill, but favorable as to Senate Committee Substitute Bill with a sequential referral to Judiciary

SB 409 Study NC Veterans Registry. (Senators D. Davis, Sanderson, Burgin)
Senator Sanderson presented an amendment. Senator Smith approved the amendment and the motion passed. Senator Sanderson moved for a favorable report to bill as amended into a PCS with a serial referral to Rules. Motion passed.

Reported as: Unfavorable as to bill, but favorable as to Senator Committee Substitute Bill with a sequential referral to Rules.

SB 434 Merger of Certain Sewerage Districts. (Senator Sanderson)
Senator McInnis moved for a favorable report on the bill. Motion passed.
Reported as: Favorable with a sequential referral to Agriculture/Environment/Natural Resources.

The meeting adjourned at 2:38 PM.

Senator John M. Alexander, Jr., Chair
Presiding

Jessica Daigler-Walls, Committee Clerk

SENATE BILL 232:
Tracking Outcomes of Veterans Programs.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 9, 2019
Introduced by:	Sens. D. Davis, Brown, B. Jackson	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: ***Senate Bill 232 would direct the Department of Military and Veterans Affairs (Department) to document, collect, and analyze outcomes of programs designed to serve veterans and their families in North Carolina.***

BILL ANALYSIS: Senate Bill 232 would require the Department to track the following types of programs and to analyze the effect of the programs on the outcomes of veterans and their families in this State:

- Programs to assist veterans in obtaining access to health care.
- Programs to assist veterans and their families in obtaining housing and other social supports.
- Programs to assist veterans in obtaining employment.
- Programs to provide financial assistance to veterans and their families.
- Any other programs designed to serve veterans and their families in this State.

The Department must use an approach that includes an outcomes-based evaluation to study long-term effects and an impact evaluation to study the short-term impact on veterans and their families.

Beginning November 1, 2020, the Department must annually report its findings to the Joint Legislative Oversight Committee on General Government.

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

Karen Cochrane-Brown
Director

S232-SMRN-17 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.

SENATE BILL 232

Short Title:	Tracking Outcomes of Veterans Programs.	(Public)
Sponsors:	Senators D. Davis, Brown, and B. Jackson (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

March 13, 2019

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS TO DOCUMENT, COLLECT, AND ANALYZE OUTCOMES OF PROGRAMS DESIGNED TO SERVE VETERANS AND THEIR FAMILIES IN THIS STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 14 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-1218. Department of Military and Veterans Affairs to track outcomes of veterans programs.**

(a) Tracking Veterans Programs. – The Department of Military and Veterans Affairs shall track the following types of programs by documenting, collecting, and analyzing the effect of the programs on the outcomes of veterans and their families in this State:

(1) Programs to assist veterans in obtaining access to health care, whether physical health care or mental health care.

(2) Programs to assist veterans and their families in obtaining housing and other social supports.

(3) Programs to assist veterans in obtaining employment.

(4) Programs to provide financial assistance to veterans and their families.

(5) Any other programs designed to serve veterans and their families in this State.

(b) Methodology. – The Department of Military and Veterans Affairs shall employ a mixed-methods approach that combines the following methods of evaluation:

(1) Outcomes-based evaluation. – The Department shall employ an outcomes-based evaluation to study the long-term effect of these programs on the outcomes of veterans and their families.

(2) Impact evaluation. – The Department shall employ an impact evaluation to study the short-term impact of these programs on veterans and their families. This evaluation shall include input from veterans who participate in these programs.

The Department shall collect and analyze both qualitative and quantitative data in conducting these evaluations.

(c) Report. – Beginning November 1, 2020, the Department of Military and Veterans Affairs shall annually report its findings under this section to the Joint Legislative Oversight Committee on General Government."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 232

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

S232-ARN-5 [v.2]

Amends Title [YES]
First Edition

Date April 9 ,2019

Senator Smith

moves to amend the bill on page 1, lines 1-34, by rewriting those lines to read:

"A BILL TO BE ENTITLED

AN ACT TO REQUIRE TRACKING OF INFORMATION ON SERVICES PROVIDED TO VETERANS, SERVICE MEMBERS, AND THEIR FAMILIES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 14 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-1218. Collection and reporting of information about services provided to veterans, service members, and their families.**

(a) For purposes of this section, a "program" shall be defined as any State-administered program that is targeted or directed at veterans, service members, or their families and receives any State funding, and is limited to only the following:

(1) Veteran Scholarship Program administered by the Department of Military and Veterans Affairs.

(2) National Guard Pension Fund administered by the State Treasurer.

(3) North Carolina Back-to-Work administered by the North Carolina Community College System.

(4) Veteran Service Officer Support administered by the Department of Military and Veterans Affairs.

(5) Traumatic Brain Injury Program administered by the Department of Health and Human Services.

(6) North Carolina National Guard Family Programs administered by the Department of Public Safety.

(7) Military Affairs Center administered by the North Carolina Community College System.

(8) North Carolina Central School of Law and the UNC Chapel Hill Veterans Law Clinics administered by The University of North Carolina.

(9) Center for Military Families and Veterans administered by the North Carolina Community College System.

(10) State Veterans Cemetery Program administered by the Department of Military and Veterans Affairs.

(11) Substance Abuse Services Initiative for the North Carolina National Guard administered by the Department of Health and Human Services.

(12) Wounded Warrior Hunting and Fishing administered by the Wildlife Resources Commission.

(b) Collection. – An administrator of a program under subsection (a) of this section shall do both of the following:

(1) Determine the number of veterans, service members, and their families served and the services, benefits, and discounts provided to them.

(2) Track outcomes for veterans, service members, and their families in accordance with outcome measures established by the Department of Military and Veterans Affairs.

(c) Report to the Department of Military and Veterans Affairs. – An administrator of a program under subsection (a) of this section shall report the information collected pursuant to this section during the previous fiscal year to the Department of Military and Veterans Affairs no later than September 1 of each year.

(d) Report to the Joint Legislative Oversight Committee on General Government.– Beginning December 1, 2020, the Department of Military and Veterans Affairs shall annually report the information it has received under this section to the Joint Legislative Oversight Committee on General Government."

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 367:
Clarify Property Owners' Rights.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 9, 2019
Introduced by:	Sens. McInnis, Krawiec, B. Jackson	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 367 provides that counties and cities must not adopt ordinances regulating the removal of trees without the express authorization of the General Assembly. The act is effective when it becomes law.

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." The general police power is delegated to counties and cities in Chapter 153A and Chapter 160A of the General Statutes. In particular, counties and cities are permitted to enact ordinances governing "acts, omissions, or conditions detrimental to the health, safety, or welfare of [their] citizens and the peace and dignity of [their jurisdictions]." This power also includes the authority to define and abate nuisances. G.S. 153A-121(a) and G.S. 160A-174(a). However, the police power is subject to certain limitations. For example, a county or city may not authorize acts that are expressly prohibited by State or federal law.

Under current law, local governments have adopted provisions dealing with removal of trees from private property by acting under the general police power or by receiving express authorization of the General Assembly through the adoption of a local act.

BILL ANALYSIS:

Sections 1 and 2 prohibit counties and cities from adopting ordinances regulating the removal of trees from private property within the local government's jurisdiction without the express authorization of the General Assembly. Neither the general police powers, nor any other powers given to local governments except a general or local law expressly authorizing a county or city to adopt ordinances regulating the removal of trees from private property, must be used as the basis for adopting ordinances regulating the removal of trees from private property.

Under these sections, any ordinance regulating the removal of trees from private property must provide that the owner of the property may remove any tree on the property that interferes with a construction or renovation project so long as the owner replaces the tree with a sapling of the same or similar type. A "sapling" means any tree between 1 and 4 inches in diameter at breast height.

Section 3 lists a number of local acts authorizing ordinances regulating the removal of trees from private property. Those local acts would remain in effect after this act becomes law, but the governing body of the county or city must amend its ordinances to include a provision that the owner of the property may

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 any tree on the property that interferes with a construction or renovation project so long as the owner replaces the tree with a sapling of the same or similar type.

Section 4 repeals ordinances regulating the removal of trees from private property that were adopted before the date this act becomes law without the express authorization of the General Assembly.

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

SENATE BILL 367

Short Title:	Clarify Property Owners' Rights.	(Public)
Sponsors:	Senators McInnis, Krawiec, and B. Jackson (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

March 27, 2019

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT COUNTIES AND CITIES SHALL NOT ADOPT ORDINANCES REGULATING THE REMOVAL OF TREES FROM PRIVATE PROPERTY WITHOUT THE EXPRESS AUTHORIZATION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read as follows:

"**§ 153A-145.8. Limitations on regulating trees.**

No county may adopt ordinances regulating the removal of trees from private property within the county's jurisdiction without the express authorization of the General Assembly. Neither the general police powers authorized in this Article nor any other powers authorized in this Chapter or in any other general or local law, except a general or local law expressly authorizing a county to adopt ordinances regulating the removal of trees from private property, shall be used by a county's governing body as the basis for adopting ordinances regulating the removal of trees from private property. Any ordinance regulating the removal of trees from private property shall provide that the owner of the private property may remove any tree on the property that interferes with a construction or renovation project so long as the owner replaces the tree with a sapling of the same or similar type. For purposes of this section, the term "sapling" means any tree between 1 and 4 inches in diameter at breast height."

SECTION 2. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

"**§ 160A-201.2. Limitations on regulating trees.**

No city may adopt ordinances regulating the removal of trees from private property within the city's corporate limits or extraterritorial jurisdiction without the express authorization of the General Assembly. Neither the general police powers authorized in this Article nor any other powers authorized in this Chapter or in any other general or local law, except a general or local law expressly authorizing a city to adopt ordinances regulating the removal of trees from private property, shall be used by a city's governing body as the basis for adopting ordinances regulating the removal of trees from private property. Any ordinance regulating the removal of trees from private property shall include a provision which provides that the owner of the private property may remove any tree on the property that interferes with a construction or renovation project so long as the owner replaces the tree with a sapling of the same or similar type. For purposes of this section, the term "sapling" means any tree between 1 and 4 inches in diameter at breast height."

SECTION 3. The following local acts authorizing ordinances regulating the removal of trees from private property shall remain in effect after this act becomes law, but the governing body of the county or city shall amend any ordinances adopted prior to the effective date of this act to include a provision which provides that the owner of the private property may remove any tree on the property that interferes with a construction or renovation project so long as the owner replaces the tree with a sapling of the same or similar type as required by G.S. 153A-145.8 and G.S. 160A-201.2, as enacted in Sections 1 and 2 of this act:

(1) Chapter 328 of the Session Laws of 1977 (Wilson, Greenville).
(2) Section 5.66 of the Charter of the City of Greensboro, being Chapter 1137 of the Session Laws of 1959, as amended by Chapter 288 of the Session Laws of 1979.
(3) Chapter 556 of the Session Laws of 1985, as amended by Chapter 921 of the Session Laws of 1987 (Asheville, Raleigh, and Pine Knoll Shores).
(4) Chapter 242 of the Session Laws of 1987 (Southport).
(5) Chapter 786 of the Session Laws of 1987 (New Hanover County and all municipalities in the County).
(6) Section 5.33 of the Charter of the Town of Chapel Hill, being Chapter 473 of the Session Laws of 1975, as amended by Chapter 330 of the Session Laws of 1977 and Chapter 478 of the Session Laws of 1989.
(7) Section 7.5 of the Charter of the Town of Wrightsville Beach, being Chapter 611 of the Session Laws of 1989.
(8) Section 5.3 of the Charter of the Town of Highlands, being Chapter 519 of the Session Laws of 1991.
(9) S.L. 1997-420, as amended by S.L. 2005-305 and Section 94 of S.L. 2006-264 (Cornelius, Davidson, Huntersville, and Nags Head).
(10) S.L. 2006-264 (Section 94(b)) (Matthews).
(11) Section 6.221 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended.
(12) S.L. 2000-108 (Kinston, Apex, Cary, Garner, and Morrisville).
(13) S.L. 2001-191, as amended by Section 1 of S.L. 2003-128 (Durham, Cary, Garner, Morrisville, Knightdale, Fuquay-Varina, Spencer, and Raleigh).
(14) Section 5.1 of the Charter of the Town of Holly Springs, being S.L. 2003-73, as amended.
(15) S.L. 2003-128, as amended by Section 71 of S.L. 2004-203 (Rutherfordton, Wake County).
(16) Section 11.3 of the Charter of the Town of Mount Airy, being S.L. 2003-281, as amended.
(17) S.L. 2003-246 (Rockingham, Smithfield, and Statesville).
(18) S.L. 2006-102 (Greenville).
(19) S.L. 2006-115 (Clayton, Reidsville).

SECTION 4. Any ordinances regulating the removal of trees from private property that were adopted before the date this act becomes law without the express authorization of the General Assembly are hereby repealed.

SECTION 5. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 367

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S367-ARN-6 [v.3]

Amends Title [NO]
First Edition

Date April 9 ,2019

Senator McInnis

moves to amend the bill on page 1, lines 16-20, by rewriting those lines to read:

"private property.";

and on page 1, lines 30-35, by rewriting those lines to read:

"the removal of trees from private property.";

and on page 2, lines 1-40, by rewriting those lines to read:

"**SECTION 3.** Any local acts authorizing ordinances regulating the removal of trees from private property and any ordinances that that were adopted under that authority before the date this act becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

(1) Chapter 328 of the Session Laws of 1977 (Wilson, Greenville).
(2) Section 5.66 of the Charter of the City of Greensboro, being Chapter 1137 of the Session Laws of 1959, as amended by Chapter 288 of the Session Laws of 1979.
(3) Chapter 556 of the Session Laws of 1985, as amended by Chapter 921 of the Session Laws of 1987 (Asheville, Raleigh, and Pine Knoll Shores).
(4) Chapter 242 of the Session Laws of 1987 (Southport).
(5) Chapter 786 of the Session Laws of 1987 (New Hanover County and all municipalities in the County).
(6) Section 5.33 of the Charter of the Town of Chapel Hill, being Chapter 473 of the Session Laws of 1975, as amended by Chapter 330 of the Session Laws of 1977 and Chapter 478 of the Session Laws of 1989.
(7) Section 7.5 of the Charter of the Town of Wrightsville Beach, being Chapter 611 of the Session Laws of 1989.
(8) Section 5.3 of the Charter of the Town of Highlands, being Chapter 519 of the Session Laws of 1991.
(9) S.L. 1997-420, as amended by S.L. 2005-305 and Section 94 of S.L. 2006-264 (Cornelius, Davidson, Huntersville, and Nags Head).
(10) S.L. 2006-264 (Section 94(b)) (Matthews).
(11) Section 6.221 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended.
(12) S.L. 2000-108 (Kinston, Apex, Cary, Garner, and Morrisville).
(13) S.L. 2001-191, as amended by Section 1 of S.L. 2003-128 (Durham, Cary, Garner, Morrisville, Knightdale, Fuquay-Varina, Spencer, and Raleigh).
(14) Section 5.1 of the Charter of the Town of Holly Springs, being S.L. 2003-73, as amended.
(15) S.L. 2003-128, as amended by Section 71 of S.L. 2004-203 (Rutherfordton, Wake County).
(16) Section 11.3 of the Charter of the Town of Mount Airy, being S.L. 2003-281, as amended.
(17) S.L. 2003-246 (Rockingham, Smithfield, and Statesville).
(18) S.L. 2006-102 (Greenville).
(19) S.L. 2006-115 (Clayton, Reidsville).

SENATE BILL 409:
Study NC Veterans Registry.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 5, 2019
Introduced by:	Sens. D. Davis, Sanderson, Burgin	**Prepared by:**	Bill Patterson Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 409 would direct the Department of Military and Veterans Affairs to study the issue of creating a North Carolina veterans directory.

BILL ANALYSIS: Senate Bill 409 would direct the Department of Military and Veterans Affairs (DMVA) to study the issue of creating a North Carolina veterans directory, in consultation with the Department of Information Technology and the General Assembly's Program Evaluation Division.

The directory's purpose would be to improve the access of veterans and their families to State benefits, programs and services for veterans and their families.

The study would include determining the information technology needed to create and maintain the registry and the best ways to:

- Summarize and present information about State benefits, programs and services for veterans and their families
- Communicate this information to registrants
- Notify veterans and their families about the registry and how to register
- Allow veterans and their families to opt in or opt out of the registry
- Maintain the security of registrants' personal information

DMVA would be required to report its findings and recommendations to the Joint Legislative Oversight Committee on General Government by November 1, 2019.

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

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

S 1

SENATE BILL 409

Short Title:	Study NC Veterans Registry.	(Public)
Sponsors:	Senators D. Davis, Sanderson, and Burgin (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

April 1, 2019

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS TO STUDY THE ISSUE OF CREATING A NORTH CAROLINA VETERANS REGISTRY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Department of Military and Veterans Affairs, in consultation with the Department of Information Technology and the Program Evaluation Division of the General Assembly, shall study the issue of creating a North Carolina veterans registry. The purpose of the registry would be to give veterans and their families improved access to information regarding valuable State benefits, programs, and services for veterans and their families. Upon registering, a veteran or a family member of a veteran would receive ongoing communications from the Department about available benefits, programs, and services. A registrant would also have the option of leaving the registry.

SECTION 1.(b) The Department shall specifically study the following issues:

(1) The information technology needed to create and maintain a veterans registry.

(2) The best ways to summarize and present information about all the State benefits, programs, and services for veterans and their families.

(3) The best ways to communicate this information to registrants.

(4) The best ways to give notice to veterans and their families about the creation of a veterans registry and how to register.

(5) The best ways to allow veterans and their families to opt in or opt out of the registry.

(6) The best ways to maintain the security of the registrants' personal information.

SECTION 1.(c) The Department shall report its findings and recommendations to the Joint Legislative Oversight Committee on General Government by November 1, 2019.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 409

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S409-ATG-15 [v.1]

Amends Title [NO]
First Edition

Date April 9 ,2019

~~Representative~~ Senator Sanderson

moves to amend the bill on page 1, lines 10-11, by rewriting the lines to read:

"families. Upon registering, a veteran or a family member of a veteran would receive access to information about available benefits, programs, and services. A", and

on page 1, line 24, by replacing "November 1, 2019." with "February 1, 2020.".

SIGNED Norman Sanderson
Amendment Sponsor

SIGNED John M. Alexander, Jr.
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

S409-ATG-15-V-1

SENATE BILL 434:
Merger of Certain Sewerage Districts.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Agriculture/Environment/Natural Resources. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 9, 2019
Introduced by:	Sen. Sanderson	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: ***Senate Bill 434 would establish a procedure to require the Environmental Management Commission to dissolve a metropolitan sewerage district and to transfer its assets to another metropolitan sewerage district within the same county when meeting certain criteria and when requested by the governing district board of the dissolving metropolitan sewerage district and the governing district board of the transferee district board.***

CURRENT LAW: Article 5 of Chapter 162A governs metropolitan sewerage districts (MSD). The governing body of any two or more political subdivisions, or any political subdivision and any unincorporated area, may request creation of a MSD by resolution to the board or boards of county commissioners (BOC) within which the proposed MSD will lie. Upon receipt of the resolution, the BOC must notify the Environmental Management Commission (EMC) who then must hold a joint public hearing with the BOC. If, after the hearing, the EMC and the BOC determine that creation of the MSD will preserve and promote the public health and welfare, the EMC shall adopt a resolution defining the territorial boundaries of the district. The MSD is a body politic governed by a district board with enumerated statutory powers, including the power to tax, adopt ordinances, and issue bonds. Article 5 contains provisions for expansion of a MSD but contains no provisions for merger or dissolution of a MSD.

BILL ANALYSIS: Senate Bill 434 would amend Article 5 of Chapter 162A by adding a new section requiring the EMC to adopt a resolution dissolving a MSD and transferring its assets to another MSD provided:

- The district boards of the dissolving district and transferee district adopt a resolution requesting the EMC hold a public hearing on the issue of dissolution and transfer.
- Notice of the public hearing is posted at least 30 days prior to the hearing and published once a week for four successive weeks.
- The dissolving district and transferee district are in the same county.
- The county population is less than 15,000 and contains nine or more incorporated municipalities.
- The dissolving district and transferee district serve no less than six of the municipalities.
- The areas served by each district are contiguous.
- The dissolving district has no customers and leases its assets to the transferee district.

Effective July 1 following adoption of the EMS resolution, the transferring MSD is dissolved and all its assets, liabilities, liens, suits, and obligations are transferred to the transferee MSD.

EFFECTIVE DATE: This act would be effective October 1, 2019.

Karen Cochrane-Brown
Director

S434-SMBD-40 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.

SENATE BILL 434

Short Title:	Merger of Certain Sewerage Districts.	(Public)
Sponsors:	Senator Sanderson (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

April 2, 2019

A BILL TO BE ENTITLED

AN ACT REQUIRING THE DISSOLUTION OF CERTAIN METROPOLITAN SEWERAGE DISTRICTS AND TRANSFERRING THE DISSOLVING DISTRICTS' ASSETS AND LIABILITIES TO AN ADJACENT DISTRICT IN THE SAME COUNTY.

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-82. Mandatory merger of certain districts.**

(a) The Environmental Management Commission shall adopt a resolution dissolving a district and transferring the assets, liabilities, and other obligations of the district to another district located in the same county when the procedures set forth in subsection (b) have been completed and when all of the following describe the two districts:

(1) The districts are located in a county with a population of less than 15,000, according to the latest federal decennial census, and with nine or more incorporated municipalities within its jurisdiction.

(2) The districts collectively provide services to no less than six of the municipalities.

(3) The areas served by each district are contiguous.

(4) The district to be dissolved does not directly provide sewerage services to any customers and leases its assets to the district to which its assets and liabilities are proposed to be transferred.

(b) Before the dissolution and merger of districts as provided in subsection (a) of this section, the following must occur:

(1) The boards of directors of each district shall adopt a resolution requesting the merger.

(2) The chair of each board of directors shall submit the resolution to the Environmental Management Commission and, at the same time, shall request that a representative of the Environmental Management Commission hold a public hearing in the proposed merged district to discuss the proposed merger and to receive public comment. The time and place of the public hearing shall be mutually agreed to by the chair of the Environmental Management Commission and the chairs of the board of directors.

(3) Each board of directors shall (i) cause notice of the public hearing to be posted, at least 30 days prior to the hearing, at the courthouse in the county within which the merged district will lie and (ii) publish the notice at least once a week for four successive weeks in a newspaper having general circulation in

the proposed merged district, the first publication to be at least 30 days prior to the public hearing.

(c) The merger of districts under this section shall become effective on the following July 1 after the resolution described in subsection (a) of this section has been adopted by the Environmental Management Commission.

(d) Upon the adoption of a resolution by the Environmental Management Commission as provided in subsection (a) of this section, all of the following shall apply on the effective date set forth in subsection (c) of this section:

(1) All property, real, personal, and mixed, including accounts receivable, belonging to the dissolving district shall vest in, belong to, and be the property of the merged district. All district boards are authorized to take the actions and to execute the documents necessary to effectuate the provisions and intent of this section.

(2) All judgments, liens, rights of liens, and causes of action of any nature in favor of the dissolving district shall vest in and remain and inure to the benefit of the merged district.

(3) All taxes, assessments, sewer charges, and any other debts, charges, or fees owing to the dissolving district shall be owed to and collected by the merged district.

(4) All actions, suits, and proceedings pending against, or having been instituted by, the dissolving district shall not be abated by the merger, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if merger had not occurred, and the merged district shall be a party to all such actions, suits, and proceedings in the place and stead of the dissolving district and shall pay or cause to be paid any judgments rendered against the dissolving district in any such actions, suits, or proceedings. No new process is required to be served in any such action, suit, or proceeding.

(5) All obligations of the dissolving district, including outstanding indebtedness, shall be assumed by the merged district, and all such obligations and outstanding indebtedness shall constitute obligations and indebtedness of the merged district.

(6) All ordinances, rules, regulations, and policies of the dissolved district shall continue in full force and effect until repealed or amended by the governing body of the merged district.

(7) The dissolving district shall be abolished, and shall no longer be constituted a public body or a body politic and corporate, except for purposes of carrying into effect the provisions and intent of this section."

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

Senate Committee on State and Local Government

April 9, 2019, 2:00 PM

Room 1124/1224

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
MIKE CARPENTER	NCHBA
Steven Webb	
	CGA
Cathy Thomas	FPA
Debra Dew	NC Chamber
Demetrius Deloatch	NCLM
Erin Wynia	NCLM
Hugh Johnson	NCAC &
	ARCC
Doug Crotts	La Off of RHR
Leslie Moorman	NC Urban Forest Council
Dennis Nieman	NC GIC
Paul Sherman	NCFB
Jackie Bray	FCRW
Tina Schofield	FCRW
Kirsten Miller	JSC
JACK GOLDEN	JSC
Rasha Fortson	SEANL

Senate Committee on State and Local Government

April 9, 2019, 2:00 PM

Room 1124/1224

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Flint Benson	SEANC
Sachin Cat	NSJ
Jack Cozort	NSS
Beau Mills	
Arsalan Ahmed	Intern
Robert Jones	DIT
	NCDMVA
Claudia Snowmaker	gov office
John Lucey	DEQ
Samantha Long	NCFA intern
Ashley Hammond	NCAJ
	NCCU
Kara Weisharr	SX
Nate Denny	NCDA
John Cooper	CONNECT

4-9-19

Speaker Sign In

Name	Company/ Phone number
Dennis Nieveyer	NC GIC
Leslie Moorman	NC Urban Forest Council
Leo John	Secy of State
Hugh Johnson	NCACC
Erin Wynia	NCLM
Steven Webb	NCHBA
Cady Thomas	NC Realtors

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Senate Committee

ON

State and Local Government

April 9, 2019

2:00 PM

Room 1124/1224

Senate Sergeant at Arms

Chris Moore

Linda Matthews

Senate Pages Attending

COMMITTEE: State and Local Gov't **ROOM: 1124 LB**

DATE: 4-9-19 **TIME: 2 PM**

PLEASE PRINT LEGIBLY....*or else!!!!!*

Page Name	Hometown	Sponsoring Senator
1. Owen Wing	Raleigh	Berger
2. [redacted]	[redacted]	[redacted]
3.		
4.		
5.		
6.		
7.		
8.		

ages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 16, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 201	Town of Bolton/Deannexation.	Senator Britt
SB 208	Remove Size Restrictions/Certain Polit. Signs.	Senator McInnis Senator Daniel Senator Hise
SB 474	Clean Up Obsolete Boards.	Senator Wells
SB 478	Removal Power/Modify Reporting.	Senator Sawyer
SB 610	Authorize Northern Peaks Trail.	Senator Ballard

Senator Rick Horner, Chair

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, April 16, 2019, 2:00 PM
1124/1224 Legislative Building

AGENDA

CALL TO ORDER

Chairs: Sen. Rick Horner, Co-Chair, presiding
Sen. John Alexander, Co-Chair

WELCOME & OPENING REMARKS

AGENDA ITEMS

BILL NO.	SHORT TITLE	SPONSOR
SB 201	Town of Bolton/Deannexation.	Senator Britt
SB 208	Remove Size Restrictions/Certain Polit. Signs.	Senator McInnis Senator Daniel Senator Hise
SB 474	Clean Up Obsolete Boards.	Senator Wells
SB 478	Removal Power/Modify Reporting.	Senator Sawyer
SB 610	Authorize Northern Peaks Trail.	Senator Ballard

ADJOURNMENT

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, April 16, 2019

Senator Horner,
submits the following with recommendations as to passage:

FAVORABLE

SB **478** Removal Power/Modify Reporting.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

SB **610** Authorize Northern Peaks Trail.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Senator Vickie Sawyer will handle SB 478
Senator Deanna Ballard will handle SB 610

Senate Committee on State and Local Government
Tuesday, April 16, 2019 at 2:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 pm on April 16, 2019 in Room 1124/1224 of the Legislative Building. Fifteen members were present.

A Visitor Registration log is attached and made part of these minutes.

Senator Horner, Presiding Chair, called the meeting to order at 2:00 pm. He introduced the Pages and the Sergeant-at-Arms staff. The following bills were considered:

SB 201; Town Of Bolton/Deannexation. (Senator Britt). Senator Britt was not available to present the bill. The Chair displaced SB 201 to be taken up for a vote in the next Senate Committee on State and Local Government meeting.

SB 208; Remove Size Restrictions/Certain Polit. Signs. (Senators McInnis, Daniel, Hise). The Chair recognized Senator McInnis to explain the bill for discussion only. Senator McInnis sent forth an amendment **S208-ATG-16 [v2]**. The Chair recognized Bill Patterson, Staff Attorney, to explain the amendment. Senator Sanderson moved for the adoption of the amendment for consideration. The motion passed. The Chair welcomed questions from the committee and visitors. Senator Smith asked if this requirement only applies to signs placed on private properties; Senator McInnis response, yes. SB 208 will be taken up for a vote in the next Senate Committee on State and Local Government meeting. A copy of the bill, the bill summary, and amendment is attached.

SB 474; Clean Up Obsolete Boards. (Senator Wells). Senator Wells presented a PCS for discussion only. SB 474 would abolish obsolete boards and commissions that appear to be no longer functional and should be abolished. Previous attempts to abolish obsolete boards and commissions have been made, but failed. After some discussion Senator Wells requested members to review the list of commissions and boards and identify those that are obsolete since the GA Library staff, Senate and House staff have been unable to track these boards and commissions. SB 474 will be taken up for a vote in the next Senate Committee on State and Local Government meeting. A copy of the bill, the PCS, and bill summary is attached.

SB 478; Removal Power/Modify Reporting. (Senator Sawyer). The Chair recognized Senator Sawyer to explain the bill. After a brief discussion Senator Smith moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

SB 610; Authorize Northern Peaks Trail. (Senator Ballard). The Chair recognized Senator Ballard to explain the bill. After a brief discussion, Senator Perry moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

There being no further business, the Chair adjourned the meeting at 2:20 pm.

Senator Rick Horner, Chair
Presiding

Regina Irwin
Regina Irwin, Committee Clerk

SENATE BILL 201:
Town of Bolton/Deannexation.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 16, 2019
Introduced by:	Sen. Britt	**Prepared by:**	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: Senate Bill 201 would repeal a prior session law annexing two parcels of land into the corporate limits of the Town of Bolton.

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 201 would repeal S.L. 2005-141 and thus deannex two parcels of land from the corporate limits of the Town of Bolton.

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

Karen Cochrane-Brown
Director

S201-SMBD-41 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.

SENATE BILL 201

Short Title:	Town of Bolton/Deannexation.	(Local)
Sponsors:	Senator Britt (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

March 7, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BOLTON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2005-141 is repealed, and the property added to the corporate limits of the Town of Bolton in that Section is removed from the Town's corporate limits.

SECTION 2. This act has no effect upon the validity of any liens of the Town of Bolton 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 Town of Bolton.

SECTION 3. This act becomes effective June 30, 2019. Property in the territory described in Section 2 of S.L. 2005-141 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.

SENATE BILL 201:
Correct Description /Deannex East Side Only.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 15, 2019
Introduced by:		**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	Amendment to First Edition S201-ABD-4		

OVERVIEW: Amendment S201-ABD-4 to Senate Bill 201 would make the following changes to Edition 1 to:

- ***Correct a typographical error in the legal description of the two parcels of land legislatively annexed into the corporate limits of the Town of Bolton by Section 2 of SL 2005-141.***
- ***Remove one, rather than two, parcels from the corporate limits of the Town of Bolton.***
- ***Conform the long title to reflect the changes.***

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.

ANALYSIS: Senate Bill 201, as amended by S201-ABD-4, would:

- Correct a typographical error in the plat book reference in the legal descriptions of each of the two parcels of land legislatively annexed into the corporate limits of the Town of Bolton by Section 2 of SL 2005-141.
- Remove the parcel identified as "Tract One-East" from the corporate limits of the Town of Bolton.
- Conform the long title to reflect the changes.

EFFECTIVE DATE: Section 1 of the act would become effective when the bill becomes law. The remainder of the act would become effective June 30, 2019, and apply to tax years beginning July 1, 2019.

Karen Cochrane-Brown
Director

S201-SMBD-45 ABD-4 -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.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 201

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S201-ABD-4 [v.2]

Amends Title [YES]
First Edition

Date _____ ,2019

Senator _____

moves to amend the bill on page 1, lines 2-14, by rewriting those lines to read:

"AN ACT CORRECTING A TYPOGRAPHICAL ERROR IN S.L. 2005-141 AND REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BOLTON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2005-141 reads as rewritten:

"**SECTION 2.** The corporate limits of the Town of Bolton are extended to include the following described territory:

TRACT ONE-EAST

BEGINNING at an OLD TOWN MONUMENT with N.C. Grid Coordinates: N=221,191.759 and E=2,176,127.352; and runs thence South 78 degrees, 29 minutes 59 seconds East 4,459.69 feet to a NEW TOWN MONUMENT; thence South 03 Degrees, 03 minutes, 55 seconds West 2,203.48 feet to another NEW TOWN MONUMENT; thence North 80 degrees 55 minutes 10 seconds West 439.00 feet to another NEW TOWN MONUMENT; thence South 08 degrees, 23 minutes, 54 seconds West 557.63 feet to another NEW TOWN MONUMENT; thence North 80 degrees, 19 minutes 08 seconds West 1,720.45 feet to another NEW TOWN MONUMENT; thence North 57 degrees, 08 minutes, 29 seconds West 2,811.07 feet to another NEW TOWN MONUMENT; thence North 05 degrees 10 minutes, 46 seconds East 492.76 feet to an OLD TOWN MONUMENT; thence North 06 degrees 10 minutes 00 seconds East 471.07 feet to an OLD TOWN MONUMENT; thence South 88 degrees, 13 minutes, 35 seconds East 200 feet to an OLD TOWN MONUMENT; thence North 01 degrees, 46 minutes, 25 seconds East 804.81 feet to an OLD TOWN MONUMENT, the POINT AND PLACE OF BEGINNING, and being all of that 260.73 acre tract of land as shown on that Map entitled "Plat to Extend the East Corporate Limits of the TOWN OF BOLTON" Dated 7 March, 2005, by Billy M. Duncan, Land Surveyor and being recorded in the Register of Deeds Office, Columbus County, North Carolina, on the 23rd day of March, 2005, at 3:26:01 p.m. in Plat Book ~~79,~~78, Page 11. Reference is made to said recorded plat for a more particular and accurate description of the premises described herein.

TRACT TWO-WEST

BEGINNING at an OLD TOWN MONUMENT with the N.C. Grid Coordinates: N=208,233.482, E=2,175,586.827, said monument lying South 70 degrees 42 minutes, 35 seconds West 196.78 feet from N.C. Grid Monument "TON" with N.C. Grid coordinates: N=208,419.214, E=2,175,651.834; thence from said Beginning Point North 88 degrees, 22 minutes, 43 seconds West 604.31 feet to a NEW TOWN MONUMENT; thence North 15 degrees 17 minutes, 48 seconds West 2,336.48 feet to a NEW TOWN MONUMENT; thence North 71 degrees, 38 minutes, 14 seconds East 1,374.16 feet to an OLD TOWN MONUMENT, the Northwest corner of the 1915 Act to Incorporate the City of Bolton; thence with the OLD TOWN OF BOLTON LIMITS South 01 degrees, 46 minutes, 25 seconds West 2,705.00 feet to the OLD TOWN MONUMENT, the POINT AND PLACE OF BEGINNING; and being all of that 55.56 acre tract of land as shown on that map entitled "Plat to Extend the West Corporate Limits of the TOWN OF BOLTON" dated 7 March, 2005, by Billy M. Duncan, Land Surveyor, and being recorded in the Register of Deeds Office, Columbus County, N.C., on the 23rd day of March, 2005, at 3:26:15 p.m. in Plat Book ~~79,~~78, Page 12.

Reference is made to said recorded Plat for a more particular and accurate description of the premises described herein."

SECTION 2.(a) The following described property, as annexed by S.L. 2005-141, as amended by Section 1 of this act, is removed from the corporate limits of the Town of Bolton:

TRACT ONE-EAST

BEGINNING at an OLD TOWN MONUMENT with N.C. Grid Coordinates: N=221,191.759 and E=2,176,127.352; and runs thence South 78 degrees, 29 minutes 59 seconds East 4,459.69 feet to a NEW TOWN MONUMENT; thence South 03 Degrees, 03 minutes, 55 seconds West 2,203.48 feet to another NEW TOWN MONUMENT; thence North 80 degrees 55 minutes 10 seconds West 439.00 feet to another NEW TOWN MONUMENT; thence South 08 degrees, 23 minutes, 54 seconds West 557.63 feet to another NEW TOWN MONUMENT; thence North 80 degrees, 19 minutes 08 seconds West 1,720.45 feet to another NEW TOWN MONUMENT; thence North 57 degrees, 08 minutes, 29 seconds West 2,811.07 feet to another NEW TOWN MONUMENT; thence North 05 degrees 10 minutes, 46 seconds East 492.76 feet to an OLD TOWN MONUMENT; thence North 06 degrees 10 minutes 00 seconds East 471.07 feet to an OLD TOWN MONUMENT; thence South 88 degrees, 13 minutes, 35 seconds East 200 feet to an OLD TOWN MONUMENT; thence North 01 degrees, 46 minutes, 25 seconds East 804.81 feet to an OLD TOWN MONUMENT, the POINT AND PLACE OF BEGINNING, and being all of that 260.73 acre tract of land as shown on that Map entitled "Plat to Extend the East Corporate Limits of the TOWN OF BOLTON" Dated 7 March, 2005, by Billy M. Duncan, Land Surveyor and being recorded in the Register of Deeds Office, Columbus County, North Carolina, on the 23rd day of March, 2005, at 3:26:01 p.m. in Plat Book 78, Page 11. Reference is made to said recorded plat for a more particular and accurate description of the premises described herein.

SECTION 2.(b) This section has no effect upon the validity of any liens of the Town of Bolton 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 Town of Bolton.

SECTION 2.(c) This section becomes effective June 30, 2019. Property in the territory described in Section 2 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.

SECTION 3. Except as otherwise provided, the remainder of this act becomes effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 1

SENATE BILL 208

Short Title:	Remove Size Restrictions/Certain Polit. Signs.	(Public)
Sponsors:	Senators McInnis, Daniel, and Hise (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

March 11, 2019

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE SIZE RESTRICTIONS FOR POLITICAL SIGNS PLACED ON PRIVATE PROPERTY WITH THE PERMISSION OF THE PROPERTY OWNER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-32 reads as rewritten:

"**§ 136-32. Regulation of signs.**

...

(d) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

(1) No sign shall be permitted in the right-of-way of a fully controlled access highway.

(2) No sign shall be closer than three feet from the edge of the pavement of the road.

(3) No sign shall obscure motorist visibility at an intersection.

(4) No sign shall be higher than 42 inches above the edge of the pavement of the road.

(5) No sign shall be larger than 864 square inches.

(6) No sign shall obscure or replace another sign.

(d1) Subdivision (d)(4) or (d)(5) of this section shall not apply to a political sign that is placed (i) on private property with the permission of the property owner and (ii) outside of any State or municipal right-of-way.

...."

SECTION 2. This act is effective when it becomes law and applies to political signs placed on or after that date.

SENATE BILL 208:
Limit Local Restrictions/Noncommercial Signs.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 8, 2019
Introduced by:	Sens. McInnis, Daniel, Hise	**Prepared by:**	Bill Patterson Committee Co-Counsel
Analysis of:	Amendment to First Edition S208-ATG-16		

OVERVIEW: Amendment ATG-16 to Senate Bill 208 would replace the contents of the original bill with provisions that would prohibit local government regulation of the size or height of noncommercial signs not exceeding specified dimensions that are placed outside of any State highway or municipal street right-of-way on private property with the permission of the owner.

CURRENT LAW:

Local governments are currently authorized to prohibit or regulate the placement of signs on private property under planning and general police powers granted in Articles 6 and 18 of Chapter 153A and Articles 8 and 19 of 160A of the General Statutes.

G.S. 136-32 permits only political signs meeting certain location and size requirements to be placed in the right-of-way of the State highway system during a limited period in connection with primaries and elections. These requirements also apply to a political sign that is placed within the right-of-way of a municipal street if such signs are not prohibited or regulated by a municipal ordinance. For purposes of this statute, a "political sign" is defined as a noncommercial sign that advocates for political action.

AMENDMENT ANALYSIS: Sections 1 and 2 of the bill, as amended, would prohibit county regulation of the size or height of a noncommercial sign, including a political sign as defined in G.S. 136-32, if the sign does not exceed 64 square feet in size and 6 feet in height and is placed on private property with the owner's permission outside of any right-of-way of a State Highway.

Sections 3 and 4 of the bill, as amended, would prohibit municipal regulation of the size or height of a noncommercial sign, including a political sign as defined in G.S. 136-32, if the sign does not exceed 64 square feet in size and 6 feet in height and is placed on private property with the owner's permission outside of any right-of-way of a State Highway or municipal street.

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

Karen Cochrane-Brown
Director

S208-SMTG-28 ATG-16 -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.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 208

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

S208-ATG-16 [v.2]

Amends Title [YES]
First Edition

Date _____ ,2019

Senator _____

moves to amend the bill on page 1, lines 1-25, by rewriting the lines to read:

"A BILL TO BE ENTITLED

AN ACT TO LIMIT LOCAL REGULATION OF THE SIZE OR HEIGHT OF CERTAIN NONCOMMERCIAL SIGNS PLACED OUTSIDE OF THE RIGHT-OF-WAY ON PRIVATE PROPERTY WITH THE PERMISSION OF THE PROPERTY OWNER.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ G.S. 153A-145.8. Limitation on regulation of political signs.**

Notwithstanding any provision of this Article or any other provision of law, no county shall adopt or continue in effect an ordinance prohibiting or regulating the size or height of a noncommercial sign, including a political sign as defined in G.S. 136-32(c), that does not exceed sixty-four (64) square feet in size or six (6) feet in height, and that is placed on private property with the permission of the owner of the property and outside of any right-of-way of a State highway."

SECTION 2. Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ G.S. 153A-379. Limitation on regulation of political signs.**

Notwithstanding any provision of this Article or any other provision of law, no county shall adopt or continue in effect an ordinance prohibiting or regulating the size or height of a noncommercial sign, including a political sign as defined in G.S. 136-32(c), that does not exceed sixty-four (64) square feet in size or six (6) feet in height, and that is placed on private property with the permission of the owner of the property and outside of any right-of-way of a State highway."

SECTION 3. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ G.S. 160A-205.4. Limitation on regulation of political signs.**

Notwithstanding any provision of this Article or any other provision of law, no municipality shall adopt or continue in effect an ordinance prohibiting or regulating the size or height of a noncommercial sign, including a political sign as defined in G.S. 136-32(c), that does not exceed sixty-four (64) square feet in size or six (6) feet in height, and that is placed on private

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 208

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S208-ATG-16 [v.2]

property with the permission of the owner of the property and outside of any right-of-way of a State highway or municipal street."

SECTION 4. Article 19 of the Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ G.S. 160A-367. Limitation on regulation of political signs.**

Notwithstanding any provision of this Article or any other provision of law, no municipality shall adopt or continue in effect an ordinance prohibiting or regulating the size or height of a noncommercial sign, including a political sign as defined in G.S. 136-32(c), that does not exceed sixty-four (64) square feet in size or six (6) feet in height, and that is placed on private property with the permission of the owner of the property and outside of any right-of-way of a State highway or municipal street."

SECTION 5. This act is effective when it becomes law.", and

by rewriting the short title of the bill to read "Limit Local Restrictions/Noncommercial Signs.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 474:
Clean Up Obsolete Boards.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 16, 2019
Introduced by:	Sen. Wells	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	PCS to First Edition S474-CSRN-10		

OVERVIEW: ***Senate Bill 474 abolishes obsolete boards and commissions that are no longer functional. The act is effective when it becomes law.*** ***The Proposed Committee Substitute (PCS) adds Sections 19.1 through 19.4 and makes technical changes.***

BILL ANALYSIS: The PCS for Senate Bill 474 abolishes all of the following and makes conforming changes:

- The Board of Directors of the Certification Entity for the Phase II Settlement Funds.
- The North Carolina Agency for Telecommunications.
- The Charlotte Douglas International Airport Commission.
- The Board of Directors of the Charlotte Regional Partnership.
- The Commission on School Technology.
- The Data Integration Steering Committee.
- The Eastern Carolina Regional Housing Authority Board of Commissioners.
- The Grants Management Oversight Committees.
- The Legislative Commission on Methamphetamine Abuse.
- The Motor Vehicle Dealers' Advisory Board.
- The North Carolina Community Development Council.
- The North Carolina Farmworkers Council.
- The Southern Growth Policies Board.
- The Southern Technology Council.
- The State Advisory Council on Employment Security.
- The State Suggestion Review Committee.
- The Statewide Portal Committee.
- The Oversight Board for Teach for America, Inc.

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 Wholesale Distributor Advisory Committee.
- The Board of Directors of the Public School Forum of North Carolina, Inc.
- The North Carolina Advisory Council on the Eastern Band of the Cherokee.
- The Blount Street Historic District Oversight Committee.
- The State Advisory Council on Indian Education.

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

SENATE BILL 474

Short Title:	Clean Up Obsolete Boards.	(Public)
Sponsors:	Senator Wells (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO ABOLISH OBSOLETE BOARDS AND COMMISSIONS THAT ARE NO LONGER FUNCTIONAL.

Whereas, several boards and commissions within State government appear to be no longer functional and should be abolished; and

Whereas, some boards and commissions were established to oversee programs that no longer exist; and

Whereas, certain boards and commissions either have no appointed members, have not met in several years, have not reported recent activity, or have no discoverable information; and

Whereas, as a result of inactivity of some boards and commissions, previous attempts have been made to abolish them; Now, therefore,

The General Assembly of North Carolina enacts:

BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II SETTLEMENT FUNDS

SECTION 1. The Board of Directors of the Certification Entity for Phase II Settlement Funds, as authorized by S.L. 1999-333, is abolished.

NC AGENCY FOR PUBLIC TELECOMMUNICATIONS

SECTION 2. Part 2 of Article 9 of Chapter 143B is repealed.

CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT COMMISSION

SECTION 3. S.L. 2013-358, except Section 2, and S.L. 2014-414 are repealed.

BOARD OF DIRECTORS OF THE CHARLOTTE REGIONAL PARTNERSHIP

SECTION 4. The Board of Directors of the Charlotte Regional Partnership, Inc., as authorized by Article 2 of Chapter 158 of the General Statutes, is abolished.

COMMISSION ON SCHOOL TECHNOLOGY

SECTION 5.(a) G.S. 115C-102.5 is repealed.

SECTION 5.(b) G.S. 115-102.6 reads as rewritten:

"**§ 115C-102.6. Duty to propose a State school technology plan.**

The State Board of Education shall propose a State school technology plan that ensures the effective use of technology is built into the North Carolina Public School System for the purpose of preparing a globally competitive workforce and citizenry for the 21st century. ~~The~~

~~Commission on School Technology will advise the State Board of Education on the State School Technology Plan and its components.~~"

DATA INTEGRATION STEERING COMMITTEE

SECTION 6. Section 6A.20(b) of S.L. 2011-145 is repealed.

EASTERN CAROLINA REGIONAL HOUSING AUTHORITY BOARD OF COMMISSIONERS

SECTION 7. The Eastern Carolina Regional Housing Authority Board of Commissioners, established pursuant to G.S. 157-35, is abolished.

GRANTS MANAGEMENT OVERSIGHT COMMITTEES

SECTION 8. Section 6A.7(b1) of S.L.2012-142 and Section 7.14(b) of S.L. 2013-360 are repealed.

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 9.(a) Article 25A of Chapter 120 is repealed.

SECTION 9.(b) G.S. 90-113.64 reads as rewritten:

"**§ 90-113.64. SBI annual report.**

Beginning with the 2011 calendar year, the State Bureau of Investigation shall determine the number of methamphetamine laboratories discovered in the State each calendar year and report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety ~~and to the Legislative Commission on Methamphetamine Abuse~~ by March 1, 2012, for the 2011 calendar year and each March 1 thereafter for the preceding calendar year. The State Bureau of Investigation shall participate in the High Intensity Drug Trafficking Areas (HIDTA) program, assist in coordinating the drug control efforts between local and State law enforcement agencies, and monitor the implementation and effectiveness of the electronic record-keeping requirements included in G.S. 90-113.52A and G.S. 90-113.56. The SBI shall include its findings in the report to the Commission required by this section."

SECTION 9.(c) G.S. 143B-925 reads as rewritten:

"**§ 143B-925. Study and report on use of pseudoephedrine products to make methamphetamine.**

The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse ~~Services, the Legislative Commission on Methamphetamine Abuse,~~ Services and the Joint Governmental Operations Subcommittee on Justice and Public Safety."

MOTOR VEHICLE DEALERS' ADVISORY BOARD

SECTION 10.(a) G.S. 20-305.4 is repealed.

SECTION 10.(b) G.S. 20-305.5 reads as rewritten:

"(*l*) The provisions of G.S. 20-305(4) through G.S. 20-305(28) and G.S. 20-305.2 to ~~G.S. 20-305.4~~ G.S. 20-305.3 shall not apply to manufacturers of or dealers in mobile or manufactured type housing or who sell or distribute only nonmotorized recreational trailers; provided, however, that unless specifically exempted, each of these provisions shall be applicable to all recreational vehicle manufacturers, factory branches, distributors, and distributor branches who sell or distribute any motorized recreational vehicles in this State. The provisions of G.S. 20-305.1 shall not apply to manufacturers of or dealers in mobile or manufactured type housing."

NORTH CAROLINA COMMUNITY DEVELOPMENT COUNCIL

SECTION 11. Part 2A of Article 10 of Chapter 143B of the General Statutes is repealed.

NORTH CAROLINA FARMWORKER COUNCIL

SECTION 12. Part 26 of Article 9 of Chapter 143B of the General Statutes is repealed.

SOUTHERN GROWTH POLICIES BOARD

SECTION 13. Article 55 of Chapter 143 of the General Statutes, being G.S. 143-490 through G.S. 143-506, is repealed.

SOUTHERN TECHNOLOGY COUNCIL

SECTION 14. The Southern Technology Council is abolished.

STATE ADVISORY COUNCIL ON EMPLOYMENT SECURITY

SECTION 15. G.S. 96-4 reads as rewritten:

"**§ 96-4. Administration; powers and duties of the Assistant Secretary; Board of Review.**

...

~~(g) Advisory Councils. The State Advisory Council shall be composed of the Assistant Secretary and 15 persons representing employers, employees, and the general public, to be appointed as follows:~~

~~(1) Five members appointed by the Governor.~~

~~(2) Five members appointed by the President Pro Tempore of the Senate.~~

~~(3) Five members appointed by the Speaker of the House of Representatives.~~

~~Each member shall be appointed for a term of four years. Vacancies on the State Advisory Council shall be filled by the appointing authority. The Assistant Secretary shall serve as chair. A quorum of the State Advisory Council shall consist of the chairman, or such appointed member as he may designate, plus one half of the total appointed members. The function of the Council shall be to aid the Division in formulating policies and discussing problems related to the administration of this Chapter. Each member of the State Advisory Council attending meetings of the Council shall be paid the same amount per diem for his or her services as is provided for the members of other State boards, commissions, and committees who receive compensation for their services, including necessary time spent in traveling to and from his place of residence within the State to the place of meeting while engaged in the discharge of the duties of his office, and his actual mileage and subsistence at the same rate allowed to State officials.~~

(h) Employment Stabilization. – The Secretary of Commerce, in consultation with the Assistant ~~Secretary and with the advice and aid of the advisory councils,~~ Secretary, shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the State, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the State in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

...."

STATE SUGGESTION REVIEW COMMITTEE

SECTION 16.(a) G.S. 143-345.21 reads as rewritten:

"**§ 143-345.21. State employee suggestion program.**

...

(h) Implementation costs may be prorated over a maximum of three years for suggestions or innovations that are capital intensive, involve leading-edge technology, or involve unconventional processes that require longer than 12 months for implementation. The amount of the average annual savings minus the average annual implementation cost shall be used as the basis for the agency to recommend a suggester award. The ~~State Suggestion Review Committee~~ Department of Administration shall consult the Office of State Budget and Management to make the final award determination in these cases.

...."

SECTION 16.(b) G.S. 143-345.23 reads as rewritten:

"**§ 143-345.23. Suggestion and review process; role of agency coordinator and agency evaluator.**

(a) The process for a State employee or team of State employees to submit a cost-saving or revenue-increasing proposal shall begin with the employee or team of employees submitting the suggestion or innovation to an agency coordinator. The agency coordinator, in conjunction with an agency evaluator, shall review the suggestion or innovation for submission to the ~~State Review Committee established in G.S. 143-345.24.~~Department of Administration.

(b) An agency coordinator shall be appointed by the head of each participating agency to serve as liaison between the agency, the suggester, the agency evaluator, and the NC-Thinks office. The duties of the agency coordinator shall include:

(1) Serving as an information source and maintaining sufficient forms necessary to submit suggestions.

(2) Presenting, in conjunction with the agency evaluator, the recommendation for an award to the ~~State Suggestion Review Committee.~~Department of Adminstration.

(3) Working in conjunction with the agency evaluator to process a particular suggestion or innovation within 180 days, except when there are extenuating circumstances.

An agency may have more than one coordinator if required to provide sufficient services to State employees.

...."

SECTION 16.(c) G.S. 143-345.24 is repealed.

SECTION 16.(d) G.S. 143-345.25 reads as rewritten:

"**§ 143-345.25. Innovations deemed property of the State; effect of decisions regarding bonuses.**

(a) All suggestions or innovations submitted by State employees pursuant to this Article are the property of the State, and all related intellectual property rights shall be assigned to the State. By January 1, 2002, the Office of State Human Resources shall establish a policy regarding intellectual property rights that arise from NC-Thinks.

(b) Decisions regarding the award of bonuses by the agency coordinator and the ~~State Suggestion Review Committee~~ Department of Administration are final and are not subject to review under the contested case procedures of Chapter 150B of the General Statutes."

STATEWIDE PORTAL COMMITTEE

SECTION 17. Section 6A.12(h) of S.L.2012-142 is repealed.

TEACH FOR AMERICA, INC. OVERSIGHT BOARD

SECTION 18. The Oversight Board for Teach For America, Inc., is abolished.

WHOLESALE DISTRIBUTOR ADVISORY COMMITTEE

SECTION 19. G.S. 106-145.11 is repealed.

EFFECTIVE DATE

SECTION 20. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 474
PROPOSED COMMITTEE SUBSTITUTE S474-CSRN-10 [v.5]
04/15/2019 04:50:16 PM

Short Title: Clean Up Obsolete Boards. (Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO ABOLISH OBSOLETE BOARDS AND COMMISSIONS THAT ARE NO LONGER FUNCTIONAL.

Whereas, several boards and commissions within State government appear to be no longer functional and should be abolished; and

Whereas, some boards and commissions were established to oversee programs that no longer exist; and

Whereas, certain boards and commissions either have no appointed members, have not met in several years, have not reported recent activity, or have no discoverable information; and

Whereas, as a result of inactivity of some boards and commissions, previous attempts have been made to abolish them; Now, therefore,

The General Assembly of North Carolina enacts:

BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II SETTLEMENT FUNDS

SECTION 1. The Board of Directors of the Certification Entity for Phase II Settlement Funds, as authorized by S.L. 1999-333, is abolished.

NC AGENCY FOR PUBLIC TELECOMMUNICATIONS

SECTION 2. Part 22 of Article 9 of Chapter 143B is repealed.

CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT COMMISSION

SECTION 3. S.L. 2013-358, except Section 2, and S.L. 2014-10 are repealed.

BOARD OF DIRECTORS OF THE CHARLOTTE REGIONAL PARTNERSHIP

SECTION 4. The Board of Directors of the Charlotte Regional Partnership, Inc., as authorized by Article 2 of Chapter 158 of the General Statutes, is abolished.

COMMISSION ON SCHOOL TECHNOLOGY

SECTION 5.(a) G.S. 115C-102.5 is repealed.

SECTION 5.(b) G.S. 115C-102.6 reads as rewritten:

"**§ 115C-102.6. Duty to propose a State school technology plan.**

The State Board of Education shall propose a State school technology plan that ensures the effective use of technology is built into the North Carolina Public School System for the purpose of preparing a globally competitive workforce and citizenry for the 21st century.~~The~~

~~Commission on School Technology will advise the State Board of Education on the State School Technology Plan and its components.~~"

DATA INTEGRATION STEERING COMMITTEE

SECTION 6. Section 6A.20(b) of S.L. 2011-145 is repealed.

EASTERN CAROLINA REGIONAL HOUSING AUTHORITY BOARD OF COMMISSIONERS

SECTION 7. The Eastern Carolina Regional Housing Authority Board of Commissioners, established pursuant to G.S. 157-35, is abolished.

GRANTS MANAGEMENT OVERSIGHT COMMITTEES

SECTION 8. Section 6A.10 of S.L. 2012-142 and Section 7.14(b) of S.L. 2013-360 are repealed.

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 9.(a) Article 25A of Chapter 120 is repealed.

SECTION 9.(b) G.S. 90-113.64 reads as rewritten:

"**§ 90-113.64. SBI annual report.**

Beginning with the 2011 calendar year, the State Bureau of Investigation shall determine the number of methamphetamine laboratories discovered in the State each calendar year and report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety ~~and to the Legislative Commission on Methamphetamine Abuse~~ by March 1, 2012, for the 2011 calendar year and each March 1 thereafter for the preceding calendar year. The State Bureau of Investigation shall participate in the High Intensity Drug Trafficking Areas (HIDTA) program, assist in coordinating the drug control efforts between local and State law enforcement agencies, and monitor the implementation and effectiveness of the electronic record-keeping requirements included in G.S. 90-113.52A and G.S. 90-113.56. The SBI shall include its findings in the report to the Commission required by this section."

SECTION 9.(c) G.S. 143B-925 reads as rewritten:

"**§ 143B-925. Study and report on use of pseudoephedrine products to make methamphetamine.**

The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse ~~Services, the Legislative Commission on Methamphetamine Abuse,~~ Services and the Joint Governmental Operations Subcommittee on Justice and Public Safety."

MOTOR VEHICLE DEALERS' ADVISORY BOARD

SECTION 10.(a) G.S. 20-305.4 is repealed.

SECTION 10.(b) G.S. 20-305.5 reads as rewritten:

"(*l*) The provisions of G.S. 20-305(4) through G.S. 20-305(28) and G.S. 20-305.2 to ~~G.S. 20-305.4~~ G.S. 20-305.3 shall not apply to manufacturers of or dealers in mobile or manufactured type housing or who sell or distribute only nonmotorized recreational trailers; provided, however, that unless specifically exempted, each of these provisions shall be applicable to all recreational vehicle manufacturers, factory branches, distributors, and distributor branches who sell or distribute any motorized recreational vehicles in this State. The provisions of G.S. 20-305.1 shall not apply to manufacturers of or dealers in mobile or manufactured type housing."

NORTH CAROLINA COMMUNITY DEVELOPMENT COUNCIL

SECTION 11. Part 2A of Article 10 of Chapter 143B of the General Statutes is repealed.

NORTH CAROLINA FARMWORKER COUNCIL

SECTION 12. Part 26 of Article 9 of Chapter 143B of the General Statutes is repealed.

SOUTHERN GROWTH POLICIES BOARD

SECTION 13. Article 55 of Chapter 143 of the General Statutes, being G.S. 143-490 through G.S. 143-506, is repealed.

SOUTHERN TECHNOLOGY COUNCIL

SECTION 14. The Southern Technology Council is abolished.

STATE ADVISORY COUNCIL ON EMPLOYMENT SECURITY

SECTION 15. G.S. 96-4 reads as rewritten:

"**§ 96-4. Administration; powers and duties of the Assistant Secretary; Board of Review.**

...

~~(g) Advisory Councils. The State Advisory Council shall be composed of the Assistant Secretary and 15 persons representing employers, employees, and the general public, to be appointed as follows:~~

~~(1) Five members appointed by the Governor.~~

~~(2) Five members appointed by the President Pro Tempore of the Senate.~~

~~(3) Five members appointed by the Speaker of the House of Representatives.~~

~~Each member shall be appointed for a term of four years. Vacancies on the State Advisory Council shall be filled by the appointing authority. The Assistant Secretary shall serve as chair. A quorum of the State Advisory Council shall consist of the chairman, or such appointed member as he may designate, plus one half of the total appointed members. The function of the Council shall be to aid the Division in formulating policies and discussing problems related to the administration of this Chapter. Each member of the State Advisory Council attending meetings of the Council shall be paid the same amount per diem for his or her services as is provided for the members of other State boards, commissions, and committees who receive compensation for their services, including necessary time spent in traveling to and from his place of residence within the State to the place of meeting while engaged in the discharge of the duties of his office, and his actual mileage and subsistence at the same rate allowed to State officials.~~

(h) Employment Stabilization. – The Secretary of Commerce, in consultation with the Assistant ~~Secretary and with the advice and aid of the advisory councils,~~ Secretary, shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the State, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the State in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

...."

STATE SUGGESTION REVIEW COMMITTEE

SECTION 16.(a) G.S. 143-345.21 reads as rewritten:

"**§ 143-345.21. State employee suggestion program.**

...

(h) Implementation costs may be prorated over a maximum of three years for suggestions or innovations that are capital intensive, involve leading-edge technology, or involve unconventional processes that require longer than 12 months for implementation. The amount of the average annual savings minus the average annual implementation cost shall be used as the basis for the agency to recommend a suggester award. The ~~State Suggestion Review Committee~~ Department of Administration shall consult the Office of State Budget and Management to make the final award determination in these cases.

...."

SECTION 16.(b) G.S. 143-345.23 reads as rewritten:

"**§ 143-345.23. Suggestion and review process; role of agency coordinator and agency evaluator.**

(a) The process for a State employee or team of State employees to submit a cost-saving or revenue-increasing proposal shall begin with the employee or team of employees submitting the suggestion or innovation to an agency coordinator. The agency coordinator, in conjunction with an agency evaluator, shall review the suggestion or innovation for submission to the ~~State Review Committee established in G.S. 143-345.24.~~Department of Administration.

(b) An agency coordinator shall be appointed by the head of each participating agency to serve as liaison between the agency, the suggester, the agency evaluator, and the NC-Thinks office. The duties of the agency coordinator shall include:

(1) Serving as an information source and maintaining sufficient forms necessary to submit suggestions.

(2) Presenting, in conjunction with the agency evaluator, the recommendation for an award to the ~~State Suggestion Review Committee.~~Department of Administration.

(3) Working in conjunction with the agency evaluator to process a particular suggestion or innovation within 180 days, except when there are extenuating circumstances.

An agency may have more than one coordinator if required to provide sufficient services to State employees.

...."

SECTION 16.(c) G.S. 143-345.24 is repealed.

SECTION 16.(d) G.S. 143-345.25 reads as rewritten:

"**§ 143-345.25. Innovations deemed property of the State; effect of decisions regarding bonuses.**

(a) All suggestions or innovations submitted by State employees pursuant to this Article are the property of the State, and all related intellectual property rights shall be assigned to the State. By January 1, 2002, the Office of State Human Resources shall establish a policy regarding intellectual property rights that arise from NC-Thinks.

(b) Decisions regarding the award of bonuses by the agency coordinator and the ~~State Suggestion Review Committee~~ Department of Administration are final and are not subject to review under the contested case procedures of Chapter 150B of the General Statutes."

STATEWIDE PORTAL COMMITTEE

SECTION 17. Section 6A.12(h) of S.L.2012-142 is repealed.

TEACH FOR AMERICA, INC. OVERSIGHT BOARD

SECTION 18. The Oversight Board for Teach For America, Inc., is abolished.

WHOLESALE DISTRIBUTOR ADVISORY COMMITTEE

SECTION 19. G.S. 106-145.11 is repealed.

THE BOARD OF DIRECTORS OF THE PUBLIC SCHOOL FORUM OF NORTH CAROLINA, INC.

SECTION 19.1 The Board of Directors of the Public School Forum of North Carolina, Inc. is abolished.

NORTH CAROLINA ADVISORY COUNCIL ON THE EASTERN BAND OF THE CHEROKEE

SECTION 19.2. Part 15A of Chapter 143B of the General Statutes is repealed.

BLOUNT STREET HISTORIC DISTRICT OVERSIGHT COMMITTEE

SECTION 19.3. The Blount Street Historic Oversight Committee established in S.L. 2003-404 is repealed.

STATE ADVISORY COUNCIL ON INDIAN EDUCATION

SECTION 19.4. Article 13A of Chapter 115C of the General Statutes is repealed.

EFFECTIVE DATE

SECTION 20. This act is effective when it becomes law.

SENATE BILL 478:
Removal Power/Modify Reporting.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 16, 2019
Introduced by:	Sen. Sawyer	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: Senate Bill 478 provides a process to remove appointees of the General Assembly for misfeasance, malfeasance, or nonfeasance and modifies the reporting requirement for gender-proportionate appointments to certain boards and commissions. The act is effective when it becomes law.

BILL ANALYSIS:

Section 1

Section 1 provides that any person appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives must be removed from office by the Governor for misfeasance, malfeasance, or nonfeasance upon the written recommendation of the Speaker of the House of Representatives. Any person appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate must be removed from office by the Governor for misfeasance, malfeasance, or nonfeasance upon the written recommendation of the President Pro Tempore of the Senate. The Governor must remove the appointee within 30 days after receiving the written recommendation of removal.

Section 2

Under current law, each State appointing authority that makes appointments to a statutorily created public body, however denominated, except those having only advisory authority, shall file an annual report with the Secretary of State on gender-proportionate appointments. 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. The 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. G.S. 143-157.1

Section 2 changes who is responsible for making the report. Instead of having the State appointing authority make the report, every public body whose membership is composed of appointees selected by a State or local appointing authority must submit the report the required in G.S. 143-157.1 to the Secretary of State by September 1 of each year. A public body is any entity designated as a nonadvisory board by the State Ethics Commission. This section makes other technical and conforming changes.

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

Karen Cochrane-Brown
Director

S478-SMRN-23 E1 -V-9

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 478

Short Title:	Removal Power/Modify Reporting.	(Public)
Sponsors:	Senator Sawyer (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE REMOVAL OF INDIVIDUALS FROM BOARDS AND COMMISSIONS FOR MISFEASANCE, MALFEASANCE, AND NONFEASANCE AND TO MODIFY THE REPORTING REQUIREMENT RELATED TO GENDER-PROPORTIONATE APPOINTMENTS TO CERTAIN BOARDS AND COMMISSIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 16 of Chapter 120 is amended by adding a new section to read:

"**§ 120-25. Removal of legislative appointees.**

Any person appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be removed from office by the Governor for misfeasance, malfeasance, or nonfeasance upon the written recommendation of the Speaker of the House of Representatives. Any person appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate shall be removed from office by the Governor for misfeasance, malfeasance, or nonfeasance upon the written recommendation of the President Pro Tempore of the Senate. After receiving the written recommendation of removal, the Governor must within 30 days remove the appointee."

SECTION 2. 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 or body, as determined pursuant to the most recent federal decennial census, unless the law regulating such 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 Public Bodies. – ~~Each appointing authority~~ By September 1 of each year, every public body whose membership is composed in whole or in part of appointees selected by a State or local appointing authority ~~described in subsection (a)~~ 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.

As used in this subsection, the phrase "public body" applies to any entity designated as a nonadvisory board by the State Ethics Commission under Subchapter II of Chapter 163A of the General Statutes.

(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) The Secretary of State shall prescribe the form to be used ~~to report~~ under subsections (b) and (d) of this section ~~these appointments~~ and may accept ~~these~~ reports by electronic means. ~~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 the public bodies 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 the following local, municipal, or county public bodies, or to public bodies however 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 3. This act is effective when it becomes law.

SENATE BILL 610:
Authorize Northern Peaks Trail.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 12, 2019
Introduced by:	Sen. Ballard	**Prepared by:**	Bill Patterson Committee Co-Counsel
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.

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.

S

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.

VISITOR REGISTRATION SHEET

EDUCATION/HIGHER EDUCATION
(Committee Name)

04-16-2019
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sterling Weeks	NCDHHS
TJ Bugbee	NCOAA
Leo John	Secy of State
Demetrius Deloatch	NCLM
Jim Viggiato	ARCS
Deans Eatman	NCDOT
Claudia Roemmich	Gov. office
Arsalan Ahmed	Intern - Mujtaba

09-21-201

VISITOR REGISTRATION SHEET

EDUCATION/HIGHER EDUCATION
(Committee Name)

04-16-2019
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Bird	NC School f/t Deaf
Delene Uraggino	NC. School for the Deaf
Charlie Brady	Blue Ridge Conservancy - Boone
Brian Strong	NC Parks
Dwayne Patterson	" "
LAURA PURYEAR	NMC
Tonya Hinton	OSHR
Dave Fenton	City of Charlotte

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

STATE AND LOCAL GOVERNMENT SENATE STANDING COMMITTEE

April 16, 2019 2:00AM Rm. 1124/1224

Senate Sergeant-At-Arms

Sheree Hedrick

Michael Caviness

Senate Pages Attending

COMMITTEE: State & Local Govt **ROOM:** 1124

DATE: 4-16 **TIME:** 2 pm

PLEASE PRINT LEGIBLY....*or else!!!!!*

Page Name	Hometown	Sponsoring Senator
1. Saw Taw	High Point	Daniel
2. George Righter	Belmont	"
3. Richard Hernandez	Swannanoa	Daniel
4. Hannahlynne Gallimore	Lexington	Gallimore
5.		
6.		
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Principal Clerk
Reading Clerk

Updated #2: SB 458 Added

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 30, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 201	Town of Bolton/Deannexation.	Senator Britt
SB 208	Limit Local Restrictions/Noncommercial Signs.	Senator McInnis Senator Daniel Senator Hise
SB 264	Lee Cty Municipalities/Voluntary Annexations.	Senator Burgin
SB 316	Affordable Housing.	Senator Wells Senator Krawiec Senator Edwards
SB 474	Clean Up Obsolete Boards.	Senator Wells
SB 458	Establish Posttraumatic Stress Injury Day.	Senator Brown Senator J. Jackson Senator Burgin

Senator J. Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk ____
Reading Clerk ____

Updated #1: SB571 Removed

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 30, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 201	Town of Bolton/Deannexation.	Senator Britt
SB 208	Remove Size Restrictions/Certain Polit. Signs.	Senator McInnis Senator Daniel Senator Hise
SB 264	Lee Cty Municipalities/Voluntary Annexations.	Senator Burgin
SB 316	Affordable Housing.	Senator Wells Senator Krawiec Senator Edwards
SB 474	Clean Up Obsolete Boards.	Senator Wells

Senator J. Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 30, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 201	Town of Bolton/Deannexation.	Senator Britt
SB 208	Remove Size Restrictions/Certain Polit. Signs.	Senator McInnis Senator Daniel Senator Hise
SB 264	Lee Cty Municipalities/Voluntary Annexations.	Senator Burgin
SB 316	Affordable Housing.	Senator Wells Senator Krawiec Senator Edwards
SB 474	Clean Up Obsolete Boards.	Senator Wells
SB 571	Local Governments/Unsafe Buildings.	Senator Perry

Senator J. Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, April 30, 2019, 2:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages and Sergeant-at-Arms

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 201	Town of Bolton/Deannexation.	Senator Britt
SB 208	Remove Size Restrictions/Certain Polit. Signs.	Senator McInnis Senator Daniel Senator Hise
SB 264	Lee Cty Municipalities/Voluntary Annexations.	Senator Burgin
SB 316	Affordable Housing.	Senator Wells Senator Krawiec Senator Edwards
SB 474	Clean Up Obsolete Boards.	Senator Wells
SB 458	Establish Posttraumatic Stress Injury Day.	Senator Brown Senator J. Jackson Senator Burgin

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, April 30, 2019

Senator Horner,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **201** Town of Bolton/Deannexation.
- Draft Number: S201-PCS35269-BDx-5
- Sequential Referral: Finance
- Recommended Referral: None
- Long Title Amended: Yes

SB **208** Remove Size Restrictions/Certain Polit. Signs.
- Draft Number: S208-PCS45279-TG-9
- Sequential Referral: Rules and Operations of the Senate
- Recommended Referral: None
- Long Title Amended: Yes

SB **316** Affordable Housing.
- Draft Number: S316-PCS45281-RN-32
- Sequential Referral: Rules and Operations of the Senate
- Recommended Referral: None
- Long Title Amended: No

SB **474** Clean Up Obsolete Boards.
- Draft Number: S474-PCS15337-RN-10
- Sequential Referral: Rules and Operations of the Senate
- Recommended Referral: None
- Long Title Amended: No

TOTAL REPORTED: 4

Senator Danny Earl Britt, Jr. will handle SB 201
Senator Tom McInnis will handle SB 208
Senator Andy Wells will handle SB 316
Senator Andy Wells will handle SB 474

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, April 30, 2019

Senator Horner,
submits the following with recommendations as to passage:

FAVORABLE

SB **264** Lee Cty Municipalities/Voluntary Annexations.

Draft Number:	None
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

SB **458** Establish Posttraumatic Stress Injury Day.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Senator Jim Burgin will handle SB 264
Senator Jim Burgin will handle SB 458

Senate Committee on State and Local Government
Tuesday, April 30, 2019 at 2:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 PM on April 30, 2019 in Room 1124/1224 of the Legislative Building. 13 members were present.

Senator Rick Horner, Chair, presided.

Senator Horner welcomed committee members and guests. He introduced and thanked the Sergeants-at-Arms Terry Edmundson and Michael Caviness. He also introduced and thanked the Senate Pages Grace Kromke, sponsored by Senator Peterson, Miranda Johnson, sponsored by Senator Berger, Koen Rodabaugh, sponsored by Senator Berger, Payne Stone, sponsored by Senator Britt and Walker Rich, sponsored by Senator Steinburg.

SB 201 Town of Bolton/Deannexation. (Senator Britt)
Senator McInnis presented an amendment. Bill Godwin, Legislative Analysis, explained the amendment. Amendment passed. Senator Britt explained the bill as amended. Senator Britt answered Senator Smith's question. Donna Bowlin, a resident in the Town of Bolton, spoke in favor of the bill. Senator McInnis moved for a favorable report to bill as amended rolled into a PCS with a serial referral to Finance. Motion passed.
Reported as: Unfavorable as to bill, but favorable as to Senate Committee Substitute Bill with a sequential referral to Finance.

SB 208 Limit Local Restrictions/Noncommercial Signs. (Senators McInnis, Daniel, Hise)
Senator McInnis presented amendment, amendment passed and bill as amended was for discussion only at last committee meeting on April 16th, 2019. Billy Godwin, Legislative Analysis, explained bill as amended. Senator Smith moved for a favorable report to bill as amended rolled into a PCS with a serial referral to Rules. Motion passed.
Reported as: Unfavorable as to bill, but favorable as to Senate Committee Substitute Bill with a sequential referral to Rules.

SB 264 Lee Cty Municipalities/Voluntary Annexations. (Senator Burgin)
Senator Burgin explained the bill. Senator Perry moved for favorable report on bill. Motion passed.
Reported as: Favorable with a sequential referral to Finance.

SB 316 Affordable Housing. (Senators Wells, Krawiec, Edwards)
Senator Ford presented an amendment. Brad Krehely, Legislative Analysis, explained the amendment. Senator Perry approved the amendment and the motion passed. Senator Wells explained the bill as amended. Senator Wells answered questions from Senator Peterson. Senator McInnis commented on the bill and thanked for this legislation. Senator T. Alexander moved for a favorable report to bill as amended rolled into a PCS with a serial referral to Rules. Motion passed.

Reported as: Unfavorable as to bill, but favorable as to Senate Committee Substitute Bill with a sequential referral to Rules.

SB 474 Clean Up Obsolete Boards. (Senator Wells)
PCS presented by Senator Wells was for discussion only at last committee meeting on April 16th, 2019. Senator Ford presented an amendment. Brad Krehely, Legislative Analysis, explained the amendment. Senator Wells spoke to the amendment and asked for support of amendment. Senator Foushee approved the amendment and the motion passed. Senator Ford presented a second amendment. Senator Ford explained the second amendment. Senator Burgin approved the amendment and the motion passed. Senator Wells explained the PCS as amended. Senator T. Alexander commented that had checked into boards and commissions as Senator Wells had suggested. Senator Ford moved for a favorable report to bill as amended rolled into a new PCS with a serial referral to Rules. Motion passed.
Reported as: Unfavorable as to bill, but favorable as to Senate Committee Substitute Bill with a sequential referral to Rules.

SB 458 Establish Posttraumatic Stress Injury Day. (Senators Brown, J. Jackson, Burgin)
Senator Burgin explained the bill. Senator T. Alexander moved for a favorable report on bill. Motion passed.
Reported as: Favorable with a sequential referral to Rules.

The meeting adjourned at 2:36 PM.

Senator Rick Horner, Chair
Presiding

Jessica Daigler-Walls, Committee Clerk

SENATE BILL 201:
Town of Bolton/Deannexation.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 16, 2019
Introduced by:	Sen. Britt	**Prepared by:**	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: Senate Bill 201 would repeal a prior session law annexing two parcels of land into the corporate limits of the Town of Bolton.

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 201 would repeal S.L. 2005-141 and thus deannex two parcels of land from the corporate limits of the Town of Bolton.

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

Karen Cochrane-Brown
Director

S201-SMBD-41 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.

S

SENATE BILL 201

Short Title:	Town of Bolton/Deannexation.	(Local)
Sponsors:	Senator Britt (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

March 7, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BOLTON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2005-141 is repealed, and the property added to the corporate limits of the Town of Bolton in that Section is removed from the Town's corporate limits.

SECTION 2. This act has no effect upon the validity of any liens of the Town of Bolton 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 Town of Bolton.

SECTION 3. This act becomes effective June 30, 2019. Property in the territory described in Section 2 of S.L. 2005-141 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.

SENATE BILL 201:
Correct Description /Deannex East Side Only.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 30, 2019
Introduced by:		**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	Amendment to First Edition S201-ABD-4		

OVERVIEW: ***Amendment S201-ABD-4 to Senate Bill 201 would make the following changes to Edition 1 to:***

- ***Correct a typographical error in the legal description of the two parcels of land legislatively annexed into the corporate limits of the Town of Bolton by Section 2 of SL 2005-141.***
- ***Remove one, rather than two, parcels from the corporate limits of the Town of Bolton.***
- ***Conform the long title to reflect the changes.***

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.

ANALYSIS: Senate Bill 201, as amended by S201-ABD-4, would:

- Correct a typographical error in the plat book reference in the legal descriptions of each of the two parcels of land legislatively annexed into the corporate limits of the Town of Bolton by Section 2 of SL 2005-141.
- Remove the parcel identified as "Tract One-East" from the corporate limits of the Town of Bolton.
- Conform the long title to reflect the changes.

EFFECTIVE DATE: Section 1 of the act would become effective when the bill becomes law. The remainder of the act would become effective June 30, 2019, and apply to tax years beginning July 1, 2019.

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.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 201

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S201-ABD-4 [v.2]

Amends Title [YES]
First Edition

Date April 30 ,2019

Senator McInnis

moves to amend the bill on page 1, lines 2-14, by rewriting those lines to read:

"AN ACT CORRECTING A TYPOGRAPHICAL ERROR IN S.L. 2005-141 AND REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BOLTON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2005-141 reads as rewritten:

"**SECTION 2.** The corporate limits of the Town of Bolton are extended to include the following described territory:

TRACT ONE-EAST

BEGINNING at an OLD TOWN MONUMENT with N.C. Grid Coordinates: N=221,191.759 and E=2,176,127.352; and runs thence South 78 degrees, 29 minutes 59 seconds East 4,459.69 feet to a NEW TOWN MONUMENT; thence South 03 Degrees, 03 minutes, 55 seconds West 2,203.48 feet to another NEW TOWN MONUMENT; thence North 80 degrees 55 minutes 10 seconds West 439.00 feet to another NEW TOWN MONUMENT; thence South 08 degrees, 23 minutes, 54 seconds West 557.63 feet to another NEW TOWN MONUMENT; thence North 80 degrees, 19 minutes 08 seconds West 1,720.45 feet to another NEW TOWN MONUMENT; thence North 57 degrees, 08 minutes, 29 seconds West 2,811.07 feet to another NEW TOWN MONUMENT; thence North 05 degrees 10 minutes, 46 seconds East 492.76 feet to an OLD TOWN MONUMENT; thence North 06 degrees 10 minutes 00 seconds East 471.07 feet to an OLD TOWN MONUMENT; thence South 88 degrees, 13 minutes, 35 seconds East 200 feet to an OLD TOWN MONUMENT; thence North 01 degrees, 46 minutes, 25 seconds East 804.81 feet to an OLD TOWN MONUMENT, the POINT AND PLACE OF BEGINNING, and being all of that 260.73 acre tract of land as shown on that Map entitled "Plat to Extend the East Corporate Limits of the TOWN OF BOLTON" Dated 7 March, 2005, by Billy M. Duncan, Land Surveyor and being recorded in the Register of Deeds Office, Columbus County, North Carolina, on the 23rd day of March, 2005, at 3:26:01 p.m. in Plat Book ~~79,~~78, Page 11. Reference is made to said recorded plat for a more particular and accurate description of the premises described herein.

TRACT TWO-WEST

BEGINNING at an OLD TOWN MONUMENT with the N.C. Grid Coordinates: N=208,233.482, E=2,175,586.827, said monument lying South 70 degrees 42 minutes, 35 seconds West 196.78 feet from N.C. Grid Monument "TON" with N.C. Grid coordinates: N=208,419.214, E=2,175,651.834; thence from said Beginning Point North 88 degrees, 22 minutes, 43 seconds West 604.31 feet to a NEW TOWN MONUMENT; thence North 15 degrees 17 minutes, 48 seconds West 2,336.48 feet to a NEW TOWN MONUMENT; thence North 71 degrees, 38 minutes, 14 seconds East 1,374.16 feet to an OLD TOWN MONUMENT, the Northwest corner of the 1915 Act to Incorporate the City of Bolton; thence with the OLD TOWN OF BOLTON LIMITS South 01 degrees, 46 minutes, 25 seconds West 2,705.00 feet to the OLD TOWN MONUMENT, the POINT AND PLACE OF BEGINNING; and being all of that 55.56 acre tract of land as shown on that map entitled "Plat to Extend the West Corporate Limits of the TOWN OF BOLTON" dated 7 March, 2005, by Billy M. Duncan, Land Surveyor, and being recorded in the Register of Deeds Office, Columbus County, N.C., on the 23rd day of March, 2005, at 3:26:15 p.m. in Plat Book ~~79,~~78, Page 12.

Reference is made to said recorded Plat for a more particular and accurate description of the premises described herein."

SECTION 2.(a) The following described property, as annexed by S.L. 2005-141, as amended by Section 1 of this act, is removed from the corporate limits of the Town of Bolton:

TRACT ONE-EAST

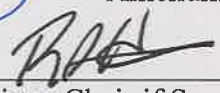
BEGINNING at an OLD TOWN MONUMENT with N.C. Grid Coordinates: N=221,191.759 and E=2,176,127.352; and runs thence South 78 degrees, 29 minutes 59 seconds East 4,459.69 feet to a NEW TOWN MONUMENT; thence South 03 Degrees, 03 minutes, 55 seconds West 2,203.48 feet to another NEW TOWN MONUMENT; thence North 80 degrees 55 minutes 10 seconds West 439.00 feet to another NEW TOWN MONUMENT; thence South 08 degrees, 23 minutes, 54 seconds West 557.63 feet to another NEW TOWN MONUMENT; thence North 80 degrees, 19 minutes 08 seconds West 1,720.45 feet to another NEW TOWN MONUMENT; thence North 57 degrees, 08 minutes, 29 seconds West 2,811.07 feet to another NEW TOWN MONUMENT; thence North 05 degrees 10 minutes, 46 seconds East 492.76 feet to an OLD TOWN MONUMENT; thence North 06 degrees 10 minutes 00 seconds East 471.07 feet to an OLD TOWN MONUMENT; thence South 88 degrees, 13 minutes, 35 seconds East 200 feet to an OLD TOWN MONUMENT; thence North 01 degrees, 46 minutes, 25 seconds East 804.81 feet to an OLD TOWN MONUMENT, the POINT AND PLACE OF BEGINNING, and being all of that 260.73 acre tract of land as shown on that Map entitled "Plat to Extend the East Corporate Limits of the TOWN OF BOLTON" Dated 7 March, 2005, by Billy M. Duncan, Land Surveyor and being recorded in the Register of Deeds Office, Columbus County, North Carolina, on the 23rd day of March, 2005, at 3:26:01 p.m. in Plat Book 78, Page 11. Reference is made to said recorded plat for a more particular and accurate description of the premises described herein.

SECTION 2.(b) This section has no effect upon the validity of any liens of the Town of Bolton 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 Town of Bolton.

SECTION 2.(c) This section becomes effective June 30, 2019. Property in the territory described in Section 2 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.

SECTION 3. Except as otherwise provided, the remainder of this act becomes effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED  _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 1

SENATE BILL 208

Short Title:	Remove Size Restrictions/Certain Polit. Signs.	(Public)
Sponsors:	Senators McInnis, Daniel, and Hise (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

March 11, 2019

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE SIZE RESTRICTIONS FOR POLITICAL SIGNS PLACED ON PRIVATE PROPERTY WITH THE PERMISSION OF THE PROPERTY OWNER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-32 reads as rewritten:

"**§ 136-32. Regulation of signs.**

...

(d) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

(1) No sign shall be permitted in the right-of-way of a fully controlled access highway.

(2) No sign shall be closer than three feet from the edge of the pavement of the road.

(3) No sign shall obscure motorist visibility at an intersection.

(4) No sign shall be higher than 42 inches above the edge of the pavement of the road.

(5) No sign shall be larger than 864 square inches.

(6) No sign shall obscure or replace another sign.

(d1) Subdivision (d)(4) or (d)(5) of this section shall not apply to a political sign that is placed (i) on private property with the permission of the property owner and (ii) outside of any State or municipal right-of-way.

...."

SECTION 2. This act is effective when it becomes law and applies to political signs placed on or after that date.

SENATE BILL 208:
Limit Local Restrictions/Noncommercial Signs.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 8, 2019
Introduced by:	Sens. McInnis, Daniel, Hise	**Prepared by:**	Bill Patterson Committee Co-Counsel
Analysis of:	Amendment to First Edition S208-ATG-16		

OVERVIEW: Amendment ATG-16 to Senate Bill 208 would replace the contents of the original bill with provisions that would prohibit local government regulation of the size or height of noncommercial signs not exceeding specified dimensions that are placed outside of any State highway or municipal street right-of-way on private property with the permission of the owner.

CURRENT LAW:

Local governments are currently authorized to prohibit or regulate the placement of signs on private property under planning and general police powers granted in Articles 6 and 18 of Chapter 153A and Articles 8 and 19 of 160A of the General Statutes.

G.S. 136-32 permits only political signs meeting certain location and size requirements to be placed in the right-of-way of the State highway system during a limited period in connection with primaries and elections. These requirements also apply to a political sign that is placed within the right-of-way of a municipal street if such signs are not prohibited or regulated by a municipal ordinance. For purposes of this statute, a "political sign" is defined as a noncommercial sign that advocates for political action.

AMENDMENT ANALYSIS: Sections 1 and 2 of the bill, as amended, would prohibit county regulation of the size or height of a noncommercial sign, including a political sign as defined in G.S. 136-32, if the sign does not exceed 64 square feet in size and 6 feet in height and is placed on private property with the owner's permission outside of any right-of-way of a State Highway.

Sections 3 and 4 of the bill, as amended, would prohibit municipal regulation of the size or height of a noncommercial sign, including a political sign as defined in G.S. 136-32, if the sign does not exceed 64 square feet in size and 6 feet in height and is placed on private property with the owner's permission outside of any right-of-way of a State Highway or municipal street.

EFFECTIVE DATE: This act is 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.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 208

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S208-ATG-16 [v.2]

Amends Title [YES]
First Edition

Date ~~April 16~~ April 30 ,2019

Senator McInnis

moves to amend the bill on page 1, lines 1-25, by rewriting the lines to read:

"A BILL TO BE ENTITLED

AN ACT TO LIMIT LOCAL REGULATION OF THE SIZE OR HEIGHT OF CERTAIN NONCOMMERCIAL SIGNS PLACED OUTSIDE OF THE RIGHT-OF-WAY ON PRIVATE PROPERTY WITH THE PERMISSION OF THE PROPERTY OWNER.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ G.S. 153A-145.8. Limitation on regulation of political signs.**

Notwithstanding any provision of this Article or any other provision of law, no county shall adopt or continue in effect an ordinance prohibiting or regulating the size or height of a noncommercial sign, including a political sign as defined in G.S. 136-32(c), that does not exceed sixty-four (64) square feet in size or six (6) feet in height, and that is placed on private property with the permission of the owner of the property and outside of any right-of-way of a State highway."

SECTION 2. Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ G.S. 153A-379. Limitation on regulation of political signs.**

Notwithstanding any provision of this Article or any other provision of law, no county shall adopt or continue in effect an ordinance prohibiting or regulating the size or height of a noncommercial sign, including a political sign as defined in G.S. 136-32(c), that does not exceed sixty-four (64) square feet in size or six (6) feet in height, and that is placed on private property with the permission of the owner of the property and outside of any right-of-way of a State highway."

SECTION 3. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ G.S. 160A-205.4. Limitation on regulation of political signs.**

Notwithstanding any provision of this Article or any other provision of law, no municipality shall adopt or continue in effect an ordinance prohibiting or regulating the size or height of a noncommercial sign, including a political sign as defined in G.S. 136-32(c), that does not exceed sixty-four (64) square feet in size or six (6) feet in height, and that is placed on private

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 208

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S208-ATG-16 [v.2]

property with the permission of the owner of the property and outside of any right-of-way of a State highway or municipal street."

SECTION 4. Article 19 of the Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ G.S. 160A-367. Limitation on regulation of political signs.**

Notwithstanding any provision of this Article or any other provision of law, no municipality shall adopt or continue in effect an ordinance prohibiting or regulating the size or height of a noncommercial sign, including a political sign as defined in G.S. 136-32(c), that does not exceed sixty-four (64) square feet in size or six (6) feet in height, and that is placed on private property with the permission of the owner of the property and outside of any right-of-way of a State highway or municipal street."

SECTION 5. This act is effective when it becomes law.", and

by rewriting the short title of the bill to read "Limit Local Restrictions/Noncommercial Signs.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

SENATE BILL 264:
Lee Cty Municipalities/Voluntary Annexations.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 30, 2019
Introduced by:	Sen. Burgin	**Prepared by:**	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: Senate Bill 264 would allow the municipalities in Lee County to conduct a voluntary satellite annexation of property more than three miles from their 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: Senate Bill 264 would exempt municipalities in Lee County from the requirement that property annexed through satellite annexation be located not more than three miles from their primary corporate limits.

EFFECTIVE DATE: Senate Bill 264 would be effective when the bill becomes law.

BACKGROUND: According to information available from the North Carolina League of Municipalities, the City of Sanford and Town of Broadway are the two incorporated municipalities in Lee County.

Karen Cochrane-Brown
Director

S264-SMBD-50 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 264

Short Title:	Lee Cty Municipalities/Voluntary Annexations.	(Local)
Sponsors:	Senator Burgin (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

March 18, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR MUNICIPALITIES IN LEE COUNTY.

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 municipalities in Lee County only.

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

SENATE BILL 316: Affordable Housing.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 30, 2019
Introduced by:	Sens. Wells, Krawiec, Edwards	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 316 directs municipalities with a population of at least 90,000 to report to the General Assembly on local government funding, subsidies, and activities related to affordable housing.

BILL ANALYSIS: Senate Bill 316 requires every municipality with a population of at least 90,000 according to population estimates published by the Office of State Budget and Management to prepare a report on the amount of affordable housing units currently in use in the municipality that are subsidized by local government revenue or tax credits. The report must detail the strategies the municipalities are using to reduce the cost of privately developed housing and must include information on the extent to which those municipalities are engaged in twelve enumerated activities in the bill. The report must be submitted on or before October 1, 2019, to the Joint Legislative Oversight Committee on Local Government and the Fiscal Research Division.

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

Karen Cochrane-Brown
Director

S316-SMRN-29 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 316

Short Title:	Affordable Housing.	(Public)
Sponsors:	Senators Wells, Krawiec, and Edwards (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

March 21, 2019

A BILL TO BE ENTITLED

AN ACT TO DIRECT CERTAIN MUNICIPALITIES TO REPORT TO THE GENERAL ASSEMBLY ON LOCAL GOVERNMENT FUNDING, SUBSIDIES, AND ACTIVITIES RELATED TO AFFORDABLE HOUSING.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Every municipality in this State with a population of at least 90,000, according to the July 1, 2016, Standard Population Estimates published by the Office of State Budget and Management, shall prepare a report on the amount of affordable housing units currently in use in the municipality that are subsidized by local government revenue or tax credits, or that have local government oversight. In addition, the report shall detail the strategies the municipalities are employing to limit the cost of privately developed housing, and shall, at a minimum, include the extent to which municipalities are engaged in the following activities:

(1) Rezoning for densities necessary to assure the production of moderate income housing.
(2) Facilitating the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.
(3) Encouraging the rehabilitation of existing uninhabitable housing stock into moderate income housing.
(4) Considering general fund subsidies to waive construction-related fees that are otherwise generally imposed by the city.
(5) Creating or allowing for, and reducing regulations related to, accessory dwelling units in residential zones.
(6) Allowing for housing in commercial and mixed-use zones.
(7) Encouraging higher density or moderate income residential development near major transit investment corridors.
(8) Eliminating or reducing parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities.
(9) Allowing for single-room occupancy developments.
(10) Preserving existing moderate income housing.
(11) Considering utilization of State or federal funds or tax incentives to promote the construction of moderate income housing.
(12) Considering utilization of programs offered by the Housing Finance Agency within that agency's funding capacity.

SECTION 1.(b) The report detailed in subsection (a) of this section shall be submitted on or before October 1, 2019, to the Joint Legislative Committee on Local Government and the Fiscal Research Division.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 316

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S316-ARN-10 [v.1]

Amends Title [NO]
First Edition

Date April 30 ,2019

Senator Ford

moves to amend the bill on page 2, line 2, by deleting "Joint Legislative Committee on Local Government" and substituting "Joint Legislative Oversight Committee on General Government".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

SENATE BILL 474:
Clean Up Obsolete Boards.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 16, 2019
Introduced by:	Sen. Wells	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	PCS to First Edition S474-CSRN-10		

OVERVIEW: ***Senate Bill 474 abolishes obsolete boards and commissions that are no longer functional. The act is effective when it becomes law.*** ***The Proposed Committee Substitute (PCS) adds Sections 19.1 through 19.4 and makes technical changes.***

BILL ANALYSIS: The PCS for Senate Bill 474 abolishes all of the following and makes conforming changes:

- The Board of Directors of the Certification Entity for the Phase II Settlement Funds.
- The North Carolina Agency for Telecommunications.
- The Charlotte Douglas International Airport Commission.
- The Board of Directors of the Charlotte Regional Partnership.
- The Commission on School Technology.
- The Data Integration Steering Committee.
- The Eastern Carolina Regional Housing Authority Board of Commissioners.
- The Grants Management Oversight Committees.
- The Legislative Commission on Methamphetamine Abuse.
- The Motor Vehicle Dealers' Advisory Board.
- The North Carolina Community Development Council.
- The North Carolina Farmworkers Council.
- The Southern Growth Policies Board.
- The Southern Technology Council.
- The State Advisory Council on Employment Security.
- The State Suggestion Review Committee.
- The Statewide Portal Committee.
- The Oversight Board for Teach for America, Inc.

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 Wholesale Distributor Advisory Committee.
- The Board of Directors of the Public School Forum of North Carolina, Inc.
- The North Carolina Advisory Council on the Eastern Band of the Cherokee.
- The Blount Street Historic District Oversight Committee.
- The State Advisory Council on Indian Education.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 474
PROPOSED COMMITTEE SUBSTITUTE S474-CSRN-10 [v.5]
04/15/2019 04:50:16 PM

Short Title: Clean Up Obsolete Boards. (Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO ABOLISH OBSOLETE BOARDS AND COMMISSIONS THAT ARE NO LONGER FUNCTIONAL.

Whereas, several boards and commissions within State government appear to be no longer functional and should be abolished; and

Whereas, some boards and commissions were established to oversee programs that no longer exist; and

Whereas, certain boards and commissions either have no appointed members, have not met in several years, have not reported recent activity, or have no discoverable information; and

Whereas, as a result of inactivity of some boards and commissions, previous attempts have been made to abolish them; Now, therefore,

The General Assembly of North Carolina enacts:

BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II SETTLEMENT FUNDS

SECTION 1. The Board of Directors of the Certification Entity for Phase II Settlement Funds, as authorized by S.L. 1999-333, is abolished.

NC AGENCY FOR PUBLIC TELECOMMUNICATIONS

SECTION 2. Part 22 of Article 9 of Chapter 143B is repealed.

CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT COMMISSION

SECTION 3. S.L. 2013-358, except Section 2, and S.L. 2014-10 are repealed.

BOARD OF DIRECTORS OF THE CHARLOTTE REGIONAL PARTNERSHIP

SECTION 4. The Board of Directors of the Charlotte Regional Partnership, Inc., as authorized by Article 2 of Chapter 158 of the General Statutes, is abolished.

COMMISSION ON SCHOOL TECHNOLOGY

SECTION 5.(a) G.S. 115C-102.5 is repealed.

SECTION 5.(b) G.S. 115C-102.6 reads as rewritten:

"**§ 115C-102.6. Duty to propose a State school technology plan.**

The State Board of Education shall propose a State school technology plan that ensures the effective use of technology is built into the North Carolina Public School System for the purpose of preparing a globally competitive workforce and citizenry for the 21st century. ~~The~~

~~Commission on School Technology will advise the State Board of Education on the State School Technology Plan and its components.~~"

DATA INTEGRATION STEERING COMMITTEE

SECTION 6. Section 6A.20(b) of S.L. 2011-145 is repealed.

EASTERN CAROLINA REGIONAL HOUSING AUTHORITY BOARD OF COMMISSIONERS

SECTION 7. The Eastern Carolina Regional Housing Authority Board of Commissioners, established pursuant to G.S. 157-35, is abolished.

GRANTS MANAGEMENT OVERSIGHT COMMITTEES

SECTION 8. Section 6A.10 of S.L. 2012-142 and Section 7.14(b) of S.L. 2013-360 are repealed.

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 9.(a) Article 25A of Chapter 120 is repealed.

SECTION 9.(b) G.S. 90-113.64 reads as rewritten:

"**§ 90-113.64. SBI annual report.**

Beginning with the 2011 calendar year, the State Bureau of Investigation shall determine the number of methamphetamine laboratories discovered in the State each calendar year and report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety ~~and to the Legislative Commission on Methamphetamine Abuse~~ by March 1, 2012, for the 2011 calendar year and each March 1 thereafter for the preceding calendar year. The State Bureau of Investigation shall participate in the High Intensity Drug Trafficking Areas (HIDTA) program, assist in coordinating the drug control efforts between local and State law enforcement agencies, and monitor the implementation and effectiveness of the electronic record-keeping requirements included in G.S. 90-113.52A and G.S. 90-113.56. The SBI shall include its findings in the report to the Commission required by this section."

SECTION 9.(c) G.S. 143B-925 reads as rewritten:

"**§ 143B-925. Study and report on use of pseudoephedrine products to make methamphetamine.**

The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse ~~Services, the Legislative Commission on Methamphetamine Abuse,~~ Services and the Joint Governmental Operations Subcommittee on Justice and Public Safety."

MOTOR VEHICLE DEALERS' ADVISORY BOARD

SECTION 10.(a) G.S. 20-305.4 is repealed.

SECTION 10.(b) G.S. 20-305.5 reads as rewritten:

"(*l*) The provisions of G.S. 20-305(4) through G.S. 20-305(28) and G.S. 20-305.2 to ~~G.S. 20-305.4~~ G.S. 20-305.3 shall not apply to manufacturers of or dealers in mobile or manufactured type housing or who sell or distribute only nonmotorized recreational trailers; provided, however, that unless specifically exempted, each of these provisions shall be applicable to all recreational vehicle manufacturers, factory branches, distributors, and distributor branches who sell or distribute any motorized recreational vehicles in this State. The provisions of G.S. 20-305.1 shall not apply to manufacturers of or dealers in mobile or manufactured type housing."

NORTH CAROLINA COMMUNITY DEVELOPMENT COUNCIL

SECTION 11. Part 2A of Article 10 of Chapter 143B of the General Statutes is repealed.

NORTH CAROLINA FARMWORKER COUNCIL

SECTION 12. Part 26 of Article 9 of Chapter 143B of the General Statutes is repealed.

SOUTHERN GROWTH POLICIES BOARD

SECTION 13. Article 55 of Chapter 143 of the General Statutes, being G.S. 143-490 through G.S. 143-506, is repealed.

SOUTHERN TECHNOLOGY COUNCIL

SECTION 14. The Southern Technology Council is abolished.

STATE ADVISORY COUNCIL ON EMPLOYMENT SECURITY

SECTION 15. G.S. 96-4 reads as rewritten:

"**§ 96-4. Administration; powers and duties of the Assistant Secretary; Board of Review.**

...

~~(g) Advisory Councils. The State Advisory Council shall be composed of the Assistant Secretary and 15 persons representing employers, employees, and the general public, to be appointed as follows:~~

~~(1) Five members appointed by the Governor.~~

~~(2) Five members appointed by the President Pro Tempore of the Senate.~~

~~(3) Five members appointed by the Speaker of the House of Representatives.~~

~~Each member shall be appointed for a term of four years. Vacancies on the State Advisory Council shall be filled by the appointing authority. The Assistant Secretary shall serve as chair. A quorum of the State Advisory Council shall consist of the chairman, or such appointed member as he may designate, plus one half of the total appointed members. The function of the Council shall be to aid the Division in formulating policies and discussing problems related to the administration of this Chapter. Each member of the State Advisory Council attending meetings of the Council shall be paid the same amount per diem for his or her services as is provided for the members of other State boards, commissions, and committees who receive compensation for their services, including necessary time spent in traveling to and from his place of residence within the State to the place of meeting while engaged in the discharge of the duties of his office, and his actual mileage and subsistence at the same rate allowed to State officials.~~

(h) Employment Stabilization. – The Secretary of Commerce, in consultation with the Assistant ~~Secretary and with the advice and aid of the advisory councils,~~ Secretary, shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the State, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the State in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

...."

STATE SUGGESTION REVIEW COMMITTEE

SECTION 16.(a) G.S. 143-345.21 reads as rewritten:

"**§ 143-345.21. State employee suggestion program.**

...

(h) Implementation costs may be prorated over a maximum of three years for suggestions or innovations that are capital intensive, involve leading-edge technology, or involve unconventional processes that require longer than 12 months for implementation. The amount of the average annual savings minus the average annual implementation cost shall be used as the basis for the agency to recommend a suggester award. The ~~State Suggestion Review Committee~~ Department of Administration shall consult the Office of State Budget and Management to make the final award determination in these cases.

...."

SECTION 16.(b) G.S. 143-345.23 reads as rewritten:

"**§ 143-345.23. Suggestion and review process; role of agency coordinator and agency evaluator.**

(a) The process for a State employee or team of State employees to submit a cost-saving or revenue-increasing proposal shall begin with the employee or team of employees submitting the suggestion or innovation to an agency coordinator. The agency coordinator, in conjunction with an agency evaluator, shall review the suggestion or innovation for submission to the ~~State Review Committee established in G.S. 143-345.24.~~Department of Administration.

(b) An agency coordinator shall be appointed by the head of each participating agency to serve as liaison between the agency, the suggester, the agency evaluator, and the NC-Thinks office. The duties of the agency coordinator shall include:

(1) Serving as an information source and maintaining sufficient forms necessary to submit suggestions.

(2) Presenting, in conjunction with the agency evaluator, the recommendation for an award to the ~~State Suggestion Review Committee.~~Department of Administration.

(3) Working in conjunction with the agency evaluator to process a particular suggestion or innovation within 180 days, except when there are extenuating circumstances.

An agency may have more than one coordinator if required to provide sufficient services to State employees.

...."

SECTION 16.(c) G.S. 143-345.24 is repealed.

SECTION 16.(d) G.S. 143-345.25 reads as rewritten:

"**§ 143-345.25. Innovations deemed property of the State; effect of decisions regarding bonuses.**

(a) All suggestions or innovations submitted by State employees pursuant to this Article are the property of the State, and all related intellectual property rights shall be assigned to the State. By January 1, 2002, the Office of State Human Resources shall establish a policy regarding intellectual property rights that arise from NC-Thinks.

(b) Decisions regarding the award of bonuses by the agency coordinator and the ~~State Suggestion Review Committee~~ Department of Administration are final and are not subject to review under the contested case procedures of Chapter 150B of the General Statutes."

STATEWIDE PORTAL COMMITTEE

SECTION 17. Section 6A.12(h) of S.L.2012-142 is repealed.

TEACH FOR AMERICA, INC. OVERSIGHT BOARD

SECTION 18. The Oversight Board for Teach For America, Inc., is abolished.

WHOLESALE DISTRIBUTOR ADVISORY COMMITTEE

SECTION 19. G.S. 106-145.11 is repealed.

THE BOARD OF DIRECTORS OF THE PUBLIC SCHOOL FORUM OF NORTH CAROLINA, INC.

SECTION 19.1 The Board of Directors of the Public School Forum of North Carolina, Inc. is abolished.

NORTH CAROLINA ADVISORY COUNCIL ON THE EASTERN BAND OF THE CHEROKEE

SECTION 19.2. Part 15A of Chapter 143B of the General Statutes is repealed.

BLOUNT STREET HISTORIC DISTRICT OVERSIGHT COMMITTEE

SECTION 19.3. The Blount Street Historic Oversight Committee established in S.L. 2003-404 is repealed.

STATE ADVISORY COUNCIL ON INDIAN EDUCATION

SECTION 19.4. Article 13A of Chapter 115C of the General Statutes is repealed.

EFFECTIVE DATE

SECTION 20. This act is effective when it becomes law.

SENATE BILL 474

Short Title:	Clean Up Obsolete Boards.	(Public)
Sponsors:	Senator Wells (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO ABOLISH OBSOLETE BOARDS AND COMMISSIONS THAT ARE NO LONGER FUNCTIONAL.

Whereas, several boards and commissions within State government appear to be no longer functional and should be abolished; and

Whereas, some boards and commissions were established to oversee programs that no longer exist; and

Whereas, certain boards and commissions either have no appointed members, have not met in several years, have not reported recent activity, or have no discoverable information; and

Whereas, as a result of inactivity of some boards and commissions, previous attempts have been made to abolish them; Now, therefore,

The General Assembly of North Carolina enacts:

BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II SETTLEMENT FUNDS

SECTION 1. The Board of Directors of the Certification Entity for Phase II Settlement Funds, as authorized by S.L. 1999-333, is abolished.

NC AGENCY FOR PUBLIC TELECOMMUNICATIONS

SECTION 2. Part 2 of Article 9 of Chapter 143B is repealed.

CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT COMMISSION

SECTION 3. S.L. 2013-358, except Section 2, and S.L. 2014-414 are repealed.

BOARD OF DIRECTORS OF THE CHARLOTTE REGIONAL PARTNERSHIP

SECTION 4. The Board of Directors of the Charlotte Regional Partnership, Inc., as authorized by Article 2 of Chapter 158 of the General Statutes, is abolished.

COMMISSION ON SCHOOL TECHNOLOGY

SECTION 5.(a) G.S. 115C-102.5 is repealed.

SECTION 5.(b) G.S. 115-102.6 reads as rewritten:

"**§ 115C-102.6. Duty to propose a State school technology plan.**

The State Board of Education shall propose a State school technology plan that ensures the effective use of technology is built into the North Carolina Public School System for the purpose of preparing a globally competitive workforce and citizenry for the 21st century. ~~The~~

~~Commission on School Technology will advise the State Board of Education on the State School Technology Plan and its components.~~"

DATA INTEGRATION STEERING COMMITTEE

SECTION 6. Section 6A.20(b) of S.L. 2011-145 is repealed.

EASTERN CAROLINA REGIONAL HOUSING AUTHORITY BOARD OF COMMISSIONERS

SECTION 7. The Eastern Carolina Regional Housing Authority Board of Commissioners, established pursuant to G.S. 157-35, is abolished.

GRANTS MANAGEMENT OVERSIGHT COMMITTEES

SECTION 8. Section 6A.7(b1) of S.L.2012-142 and Section 7.14(b) of S.L. 2013-360 are repealed.

LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE

SECTION 9.(a) Article 25A of Chapter 120 is repealed.

SECTION 9.(b) G.S. 90-113.64 reads as rewritten:

"**§ 90-113.64. SBI annual report.**

Beginning with the 2011 calendar year, the State Bureau of Investigation shall determine the number of methamphetamine laboratories discovered in the State each calendar year and report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety ~~and to the Legislative Commission on Methamphetamine Abuse~~ by March 1, 2012, for the 2011 calendar year and each March 1 thereafter for the preceding calendar year. The State Bureau of Investigation shall participate in the High Intensity Drug Trafficking Areas (HIDTA) program, assist in coordinating the drug control efforts between local and State law enforcement agencies, and monitor the implementation and effectiveness of the electronic record-keeping requirements included in G.S. 90-113.52A and G.S. 90-113.56. The SBI shall include its findings in the report to the Commission required by this section."

SECTION 9.(c) G.S. 143B-925 reads as rewritten:

"**§ 143B-925. Study and report on use of pseudoephedrine products to make methamphetamine.**

The State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and report annually to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse ~~Services, the Legislative Commission on Methamphetamine Abuse,~~ Services and the Joint Governmental Operations Subcommittee on Justice and Public Safety."

MOTOR VEHICLE DEALERS' ADVISORY BOARD

SECTION 10.(a) G.S. 20-305.4 is repealed.

SECTION 10.(b) G.S. 20-305.5 reads as rewritten:

"(*l*) The provisions of G.S. 20-305(4) through G.S. 20-305(28) and G.S. 20-305.2 to ~~G.S. 20-305.4~~ G.S. 20-305.3 shall not apply to manufacturers of or dealers in mobile or manufactured type housing or who sell or distribute only nonmotorized recreational trailers; provided, however, that unless specifically exempted, each of these provisions shall be applicable to all recreational vehicle manufacturers, factory branches, distributors, and distributor branches who sell or distribute any motorized recreational vehicles in this State. The provisions of G.S. 20-305.1 shall not apply to manufacturers of or dealers in mobile or manufactured type housing."

NORTH CAROLINA COMMUNITY DEVELOPMENT COUNCIL

SECTION 11. Part 2A of Article 10 of Chapter 143B of the General Statutes is repealed.

NORTH CAROLINA FARMWORKER COUNCIL

SECTION 12. Part 26 of Article 9 of Chapter 143B of the General Statutes is repealed.

SOUTHERN GROWTH POLICIES BOARD

SECTION 13. Article 55 of Chapter 143 of the General Statutes, being G.S. 143-490 through G.S. 143-506, is repealed.

SOUTHERN TECHNOLOGY COUNCIL

SECTION 14. The Southern Technology Council is abolished.

STATE ADVISORY COUNCIL ON EMPLOYMENT SECURITY

SECTION 15. G.S. 96-4 reads as rewritten:

"**§ 96-4. Administration; powers and duties of the Assistant Secretary; Board of Review.**

...

~~(g) Advisory Councils. The State Advisory Council shall be composed of the Assistant Secretary and 15 persons representing employers, employees, and the general public, to be appointed as follows:~~

~~(1) Five members appointed by the Governor.~~

~~(2) Five members appointed by the President Pro Tempore of the Senate.~~

~~(3) Five members appointed by the Speaker of the House of Representatives.~~

~~Each member shall be appointed for a term of four years. Vacancies on the State Advisory Council shall be filled by the appointing authority. The Assistant Secretary shall serve as chair. A quorum of the State Advisory Council shall consist of the chairman, or such appointed member as he may designate, plus one half of the total appointed members. The function of the Council shall be to aid the Division in formulating policies and discussing problems related to the administration of this Chapter. Each member of the State Advisory Council attending meetings of the Council shall be paid the same amount per diem for his or her services as is provided for the members of other State boards, commissions, and committees who receive compensation for their services, including necessary time spent in traveling to and from his place of residence within the State to the place of meeting while engaged in the discharge of the duties of his office, and his actual mileage and subsistence at the same rate allowed to State officials.~~

(h) Employment Stabilization. – The Secretary of Commerce, in consultation with the Assistant ~~Secretary and with the advice and aid of the advisory councils,~~ Secretary, shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the State, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the State in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

...."

STATE SUGGESTION REVIEW COMMITTEE

SECTION 16.(a) G.S. 143-345.21 reads as rewritten:

"**§ 143-345.21. State employee suggestion program.**

...

(h) Implementation costs may be prorated over a maximum of three years for suggestions or innovations that are capital intensive, involve leading-edge technology, or involve unconventional processes that require longer than 12 months for implementation. The amount of the average annual savings minus the average annual implementation cost shall be used as the basis for the agency to recommend a suggester award. The ~~State Suggestion Review Committee~~ Department of Administration shall consult the Office of State Budget and Management to make the final award determination in these cases.

...."

SECTION 16.(b) G.S. 143-345.23 reads as rewritten:

"**§ 143-345.23. Suggestion and review process; role of agency coordinator and agency evaluator.**

(a) The process for a State employee or team of State employees to submit a cost-saving or revenue-increasing proposal shall begin with the employee or team of employees submitting the suggestion or innovation to an agency coordinator. The agency coordinator, in conjunction with an agency evaluator, shall review the suggestion or innovation for submission to the ~~State Review Committee established in G.S. 143-345.24.~~Department of Administration.

(b) An agency coordinator shall be appointed by the head of each participating agency to serve as liaison between the agency, the suggester, the agency evaluator, and the NC-Thinks office. The duties of the agency coordinator shall include:

(1) Serving as an information source and maintaining sufficient forms necessary to submit suggestions.

(2) Presenting, in conjunction with the agency evaluator, the recommendation for an award to the ~~State Suggestion Review Committee.~~Department of Adminstration.

(3) Working in conjunction with the agency evaluator to process a particular suggestion or innovation within 180 days, except when there are extenuating circumstances.

An agency may have more than one coordinator if required to provide sufficient services to State employees.

...."

SECTION 16.(c) G.S. 143-345.24 is repealed.

SECTION 16.(d) G.S. 143-345.25 reads as rewritten:

"**§ 143-345.25. Innovations deemed property of the State; effect of decisions regarding bonuses.**

(a) All suggestions or innovations submitted by State employees pursuant to this Article are the property of the State, and all related intellectual property rights shall be assigned to the State. By January 1, 2002, the Office of State Human Resources shall establish a policy regarding intellectual property rights that arise from NC-Thinks.

(b) Decisions regarding the award of bonuses by the agency coordinator and the ~~State Suggestion Review Committee~~ Department of Administration are final and are not subject to review under the contested case procedures of Chapter 150B of the General Statutes."

STATEWIDE PORTAL COMMITTEE

SECTION 17. Section 6A.12(h) of S.L.2012-142 is repealed.

TEACH FOR AMERICA, INC. OVERSIGHT BOARD

SECTION 18. The Oversight Board for Teach For America, Inc., is abolished.

WHOLESALE DISTRIBUTOR ADVISORY COMMITTEE

SECTION 19. G.S. 106-145.11 is repealed.

EFFECTIVE DATE

SECTION 20. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 474

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

S474-ARN-11 [v.3]

Amends Title [NO]
S474-CSRN-10

Date April 30 ,2019

Senator Ford

moves to amend the bill on page 4, lines 7 and 41, by deleting "Department of Administration" and substituting "Office of State Human Resources";

and on page 4, lines 17 and 24-25, by deleting "Department of Administration." and substituting "Office of State Human Resources.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

S474-ARN-11-V-3

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 474

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S474-AST-10 [v.2]

Amends Title [NO]
S-474-CSRN-10 [v.5]

Date April 30 ,2019

Senator Ford

moves to amend the bill on page 5, lines 1-4, by rewriting those line to read:

"MOTOR VEHICLE DEALERS' ADVISORY BOARD

SECTION 19.1.(a) G.S. 20-305.4 is repealed.

SECTION 19.1.(b) G.S. 20-305.5(*l*) reads as rewritten:

"(*l*) The provisions of G.S. 20-305(4) through G.S. 20-305(28) and G.S. 20-305.2 to ~~G.S. 20-305.4~~G.S. 20-305.3 shall not apply to manufacturers of or dealers in mobile or manufactured type housing or who sell or distribute only nonmotorized recreational trailers; provided, however, that unless specifically exempted, each of these provisions shall be applicable to all recreational vehicle manufacturers, factory branches, distributors, and distributor branches who sell or distribute any motorized recreational vehicles in this State. The provisions of G.S. 20-305.1 shall not apply to manufacturers of or dealers in mobile or manufactured type housing."

SECTION 19.1.(c) This section becomes effective June 30, 2022.";

and on page 5, line 11, by inserting the word "District" between the words "Historic Oversight".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

SENATE BILL 458:
Establish Posttraumatic Stress Injury Day.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 29, 2019
Introduced by:	Sens. Brown, J. Jackson, Burgin	**Prepared by:**	Bill Patterson Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 458 would designate July 27 of each year as Posttraumatic Stress Injury Awareness Day in North Carolina.

BILL ANALYSIS: Senate Bill 458 would enact G.S. 103-15, designating July 27 as Posttraumatic Stress Injury Awareness Day in North Carolina.

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

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 458

Short Title:	Establish Posttraumatic Stress Injury Day.	(Public)
Sponsors:	Senators Brown, J. Jackson, and Burgin (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

April 2, 2019

A BILL TO BE ENTITLED

AN ACT DESIGNATING POSTTRAUMATIC STRESS INJURY AWARENESS DAY IN NORTH CAROLINA.

Whereas, all citizens of the United States possess the basic human right to the preservation of personal dignity; and

Whereas, all citizens of the United States deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being; and

Whereas, the diagnosis known as posttraumatic stress disorder (PTSD) was initially formulated in 1980 by the American Psychiatric Association to more accurately assess and assist veterans who had endured severe combat stress in Vietnam; and

Whereas, combat stress is an invisible wound which has historically been unjustly portrayed as a mental illness caused by a preexisting flaw of character or ability, and that the word "disorder" carries a stigma which perpetuates this misconception; and

Whereas, it has been shown through electromagnetic imaging that these invisible wounds can cause physical changes to the brain which more accurately describe an injury than a disorder; and

Whereas, referring to invisible wounds as a disorder can discourage the injured from seeking proper and timely medical treatment; and

Whereas, referring to invisible wounds as posttraumatic stress injury (PTSI) is less stigmatizing and viewed as more honorable, and this designation can favorably influence those affected and encourage them to seek treatment without fear of retribution or shame; and

Whereas, PTSI can occur following exposure to extremely traumatic events other than combat such as interpersonal violence, life-threatening accidents, and natural disasters; and

Whereas, PTSI-satisfying criteria A through H of the diagnosis for PTSD in the Diagnostic Statistical Manual deserves disability compensation equal to that allowed for PTSD under the law; and

Whereas, timely and appropriate treatment of PTSI can diminish complications and avert suicides; and

Whereas, all citizens suffering PTSIs deserve our compassion and consideration, those brave men and women of the United States Armed Forces who have received these wounds in operational action against an enemy of the United States further deserve our clear and obvious recognition; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 103 of the General Statutes is amended by adding a new section to read:

"**§ 103-15. Posttraumatic stress injury awareness.**

June 27 of each year is designated as Posttraumatic Stress Injury Awareness Day in North Carolina."

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

264 ✓
316
474
458

SPEAKER SIGN-UP SHEET

Senate Committee on State and Local Government

April 30, 2019 2:00PM Rm. 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Donna Bowen	201

09-22-2016

Public Sign-in

Senate Committee on Appropriations/Base Budget

April 30, 2019 2:00PM Rm. 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
[illegible]	FPA
DALE Young	Johnson Properties R/A
Jim Johnson	Johnson Properties
Lockhart Taylor	DES

09-22-2016

Public Sign-in

Senate Committee on Appropriations/Base Budget

April 30, 2019 2:00PM Rm. 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Ashley Tyler	N/A - Student
Rosha Fortson	SEANC
Dana Fenton	City of Charlotte
Johanna Reese	NCACC
April Neumann	MWC
CLIFF ISAAC	NCDOI - OSFM
Tonya Horton	OSHR
Tim Wiggins	AP LLC
Nancy Thompson	Weyerhaeuser
John Hatcher	NC Forestry Assn.
Stewart Wann	NCFB
Hugh Johnson	NCAFC

09-22-2016

Public Sign-in

Senate Committee on Appropriations/Base Budget

April 30, 2019 2:00PM Rm. 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Hampton Billips	KTS
Amanda Donovan	KTS
Chandler Spaulding	SA
Becki Gray	NCFB
Logan Padgett	NCFB
[illegible]	NCCBA
Joe Bost	CRBA
JERRY SCHILL	NC Fisheries
Glenn Skinner	NC Fisheries

09-22-2016

Public Sign-in

Senate Committee on Appropriations/Base Budget

April 30, 2019 2:00PM Rm. 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Erin Wynia	NCLM
Will Parry-Hill	NCHFA
Quanisha Collins	NCHFA
Loretta Cooper	
Cady Thomas	FPA
Michael Barnhill	NCA
Alfre Umberhess	NCCN
Justin DeLancey	NCDOT
Deans Eatman	NCDOT
Rick LASHmit	Auction DAY
Phyllis Shaw	
Donna Bowen	
Tim Mc	NCBA

09-22-2016

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Senate Committee on State and Local Government

April 30, 2019 2:00PM Rm. 1124/1224

Senate Sergeant-At-Arms

Terry Edmundson

Michael Caviness

Senate Pages Attending

COMMITTEE: State & Local Gov't **ROOM:** 1124

DATE: 4-30 **TIME:** 2 pm

PLEASE PRINT LEGIBLY....*or else!!!!!*

Page Name	Hometown	Sponsoring Senator
1. Grace Kromke	Wilmington	Peterson
2. Miranda Johnson	Raleigh	Berger
3. Koen Rodabaugh	Raleigh	Berger
4. Payne Stone	Lumberton	Britt
5. Walker Rich	Edenton	Steinburg
6.		
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	May 15, 2019	3:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 416	Recruit/Retain Vol. Firefighters. For discussion only	Senator Daniel Senator T. Alexander Senator Britt

Senator J. Alexander, Chair

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Wednesday, May 15, 2019, 3:00 PM
1124/1224 Legislative Building

AGENDA

WELCOME & OPENING REMARKS

INTRODUCTION OF PAGES & SERGEANT-AT ARMS

AGENDA ITEMS

BILL NO.	SHORT TITLE	SPONSOR
SB 416	Recruit/Retain Vol. Firefighters. For discussion only	Senator Daniel Senator T. Alexander Senator Britt

ADJOURNMENT

Senate Committee on State and Local Government
Wednesday, May 15, 2019 at 3:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 3:00 PM on May 15, 2019 in Room 1124/1224 of the Legislative Building. 10 members were present.

Senator John M. Alexander, Jr., Chair, presided.

Senator Alexander welcomed committee members and guests. He introduced the Sergeants-at-Arms Dwight Green, Jim Hamilton and Sheree Hedrick. He also introduced Senate Pages Kennedy Worrell, sponsored by Senator Steinburg, Aditya Bolosu, sponsored by Senator Marcus, Stephen Cosner, sponsored by Senator Brown, Alyson Thompson, sponsored by Senator Lowe and Camryn Barefoot, sponsored by Senator Burgin.

SB 416 Recruit/Retain Vol. Firefighters. (Senators Daniel, T. Alexander, Britt)
Senator Burgin approved the motion to bring the PCS forward and motion passed. Senator Daniel discussion the PCS and explained the provisions. Senator T. Alexander spoke in support of the bill/PCS. Senator Britt spoke on the bill/PCS. Senator Daniel fielded questions from Senator Burgin, Senator Gallimore, Senator Horner and Senator Peterson. Tim Bradley, Executive Director NC State Firefighters' Association, and Sarah Collins, Legislative and Regulatory Counsel NC League of Municipalities, spoke in support of this legislation.
This bill was for discussion only.

The meeting adjourned at 3:20 PM.

Senator John M. Alexander, Jr., Chair
Presiding

Jessica Daigler-Walls, Committee Clerk

SENATE BILL 416

Short Title:	Recruit/Retain Vol. Firefighters.	(Public)
Sponsors:	Senators Daniel, T. Alexander, and Britt (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

April 1, 2019

A BILL TO BE ENTITLED

AN ACT TO ENACT THE VOLUNTEER FIREFIGHTER RECRUITMENT AND RETENTION ACT OF 2019.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1. This act shall be known and may be cited as the "Volunteer Firefighter Recruitment and Retention Act of 2019."

PART II. NORTH CAROLINA FIREFIGHTERS FELLOWS PROGRAM

SECTION 2.(a) G.S. 58-78-1 through G.S. 58-78-20 are recodified as Part 1 of Article 78 of Chapter 58 of the General Statutes and entitled "General Provisions."

SECTION 2.(b) Article 78 of Chapter 58 of the General Statutes is amended by adding the following new Part to read:

"Part 2. North Carolina Firefighters Fellows Program.

"**§ 58-78-25. Definitions.**

The following definitions apply in this Part:

(1) NCSFA. – The North Carolina State Firefighters' Association.

(2) Commission. – The North Carolina Fire and Rescue Commission established in Part 1 of this Article.

(3) Committee. – The North Carolina Firefighters Fellows Committee.

(4) Community college. – Defined in G.S. 115D-2.

(5) State roster. – Roster maintained by the North Carolina State Firefighters' Association and the North Carolina Department of State Treasurer as provided in G.S. 58-86-25.

(6) Eligible fire department. – Defined in G.S. 58-86-2.

(7) Eligible firefighter professions. – State Firefighters on the official State roster maintained by the North Carolina State Firefighters' Association.

(8) Program. – The North Carolina Firefighters Fellows Program.

(9) Recipient. – An individual selected by the Committee to receive a forgivable loan under the Program.

"**§ 58-78-30. North Carolina Firefighters Fellows Committee established; membership.**

(a) Committee Established. – There is established the North Carolina Firefighters Fellows Committee. The Committee shall oversee Program components, including forgivable loan recipient selection criteria, selection procedures, and selection of recipients to receive forgivable loans.

(b) Membership. – The Committee shall consist of 10 members who shall be appointed by the chair of the Commission as follows:

(1) Two members of the Commission.

(2) Two members representing the NCSFA.

(3) Two members representing the North Carolina Association of Fire Chiefs.

(4) Three at-large members representing three different regions of the State as defined by the NCSFA.

(5) The President of the North Carolina Community College System or the President's designee, ex officio.

(c) Terms of Office. – Appointments to the Committee shall be for two-year terms, commencing July 1, 2019.

(d) Chair; Meetings. – The chair of the Commission shall call the first meeting of the Committee. The Committee members shall elect a chair and a vice-chair from the membership of the Committee pursuant to the Commission's bylaws to serve one-year terms. The Committee shall meet regularly at times and places deemed necessary by the chair or, in the absence of the chair, by the vice-chair.

(e) Expenses. – Committee members shall receive per diem, subsistence, and travel allowances in accordance with G.S. 138-5 or G.S. 138-6, as appropriate.

(f) Vacancies. – If a vacancy occurs in the membership of the Committee, the chair of the Commission shall appoint another person meeting the same qualifications to serve for the balance of the unexpired term.

"**§ 58-78-35. North Carolina Firefighters Fellows Program established; administration; criteria.**

(a) Program. – There is established the North Carolina Firefighters Fellows Program to be administered by the Committee with the assistance of the Office of State Fire Marshal. The purpose of the Program is to increase the number of fire service professionals by providing forgivable loans to exceptional individuals to obtain applied associate degrees in fire protection or other Committee-approved related fields of study as preparation to enter a fire service profession or provide volunteer service to their community.

(b) Program Administrator. – The Commissioner shall select a staff member from the Office of State Fire Marshal, with the consent of the Committee, to serve as the Program administrator. The Program administrator will be responsible for all administrative duties and oversight of the Program as established by the Committee. The Program administrator's duties shall include conduct of the following recruitment activities:

(1) Targeted visits to eligible departments.

(2) Identification of high school graduates who, due to economic or other circumstances, are displaced, unemployed, or underemployed.

(3) Identification of high school seniors who demonstrate an interest in becoming a fire service professional or providing volunteer service in their community.

(4) Engagement with fire service professionals and leaders in eligible departments for input regarding the Program and identification of potential loan recipients.

(5) Attendance of high school career days, job fairs, and other activities to recruit qualified individuals into the Program.

(c) Awards of Forgivable Loans. – The Program shall provide forgivable loans of up to three thousand one hundred fifty-two dollars ($3,152) per year for up to two years to selected individuals. The funds from the forgivable loans may be used for tuition, fees, and the cost of books. The Committee may determine the maximum amount of loan proceeds that may be applied to community college fees and course textbooks. The number of forgivable loans awarded annually shall not exceed 100 and the total number of recipients in the Program each year shall not exceed 200. The Committee shall select recipients no later than June 1 of each year.

(d) Eligibility Criteria. – An applicant must be on the State roster of an eligible department at the time of application, a resident for tuition purposes as defined in G.S. 116-143.1, a high school graduate or a high school senior who will graduate from high school by the end of the current academic year, and demonstrate the intent upon completion of the Program to be employed or volunteer for an eligible department. An applicant who has been convicted of any of the following is ineligible to receive a forgivable loan:

(1) A felony.

(2) A crime for which the punishment could have been imprisonment for more than two years.

(3) A crime or unlawful act defined as a Class B misdemeanor within the five-year period prior to the date of application.

(4) Four or more crimes or unlawful acts defined as Class A misdemeanors, except the trainee may be enrolled if the last conviction date occurred more than two years prior to the date of application.

(5) A combination of four or more Class A misdemeanors or Class B misdemeanors regardless of the date of conviction.

(e) Application Process. – The Committee may specify required application materials, including a certified State and local background check for applicants who are at least 18 years of age. Application materials and Committee deliberations are confidential and are not a public record as defined in G.S. 132-1. The Committee shall publish application, award, and notification deadlines and provide written notification to applicants regarding the outcome of the Committee's deliberations.

(f) Award of Forgivable Loan. – The Committee shall adopt standards for awarding forgivable loans based on measures the Committee deems appropriate, including the following, and the selection of recipients by the Committee shall be final:

(1) Scholastic Profile as determined by SAT or ACT scores, grade point average, and class rank when available.

(2) Potential for excellence in a firefighting profession.

(3) School and community service.

(4) At least two references.

(5) Demonstrated writing ability.

(g) Administration of Forgivable Loan Awards. – Upon the naming of recipients by the Committee, the Office of State Fire Marshal shall perform all administrative functions necessary to implement this Article, which functions shall include dissemination of information, disbursement, receipt, liaison with participating community colleges, determination of the acceptability of service repayment agreements, and all other functions necessary for the execution, payment, and enforcement of promissory notes required under this Article.

(h) Recipient Obligations. – A recipient must become and remain a student at a North Carolina community college in an applied associate degree in fire protection or in a Committee-approved related field of study at all times during each of the recipient's two academic years of community college study and pursue continuously studies that will qualify the recipient to be employed or volunteer in an eligible fire service department upon graduation. The recipient must maintain a minimum cumulative 2.0 GPA throughout the course of study and also maintain appropriate credit hours for each semester to obtain an applied associate degree in fire protection or Committee-approved field of study within three years. The recipient must also remain on the State roster in an eligible department as a fire service volunteer or professional for at least four out of five years following graduation. The Committee may adopt additional recipient obligations it deems appropriate.

(i) Annual Report. – The Program administrator, in coordination with the Committee, shall report no later than January 1, 2021, and annually thereafter, to the North Carolina Fire and Rescue Commission:

(1) The number of forgivable loans awarded for each academic year disaggregated by geographic area and other demographic information.
(2) Aggregated student performance, retention, and graduation rates.
(3) Forgiveness, termination, default, and repayment rates.
(4) Retention rates of recipients within eligible departments disaggregated by department, county, and region.

"**§ 58-78-40. Terms of forgiveable loans; repayment; default.**

(a) Forgivable Loans. – All forgivable loans shall be evidenced by notes made payable to the Program that bear interest at a rate not to exceed ten percent (10%) per year as set by the Committee and beginning on the first day of September after the completion of the Program or 60 days after termination of the forgivable loan, whichever is earlier. The forgivable loan may be terminated upon the recipient's withdrawal from school, by the recipient's failure to meet the standards set by the Committee, or by the recipient's default based on conditions set by the Committee. The Committee may only disburse funds to the community college where the recipient is enrolled and may not disburse funds directly to a recipient.

(b) Forgiveness. – The Committee shall forgive the loan and any interest accrued on the loan if, within five years after obtaining an applied associate degree in fire protection or Committee-approved field of study, the recipient is a volunteer or employed on a full-time basis for a period of at least four years in an eligible department. The recipient shall provide the Committee within 60 days of completion of the Program verification of the recipient's intent to maintain or seek membership or employment as a firefighter in an eligible department. The recipient's verification of employment or volunteer status shall be maintained on the official annual State roster each year until the obligation is satisfied. The Committee shall also forgive the loan if it finds that it is impossible for the recipient to meet the terms of the loan due to death or permanent disability of the recipient.

(c) Extension. – The Committee may extend repayment of the loan for up to two years on a year-to-year basis for each year if (i) the recipient is on active duty with the Armed Forces of the United States or (ii) the Committee determines that circumstances warrant an extension.

(d) Repayment. – If the recipient notifies the Committee that the recipient intends to forego forgiveness of the loan after completion of the Program, the Committee shall provide the recipient with the conditions of repayment and the recipient will have 60 days to begin repayment of all funds distributed, including interest. The recipient will have up to 60 months to repay all funds distributed, including interest.

(e) Default. – The Committee shall determine the events that constitute a default during the Program, including, but not limited to, failure by the recipient to comply with the obligations set out in this Part. In the event of default during the Program, the Committee may declare the entire unpaid amount of indebtedness evidenced by the note, including interest, immediately due and payable. A default shall preclude further participation by the recipient in the Program. Upon default, the Committee shall notify the recipient, in writing, by certified mail, return receipt requested, addressed to the recipient at the last address on file with the Committee. Refusal or nondelivery at that address will be deemed delivered after seven days. The Committee may allow a recipient who is in default to repay all funds distributed, including interest. If the Committee approves repayment, the recipient will receive the conditions of repayment and will have 60 days to begin repayment of all funds distributed, including interest. The recipient will have up to 60 months to repay all funds distributed, including interest."

SECTION 2.(c) This section becomes effective July 1, 2019, and applies to the award of forgivable loans beginning with the 2020-2021 academic year.

PART III. HUNTING AND FISHING LICENSE FEE WAIVERS

SECTION 3.(a) G.S. 113-276 is amended by adding a new subsection to read:

"(o) The Wildlife Resources Commission shall adopt rules to provide for waiver of fees for hunting, fishing, trapping, and activity licenses issued and administered by the Wildlife Resources Commission to eligible members of volunteer fire departments as set forth in this subsection. For purposes of this subsection "eligible members" are any individuals appearing on the certified roster of eligible firefighters submitted to the North Carolina State Firefighters' Association under G.S. 58-86-25.

(1) Firefighters who are eligible members of a volunteer fire department during the prior fiscal year shall receive a waiver of license fees for any annual license issued during the following fiscal year.

(2) Firefighters who are eligible members of a volunteer fire department in each of 10 consecutive fiscal years shall receive a waiver of license fees for any lifetime license issued under this Article."

SECTION 3.(b) G.S. 113-174.2 is amended by adding a new subsection to read:

"(e) Fee Waiver. – The Wildlife Resources Commission shall waive the fee charged for licenses issued under this section to members of volunteer fire departments as follows:

(1) For firefighters who are eligible members of a volunteer fire department during the prior fiscal year, a waiver of the fee for an annual license.

(2) For firefighters who are eligible members of a volunteer fire department in each of 10 consecutive fiscal years, a waiver of the fee for a lifetime license.

For purposes of this subsection, "eligible members" shall have the definition set forth in G.S. 113-276(o)."

SECTION 3.(c) This section becomes effective October 1, 2019.

PART IV. TAX INCENTIVE

SECTION 4.(a) G.S. 105-275 reads as rewritten:

"**§ 105-275. Property classified and excluded from the tax base.**

The following classes of property are designated special classes under Article V, Sec. 2(2), of the North Carolina Constitution and are excluded from tax:

...

(50) Twenty-five percent (25%) of the assessed value of housing together with the necessary land therefor, owned and used as a primary residence by an unpaid member of a volunteer fire department who (i) attended at least 36 hours of fire department drills and meetings during the taxable year and (ii) has more than five years of volunteer fire service."

SECTION 4.(b) This section is effective for taxes imposed for taxable years beginning on or after July 1, 2019.

PART V. INCREASE PENSION FUND MEMBER PAYMENTS

SECTION 5.(a) G.S. 58-86-35 reads as rewritten:

"**§ 58-86-35. Firefighters' application for membership in fund; monthly payments by members; payments credited to separate accounts of members; termination of membership.**

Those firefighters who are eligible pursuant to G.S. 58-86-25 may apply to the board for membership. Each firefighter upon becoming a member of the fund shall pay the director of the fund the sum of ~~ten dollars ($10.00)~~ fifteen dollars ($15.00) per month; each payment shall be made no later than March 31 subsequent to the end of the calendar year in which the month occurred. The Pension Fund shall not award fully credited service based on payments received later than March 31 subsequent to the end of the calendar year in which the month occurred unless the payment is applied as provided in G.S. 58-86-45(a1). The monthly payments shall be credited to the separate account of the member and shall be kept by the custodian so it is available for payment on withdrawal from membership or retirement.

A member may elect to terminate membership in the fund at any time and request the refund of payments previously made to the fund. However, a member's delinquency in making the monthly payments required by this section does not result in the termination of membership without such an election by the member."

SECTION 5.(b) G.S. 58-86-40 reads as rewritten:

"**§ 58-86-40. Rescue squad worker's application for membership in funds; monthly payments by members; payments credited to separate accounts of members; termination of membership.**

Those rescue squad workers eligible pursuant to G.S. 58-86-30 may apply to the board for membership. Each eligible rescue squad worker upon becoming a member shall pay the director of the fund the sum of ~~ten dollars ($10.00)~~ fifteen dollars ($15.00) per month; each payment shall be made no later than March 31 subsequent to the end of the calendar year in which the month occurred. The Pension Fund shall not award fully credited service based on payments received later than March 31 subsequent to the end of the calendar year in which the month occurred unless the payment is applied as provided in G.S. 58-86-45(a1). The monthly payments shall be credited to the separate account of the member and shall be kept by the custodian so it is available for payment on withdrawal from membership or retirement.

A member may elect to terminate membership in the fund at any time and request the refund of payments previously made to the fund. However, a member's delinquency in making the monthly payments required by this section does not result in the termination of membership without such an election by the member."

SECTION 5.(c) G.S. 58-86-45 reads as rewritten:

"**§ 58-86-45. Additional retroactive membership.**

...

(b) An eligible firefighter or rescue squad worker who is not yet 35 years old may apply to the board of trustees for membership in the fund at any time. Upon becoming a member, the worker may make a lump sum payment of ~~ten dollars ($10.00)~~ fifteen dollars ($15.00) per month retroactively to the time the worker first became eligible to become a member, plus interest at an annual rate to be set by the board upon advice from actuary for each year of retroactive payments. Upon making this lump sum payment, the worker shall be given credit for all prior service in the same manner as if the worker had applied for membership upon first becoming eligible.

(c) A member of the Pension Fund who is not yet 35 years old may receive credit for the prior service upon making a lump sum payment of ~~ten dollars ($10.00)~~ fifteen dollars ($15.00) for each month since the worker first became eligible, plus interest at an annual rate to be set by the board for each year of retroactive payments. Upon making this lump sum payment, the date of membership shall be the same as if the worker had applied for membership upon first becoming eligible. This provision for the payment of a lump sum for service "not otherwise creditable" shall apply, inter alia, to all purchases of service credits for months as to which timely payments were not previously made pursuant to G.S. 58-86-35 or G.S. 58-86-40, whichever is applicable, for any firefighter or rescue squad worker who is not yet 35 years of age or older and who is a current or former member of a fire department or rescue squad chartered by the State of North Carolina."

SECTION 5.(d) G.S. 58-86-55 reads as rewritten:

"**§ 58-86-55. Monthly pensions upon attaining the age of 55 years.**

(a) Any member who has served 20 years as an "eligible firefighter" or "eligible rescue squad worker" in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-86-30, and who has attained the age of 55 years is entitled to be paid a monthly pension from this fund. The monthly pension shall be in the amount of ~~one hundred seventy dollars ($170.00)~~ one hundred eighty dollars ($180.00) per month. Any retired firefighter receiving a pension shall, effective ~~July 1, 2008,~~ July 1, 2019, receive a pension of ~~one hundred seventy dollars ($170.00)~~ one hundred eighty dollars ($180.00) per month.

(b) Members shall pay ~~ten dollars ($10.00)~~ fifteen dollars ($15.00) per month as required by G.S. 58-86-35 and G.S. 58-86-40 for a period of no longer than 20 years. No "eligible rescue squad member" shall receive a pension prior to July 1, 1983.

(c) A member who is totally and permanently disabled while in the discharge of the member's official duties as a result of bodily injuries sustained or as a result of extreme exercise or extreme activity experienced in the course and scope of those official duties and who leaves the fire or rescue squad service because of this disability shall be entitled to be paid from the fund a monthly benefit in an amount of ~~one hundred seventy dollars ($170.00)~~ one hundred eighty dollars ($180.00) per month beginning the first month after the member's fifty-fifth birthday. All applications for disability are subject to the approval of the board who may appoint physicians to examine and evaluate the disabled member prior to approval of the application, and annually thereafter. Any disabled member shall not be required to make the monthly payment of ~~ten dollars ($10.00)~~ fifteen dollars ($15.00) as required by G.S. 58-86-35 and G.S. 58-86-40.

(d) A member who is totally and permanently disabled for any cause, other than line of duty, who leaves the fire or rescue squad service because of this disability and who has at least 10 years of service with the pension fund, may be permitted to continue making a monthly contribution of ~~ten dollars ($10.00)~~ fifteen dollars ($15.00) to the fund until the member has made contributions for a total of 240 months. The member shall upon attaining the age of 55 years be entitled to receive a pension as provided by this section. All applications for disability are subject to the approval of the board who may appoint physicians to examine and evaluate the disabled member prior to approval of the application and annually thereafter.

(d1) Benefits shall be paid in the following manner when a member is killed in the line of duty and the requirements of Article 12A of Chapter 143 of the General Statutes are met:

(1) If the member had been receiving a monthly pension fund benefit prior to being killed in the line of duty, there shall be paid to the member's principal beneficiary, if only one principal beneficiary is eligible and has not accepted a return of contributions, an amount of ~~one hundred seventy dollars ($170.00)~~ one hundred eighty dollars ($180.00) per month beginning the month following the member's month of death, payable until the beneficiary's death.

(2) If the member had been receiving a monthly pension fund benefit prior to being killed in the line of duty and the beneficiary is not payable as described in subdivision (1) of this subsection, a lump sum payment equal to the difference between the amount paid into the member's separate account by or on behalf of the member and the amount received by the member as a pensioner will be paid to the eligible beneficiaries, or if there are no eligible beneficiaries, shall be paid to the member's estate.

(3) If the member had not yet begun receiving a monthly benefit prior to being killed in the line of duty, there shall be paid to the member's principal beneficiary, if only one principal beneficiary is eligible and has not accepted a return of contributions, an amount of ~~one hundred seventy dollars ($170.00)~~ one hundred eighty dollars ($180.00) per month beginning the month following the month the member would have attained age 55, or if the member had already attained age 55, beginning the month following the member's month of death, payable until the beneficiary's death.

(4) If the member had not begun receiving a monthly benefit prior to being killed in the line of duty and the beneficiary is not payable as described in subdivision (3) of this subsection, a lump sum payment equal to the member's contributions will be paid to the eligible beneficiaries, or if there are no eligible beneficiaries, a return of the contributions shall be paid to the member's estate.

A beneficiary under this subsection shall not be required to make the monthly payment of ~~ten dollars ($10.00)~~ fifteen dollars ($15.00) as required by G.S. 58-86-35 and G.S. 58-86-40 after the member has been killed in the line of duty.

(d2) Repealed by Session Laws 2016-108, s. 1(f), effective July 1, 2018.

(e) A member who, because the member's residence is annexed by a city under Part 2 or Part 3 of Article 4A of Chapter 160A of the General Statutes, or whose department is closed because of an annexation by a city under Part 2 or Part 3 of Article 4A of Chapter 160A of the General Statutes, or whose volunteer department is taken over by a city or county, and because of such annexation or takeover is unable to perform as a firefighter or rescue squad worker of any status, and if the member has at least 10 years of service with the pension fund, may be permitted to continue making a monthly contribution of ~~ten dollars ($10.00)~~ fifteen dollars ($15.00) to the fund until the member has made contributions for a total of 240 months. The member upon attaining the age of 55 years and completion of such contributions shall be entitled to receive a pension as provided by this section. Any application to make monthly contributions under this section shall be subject to a finding of eligibility by the Board of Trustees upon application of the member.

...."

SECTION 5.(e) Subsections (a) through (d) of this section become effective January 1, 2020, and apply to monthly payments into the Firefighters' and Rescue Squad Workers' Pension Fund for months of service on or after that date.

PART VI. SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 6.1. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

SECTION 6.2. Except as otherwise provided, this act is effective when it becomes law.

SENATE BILL 416:
Recruit/Retain Vol. Firefighters.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	May 15, 2019
Introduced by:	Sens. Daniel, T. Alexander, Britt	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	PCS to First Edition S416-CSRNf-37		

OVERVIEW: ***The Proposed Committee Substitute (PCS) for Senate Bill 416 enacts the Volunteer Firefighter Recruitment and Retention Act of 2019.*** ***The PCS maintains the sections from the First Edition of the bill dealing with hunting and fishing license fee waivers for eligible members of volunteer fire departments and tax incentives for unpaid members of volunteer fire departments, but removes the other sections from the First Edition. The PCS also corrects a drafting error and changes the effective date for the tax incentives to July 1, 2020 (was July 1, 2019 in the First Edition).***

BILL ANALYSIS:

Part I. Title

Section 1 provides that the act is to be cited at the Volunteer Firefighter Recruitment and Retention Act of 2019.

Part II. Hunting and Fishing License Fee Waivers

Section 2.(a) requires the Wildlife Resources Commission to adopt rules to provide for waiver of the following fees for hunting, fishing, trapping, and activity licenses issued by the Wildlife Resources Commission to "eligible members" of volunteer fire departments:

- Firefighters who are eligible members of a volunteer fire department during the prior fiscal year receive a waiver of license fees for any annual license issued during the following fiscal year.
- Firefighters who are eligible members of a volunteer fire department in each of 10 consecutive fiscal years receive a waiver of license fees for any lifetime license issued under this Article.

"Eligible members" includes any individuals appearing on the certified roster of eligible firefighters submitted to the North Carolina State Firefighters' Association under G.S. 58-86-25.

Section 2.(b) requires the Wildlife Resources Commission to waive certain fees charged for coastal recreational fishing licenses as follows:

- For firefighters who are eligible members of a volunteer fire department during the prior fiscal year, a waiver of the annual license fee.
- For firefighters who are eligible members of a volunteer fire department in each of 10 consecutive fiscal years, a waiver of lifetime license fee.

"Eligible members" has the same definition as provided in Section 2.(a) above.

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 becomes effective October 1, 2019.

Part III. Tax Incentive

Section 3.(a) provides that the following is excluded from tax under G.S. 105-275:

- 25% of the assessed value of housing together with the necessary land therefor, owned and used as a primary residence by an unpaid member of a volunteer fire department who (i) attended at least 36 hours of fire department drills and meetings during the taxable year and (ii) has more than five years of volunteer fire service.

Section 3.(b) provides that this section is effective for taxes imposed for taxable years beginning on or after July 1, 2020.

Part IV. Severability Clause and Effective Date

Section 4.1 creates a severability clause. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

Section 4.2 provides that except as otherwise provided, the act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S D

SENATE BILL 416
PROPOSED COMMITTEE SUBSTITUTE S416-CSRNf-37 [v.4]
05/14/2019 04:31:22 PM

Short Title: Recruit/Retain Vol. Firefighters. (Public)

Sponsors:

Referred to:

April 1, 2019

A BILL TO BE ENTITLED

AN ACT TO ENACT THE VOLUNTEER FIREFIGHTER RECRUITMENT AND RETENTION ACT OF 2019.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1. This act shall be known and may be cited as the "Volunteer Firefighter Recruitment and Retention Act of 2019."

PART II. HUNTING AND FISHING LICENSE FEE WAIVERS

SECTION 2.(a) G.S. 113-276 is amended by adding a new subsection to read:

"(o) The Wildlife Resources Commission shall adopt rules to provide for waiver of the following fees for hunting, fishing, trapping, and activity licenses issued and administered by the Wildlife Resources Commission to eligible members of volunteer fire departments as set forth in this subsection:

(1) Firefighters who are eligible members of a volunteer fire department during the prior fiscal year shall receive a waiver of license fees for any annual license issued during the following fiscal year.

(2) Firefighters who are eligible members of a volunteer fire department in each of 10 consecutive fiscal years shall receive a waiver of license fees for any lifetime license issued under this Article.

For purposes of this subsection "eligible members" are any individuals appearing on the certified roster of eligible firefighters submitted to the North Carolina State Firefighters' Association under G.S. 58-86-25."

SECTION 2.(b) G.S. 113-174.2 is amended by adding a new subsection to read:

"(e) Fee Waiver. – The Wildlife Resources Commission shall waive the fee charged for licenses issued under this section to members of volunteer fire departments as follows:

(1) For firefighters who are eligible members of a volunteer fire department during the prior fiscal year, a waiver of the fee for an annual license.

(2) For firefighters who are eligible members of a volunteer fire department in each of 10 consecutive fiscal years, a waiver of the fee for a lifetime license.

For purposes of this subsection, "eligible members" shall have the definition set forth in G.S. 113-276(o)."

SECTION 2.(c) This section becomes effective October 1, 2019.

PART III. TAX INCENTIVE

SECTION 3.(a) G.S. 105-275 reads as rewritten:

"**§ 105-275. Property classified and excluded from the tax base.**

The following classes of property are designated special classes under Article V, Sec. 2(2), of the North Carolina Constitution and are excluded from tax:

...

(50) Twenty-five percent (25%) of the assessed value of housing together with the necessary land therefor, owned and used as a primary residence by an unpaid member of a volunteer fire department who (i) attended at least 36 hours of fire department drills and meetings during the taxable year and (ii) has more than five years of volunteer fire service."

SECTION 3.(b) This section is effective for taxes imposed for taxable years beginning on or after July 1, 2020.

PART IV. SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 4.1. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

SECTION 4.2. Except as otherwise provided, this act is effective when it becomes law.

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Speakers Sign-in

SENATE COMMITTEE ON STATE AND LOCAL GOVERNMENT

May 15, 2019 3:00 PM Rm. 1124/1224

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY / BILL No.
Tim BRADLEY	NC STATE FIREFIGHTERS
Sarah Collins	NC League of Municipalities

09-22-2016

Visitor Sign-in

Senate Committee on State and Local Government

May 15, 2019 3:00 PM Room 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Mary Shupings	NCCCS
Chad Smith	Raleigh Fire
PAUL KEATHE	RALEIGH FIRE
Chaz Moore	Raleigh Fire
DEXTER PEARCE	RALEIGH FIRE
Lee Tyson	TAG

09-22-2016

Visitor Sign-in

Senate Committee on State and Local Government

May 15, 2019 3:00 PM Room 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Brian Causey	Guil-Rand Fire Dept.
Allen Wilson	Surf City Fire Dept.
Quentin Cash	Shelby Fire Dept. & NCSFA Board
Chris Davis	Clemmons Fire Dept.
Scott Rogers	NC State Firefighters Assoc
Steve Neal	Fire District #13
	WRC
Melissa Earp	NC WRC
Carrie Ruhlman	NCWRC
Stephen Thomas	Guilford Co. Fire Marshal's office
J. Sheppard	ORANGE EM
Robert CAMMON	Guilford Co. Fire Marshal's office
CHRIS DILLON	LWVNC

Visitor Sign-in

Senate Committee on State and Local Government

May 15, 2019 3:00 PM Room 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
AC RICH	Yanceyville FD 416
ED BRINSON	NCSFA
Dolly Hulin	Thomasville 416
Jarrod Penland	Swannanoa 416
J. Allen Blount	Riceville VFD 416
BUDDY MARTINETTE	WILMINGTON FD 416
Steve Mason	Wilmington FD 416
Ryan Core	SUGLAND FD 416
Sarah Collins	NCLM

Visitor Sign-in

Senate Committee on State and Local Government

May 15, 2019 3:00 PM Room 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
CHRIS WHITE	GUIL-RAND FIRE DEPARTMENT
Rick Davis	Sherrills Ford-Terrell Fire & Rescue
Skye David	newframe
[illegible]	Bom: AFO.
Steve Lytle	Fairview Fire Dept.
Scott JONES	Fairview Fire Dept.
Jake Whisnant	NC Association of Fire Chiefs
Amber Harris	NCACC
Flint Benson	SEANC
Resha Fortson	SEANC
Lowell Smith	Raleigh Fire Dept.
Nicholas White	Raleigh Fire Dept.

Visitor Sign-in

Senate Committee on State and Local Government

May 15, 2019 3:00 PM Room 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Chief John Coffey	Riceville Fire Department
Tim Wigington	ARLC
Deb Clary	NCSP
Anthony Penland	Swannanoa Fire Dept.
Tim Bradley	NCSFA
CHRIS SMITH	HCEM / ECFA
Donnie Hall	NHCFR / 416
Johnny Blythe	Hemby Bridge FD / 416
Len Needham	Bahama Fire Dept.
DAVID WEATHERSPOON	BAHAMA FIRE DEPT.
MARK SCHELL	DURHAM CO. FIRE MARSHAL'S OFFICE
Dean Coward	NCSFA/Saunook Vol Fire
DAVIE SUMMEY	NCAFC/cedar mountain Fire Rescue

SENATE SERGEANT-AT-ARMS

Senate Committee on State and Local Government

DATE: 05-15-2019 **ROOM**: 1124/1224 **TIME**: 3:00 PM

DWIGHT GREEN

JIM HAMILTON

SHEREE HEDRICK

Senate Pages Attending

COMMITTEE: State & Local Gov't **ROOM:** 1124 LB

DATE: 5-15 **TIME:** 3 PM

PLEASE PRINT LEGIBLY....*or else!!!!!*

	Page Name	Hometown	Sponsoring Senator
1.	Kennedy Worrell	Hertford	Steinburg
2.	Aditya Balasu	Charlotte	Marcus
3.	Stephen Cosner	Jacksonville	Brown
4.	~~Sarah Beth Gossett~~	~~Wake Forest~~	~~Woodard~~
5.	Alyson Thompson	Winston-Salem	Lowe
6.	Camryn Barefoot	Benson	Birgin
7.			
8.			

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 4, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 9	Bessemer City Charter Amendment.	Representative Hastings
HB 170	Asheboro Satellite Annexations.	Representative McNeill Representative Hurley
HB 201	Randolph Co. Register of Deeds Tax Cert.	Representative Hurley Representative McNeill
HB 204	Town of Beaufort/Annexation.	Representative McElraft
HB 285	City of Sanford/Voluntary Annexations.	Representative Sauls
HB 336	Extend Suspension of Spencer Mountain.	Representative Torbett
HB 368	Bermuda Run/Speed Restrictions.	Representative Howard
HB 629	Law Enforcement Mutual Aid.	Representative McNeill Representative C. Smith

Senator Rick Horner, Chair

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, June 4, 2019, 2:00 PM
1124/1224 Legislative Building

AGENDA

I. CALL TO ORDER

Chairs: **Sen. Rick Horner, Co-Chair, presiding**
Senator John Alexander, Co-Chair

II. WELCOME AND OPENING REMARKS

III. AGENDA ITEMS

BILL NO.	SHORT TITLE	SPONSOR
HB 9	Bessemer City Charter Amendment.	Representative Hastings
HB 170	Asheboro Satellite Annexations.	Representative McNeill Representative Hurley
HB 201	Randolph Co. Register of Deeds Tax Cert.	Representative Hurley Representative McNeill
HB 204	Town of Beaufort/Annexation.	Representative McElraft
HB 285	City of Sanford/Voluntary Annexations.	Representative Sauls
HB 336	Extend Suspension of Spencer Mountain.	Representative Torbett
HB 368	Bermuda Run/Speed Restrictions.	Representative Howard
HB 629	Law Enforcement Mutual Aid.	Representative McNeill Representative C. Smith

IV. ADJOURNMENT

Senate Committee on State and Local Government
Tuesday, June 4, 2019 at 2:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 pm on June 4, 2019 in Room 1124/1224 of the Legislative Building. Eleven members were present.

A Visitor Registration log is attached and made part of these minutes.

Senator J. Alexander, Co-Chair, called the meeting to order at 2:00 pm. He introduced the Pages and the Sergeant-at-Arms staff.

Senator Horner, Presiding Chair, chaired the remainder of the meeting. The following bills were considered:

HB 336; Extend Suspension of Spencer Mountain. (Representative Torbett). The Chair recognized Representative Torbett to explain the bill. Senator T. Alexander moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. Second by Senator Steinburg. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

HB 9; Bessemer City Charter Amendment. (Representative Hastings). The Chair recognized Representative Hastings to explain the bill. Senator J. Alexander moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. Second by Senator McInnis. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

HB 170; Various Satellite Annexations. (Representatives McNeill, Hurley). Senator J. Alexander sent forth an amendment **H170-ARNxfr-13 [v.2].** Senator Steinburg moved for the adoption of the amendment for consideration. The motion passed. The Chair recognized Senator J. Alexander to explain the amendment. The Chair, recognized Representative McNeill, bill sponsor, to explain the amended bill. Senator McInnis moved to roll the amendment into a Senate PCS, with a favorable report as to the Senate PCS, as amended; unfavorable to the original bill and recommendation the bill be re-referred to the Senate Committee on Finance. Second by Senator T. Alexander. The motion passed. A copy of the bill, the bill summary, the amendment, Senate PCS and Committee Report is attached.

HB 629; Law Enforcement Mutual Aid. (Representatives McNeill, C. Smith) The Chair recognized Representative McNeill, bill sponsor, to explain the bill. Senator Sanderson sent forth an amendment **H629-ATG-46 [v.2].** Senator Steinburg moved for the adoption of the amendment for consideration. The motion passed. The Chair recognized Senator Sanderson to explain the amendment. The Chair, recognized Representative McNeill to explain the amended bill. Senator J. Alexander moved to roll the amendment into a Senate PCS, with a favorable report as to the Senate PCS, as amended; unfavorable to the original bill and recommendation the bill be re-referred to the Senate Committee on Judiciary. Second by Senator McInnis. The motion passed. A copy of the bill, the bill summary, the amendment, Senate PCS and Committee Report is attached.

HB 201; Randolph Co. Register of Deeds Tax Cert. (Representatives Hurley, McNeill). The Chair recognized Representative Hurley, bill sponsor, to explain the bill. Senator McInnis moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. Second by Senator T. Alexander. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

HB 204; Town of Beaufort/Annexation. (Representative McElraft). Due to a scheduling conflict Representative McElraft, bill sponsor, was not available to present the bill in committee. The Chair recognized Senator Sanderson to explain the bill. Senator Steinburg moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Finance. Second by Senator Peterson. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

HB 285; City of Sanford/Town of Beaufort/Vol Annex. (Representative Sauls). The Chair, recognized Representative Sauls to explain the bill. Senator Sanderson sent forth an amendment **H285-ABD-13 [v.1].** Senator Smith moved for the adoption of the amendment for consideration. The motion passed. The Chair recognized Senator Sanderson to explain the amendment. Senator Smith moved to roll the amendment into a Senate PCS, with a favorable report as to the Senate PCS, as amended; unfavorable to the original bill and recommendation the bill be re-referred to the Senate Committee on Finance. Second by Senator Perry. The motion passed. A copy of the bill, the bill summary, the amendment, Senate PCS and Committee Report is attached.

HB 368; Bermuda Run/Speed Restrictions. (Representative Howard). The Chair recognized Representative Howard to explain the bill. Senator Perry moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Transportation. Second by Senator T. Alexander. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

There being no further business, the Chair adjourned the meeting at 2:20 pm.

Senator Rick Horner, Chair
Presiding

Regina Irwin, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, June 04, 2019

Senator Horner,
submits the following with recommendations as to passage:

FAVORABLE

HB **9** Bessemer City Charter Amendment.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

HB **201** **(CS#1)** Randolph Co. Register of Deeds Tax Cert.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

HB **204** **(CS#1)** Town of Beaufort/Annexation.
Draft Number: None
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

HB **336** Extend Suspension of Spencer Mountain.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

HB **368** **(CS#1)** Bermuda Run/Speed Restrictions.
Draft Number: None
Sequential Referral: Transportation
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 5

Senator Kathy Harrington will handle HB 9
Senator Jerry W. Tillman will handle HB 201
Senator Norman W. Sanderson will handle HB 204
Senator Kathy Harrington will handle HB 336
Senator Joyce Krawiec will handle HB 368

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, June 04, 2019

Senator Horner,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **170** Asheboro Satellite Annexations.

Draft Number:	H170-PCS30468-RNxfr-39
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	Yes

HB **285** City of Sanford/Voluntary Annexations.

Draft Number:	H285-PCS40477-BDxfr-21
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **629** **(CS#1)** Law Enforcement Mutual Aid.

Draft Number:	H629-PCS10656-TG-30
Sequential Referral:	Judiciary
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 3

Senator Jerry W. Tillman will handle HB 170
Senator Jim Burgin will handle HB 285
Senator Norman W. Sanderson will handle HB 629

HOUSE BILL 336:
Extend Suspension of Spencer Mountain.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	May 31, 2019
Introduced by:	Rep. Torbett	**Prepared by:**	Bill Patterson* Committee Co-Counsel
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.

**Jessica Sammons, Staff Attorney, substantially contributed to this summary.*

Karen Cochrane-Brown
Director

H336-SMTG-65 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 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 9:
Bessemer City Charter Amendment.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 4, 2019
Introduced by:	Rep. Hastings	**Prepared by:**	Brad Krehely Committee Co-Counsel
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.

**Billy Godwin and Samantha Yarborough, Staff Attorneys for the Legislative Analysis Division, substantially contributed to this summary.*

Karen Cochrane-Brown
Director

H9-SMRN-51 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 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.

HOUSE BILL 170:
Asheboro Satellite Annexations.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 4, 2019
Introduced by:	Reps. McNeill, Hurley	**Prepared by:**	Brad Krehely Committee Co-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: House Bill 170 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).

**Howard Marsilio, Greg Roney, and Jeremy Ray, Staff Attorneys for the Legislative Analysis Division, substantially contributed to this summary.*

Karen Cochrane-Brown
Director

H170-SMRN-49-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 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 170
PROPOSED SENATE COMMITTEE SUBSTITUTE H170-PCS30468-RNxfr-39

Short Title: Various Satellite Annexations. (Local)

Sponsors:

Referred to:

February 26, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ASHEBORO AND THE TOWNS OF BUNN, FRANKLINTON, AND YOUNGSVILLE.

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, Bunn, Burgaw, Calabash, Carthage, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Franklin, Franklinton, 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, Youngsville, and Zebulon.

...."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 170

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

H170-ARNxfr-13 [v.2]

Amends Title [YES]
First Edition

Date June 4 ,2019

Senator Alexander

moves to amend the bill on page 1, line 3, by rewriting that line to read:
"ASHEBORO AND THE TOWNS OF BUNN, FRANKLINTON, AND YOUNGSVILLE.";

and on page 1, line 19, by rewriting that line to read:
"Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Bunn, Burgaw, Calabash,";

and on page 1, line 21, by rewriting that line to read:
"Dallas, Dobson, Four Oaks, Franklin, Franklinton, Fuquay-Varina, Garner, Godwin,";

and on page 1, line 30, by rewriting that line to read:
"Waynesville, Weldon, Wendell, Wilson's Mills, Windsor, Yadkinville, Youngsville, and".

SIGNED John M Alexander, Jr.
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED √ FAILED _____ TABLED _____

HOUSE BILL 629:
Law Enforcement Mutual Aid.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	May 31, 2019
Introduced by:	Reps. McNeill, C. Smith	**Prepared by:**	Bill Patterson* Committee Co-Counsel
Analysis of:	Second Edition		

OVERVIEW: House Bill 629 would authorize mutual aid agreements between North Carolina law enforcement agencies and out-of-state law enforcement agencies.

CURRENT LAW: G.S. 160A-288 authorizes police departments and sheriff's offices in North Carolina to enter into mutual aid agreements with other police departments and sheriff's offices within North Carolina. Officers acting under a mutual aid agreement have the same jurisdiction as the agency they are assisting, and are subject to the law commands of that agency, but remain under the administrative control of and are paid by their employing agency.

BILL ANALYSIS:

House Bill 629 would authorize municipal police departments, county police departments, and sheriff's offices to enter into mutual aid agreements with a municipal police department or sheriff's office of another state if the laws of the other state allow out-of-state mutual aid agreements.

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

** Susan Sitze, LAD Staff Attorney, 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.

HOUSE BILL 629
Committee Substitute Favorable 4/15/19

Short Title: Law Enforcement Mutual Aid. (Public)

Sponsors:

Referred to:

April 9, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE MUTUAL AID AGREEMENTS WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-288 reads as rewritten:

"**§ 160A-288. Cooperation between ~~law enforcement~~ law enforcement agencies.**

(a) Unless specifically prohibited or limited by an ordinance officially adopted by the governing body of the city or county by which the person is employed, appointed, or elected to serve, the head of any ~~law enforcement~~ law enforcement agency may temporarily provide assistance to another agency ~~in enforcing the laws of North Carolina~~ if so requested in writing by the head of the requesting agency. The assistance may comprise allowing officers of the agency 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 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 in addition to those the officer normally possesses. While on duty with the requesting agency, the officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. The officer shall furthermore be entitled to workers' compensation and the same benefits when acting pursuant to this section to the same extent as though the officer were functioning within the normal scope of the officer's duties.

(b) As used in this section:

(1) "Head" means any director or chief officer of a ~~law enforcement~~ law enforcement agency including the chief of police of a local department, chief of police of county police department, and the sheriff of a county, or an officer of one of the above named agencies to whom the head of that agency has delegated authority to make or grant requests under this section, but only one officer in the agency shall have this delegated authority at any time.

(2) ~~"Law enforcement agency"~~ "Law enforcement agency" or "agency" means ~~only~~ a municipal police department, a county police department, or a sheriff's ~~office.~~ office of this State. Subject to G.S. 15A-403, it also includes a municipal police department or sheriff's office of another state if the laws of the other state allow for the provision of mutual aid with out-of-state law enforcement officers. All other State and local agencies are exempted from the provisions of this section.

(c) This section in no way reduces the jurisdiction or authority of State ~~law-enforcement~~ law enforcement officers.

(d) For purposes of this section, the following shall be considered the equivalent of a municipal police department:

(1) Campus ~~law-enforcement~~ law enforcement agencies established pursuant to G.S. 115D-21.1(a) or G.S. 116-40.5(a).

(2) Colleges or universities which are licensed, or exempted from licensure, by G.S. 116-15 and which employ company police officers commissioned by the Attorney General pursuant to Chapter 74E or Chapter 74G of the General Statutes.

(3) Law enforcement agencies operated or eligible to be operated by a municipality pursuant to G.S. 63-53(2).

(4) Repealed by Session Laws 2013-360, s. 16B.4(d), effective July 1, 2013.

(5) A Company Police agency of the Department of Agriculture and Consumer Services commissioned by the Attorney General pursuant to Chapter 74E 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 629
Committee Substitute Favorable 4/15/19
PROPOSED SENATE COMMITTEE SUBSTITUTE H629-PCS10656-TG-30

Short Title: Law Enforcement Mutual Aid. (Public)

Sponsors:

Referred to:

April 9, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE MUTUAL AID AGREEMENTS WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-288 reads as rewritten:

"**§ 160A-288. Cooperation between ~~law-enforcement~~ law enforcement agencies.**

(a) Unless specifically prohibited or limited by an ordinance officially adopted by the governing body of the city or county by which the person is employed, appointed, or elected to serve, the head of any ~~law-enforcement~~ law enforcement agency may temporarily provide assistance to another agency ~~in enforcing the laws of North Carolina~~ if so requested in writing by the head of the requesting agency. The assistance may comprise allowing officers of the agency 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 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 in addition to those the officer normally possesses. While on duty with the requesting agency, the officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. The officer shall furthermore be entitled to workers' compensation and the same benefits when acting pursuant to this section to the same extent as though the officer were functioning within the normal scope of the officer's duties.

(b) As used in this section:

(1) "Head" means any director or chief officer of a ~~law-enforcement~~ law enforcement agency including the chief of police of a local department, chief of police of county police department, and the sheriff of a county, or an officer of one of the above named agencies to whom the head of that agency has delegated authority to make or grant requests under this section, but only one officer in the agency shall have this delegated authority at any time.

(2) ~~"Law-enforcement agency"~~ "Law enforcement agency" or "agency" means ~~only~~ a municipal police department, a county police department, or a sheriff's ~~office.~~ office of this State. Subject to G.S. 15A-403, it also includes a municipal police department, a county police department, or a sheriff's office of another state if the laws of the other state allow for the provision of mutual

aid with out-of-state law enforcement officers. All other State and local agencies are exempted from the provisions of this section.

(c) This section in no way reduces the jurisdiction or authority of State ~~law-enforcement~~ law enforcement officers.

(d) For purposes of this section, the following shall be considered the equivalent of a municipal police department:

(1) Campus ~~law-enforcement~~ law enforcement agencies established pursuant to G.S. 115D-21.1(a) or G.S. 116-40.5(a).

(2) Colleges or universities which are licensed, or exempted from licensure, by G.S. 116-15 and which employ company police officers commissioned by the Attorney General pursuant to Chapter 74E or Chapter 74G of the General Statutes.

(3) Law enforcement agencies operated or eligible to be operated by a municipality pursuant to G.S. 63-53(2).

(4) Repealed by Session Laws 2013-360, s. 16B.4(d), effective July 1, 2013.

(5) A Company Police agency of the Department of Agriculture and Consumer Services commissioned by the Attorney General pursuant to Chapter 74E of the General Statutes."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 629

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H629-ATG-46 [v.2]

Amends Title [NO]
Second Edition

Date June 4 ,2019

Senator Sanderson

moves to amend the bill on page 1, line 33, by rewriting the line to read:

"municipal police department, a county police department, or a sheriff's office of another state if the laws of ".

SIGNED Norma Sanderson
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

H629-ATG-46-V-2

HOUSE BILL 201:
Randolph Co. Register of Deeds Tax Cert.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 4, 2019
Introduced by:	Reps. Hurley, McNeill	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	Second Edition		

OVERVIEW: House Bill 201 would authorize Randolph County, 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 Randolph County 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.

Nicholas Giddings, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

[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.

Karen Cochrane-Brown
Director

Legislative Analysis
Division
919-733-2578

H201-SMRN-50 E2 -V-1

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 201
Committee Substitute Favorable 5/3/19

Short Title: Randolph Co. Register of Deeds Tax Cert. (Local)

Sponsors:

Referred to:

February 27, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW RANDOLPH 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, Randolph, 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 204:
Town of Beaufort/Annexation.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 4, 2019
Introduced by:	Rep. McElraft	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: House Bill 204 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: 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.

EFFECTIVE DATE: House Bill 204 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]

Staff attorneys Greg Roney and Kristen Harris with the Legislative Analysis Division substantially contributed to this summary.

[1] http://www.nccoastalreserve.net/web/crp/rachel-carson

Karen Cochrane-Brown
Director

H204-SMBD-69-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 204
Committee Substitute Favorable 3/27/19

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 285:
City of Sanford/Voluntary Annexations.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 4, 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: House Bill 285 would be effective when the bill becomes law.

**Staff attorneys Jeremy Ray and Greg Roney with the Legislative Analysis Division substantially contributed to this summary.*

Karen Cochrane-Brown
Director

H285-SMBD-70 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 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 285
PROPOSED SENATE COMMITTEE SUBSTITUTE H285-PCS40477-BDxfr-21

Short Title: City of Sanford/Town of Beaufort/Vol Annex. (Local)

Sponsors:

Referred to:

March 7, 2019

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE CITY OF SANFORD AND THE TOWN OF BEAUFORT.

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 and the Town of Beaufort only.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 285

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H285-ABD-13 [v.1]

Amends Title [YES]
First Edition

Date June 4 ,2019

Senator Sanderson

moves to amend the bill on page 1, line 3, by rewriting the line to read:
"THE CITY OF SANFORD AND THE TOWN OF BEAUFORT.";

and, on page 1, line 13, by rewriting the line to read:
"**SECTION 2.** This act applies to the City of Sanford and the Town of Beaufort only.".

SIGNED Norma Sanderson
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 368:
Bermuda Run/Speed Restrictions.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Transportation. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	May 31, 2019
Introduced by:	Rep. Howard	**Prepared by:**	Bill Patterson* Committee Co-Counsel
Analysis of:	Second Edition		

OVERVIEW: House Bill 368 would impose a 25 mile per hour speed restriction for the public vehicular areas within the Town of Bermuda Run.

[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, many of 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 first having erected conforming signs giving notice of the speed restriction on the affected public vehicular areas.

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

*Howard Marsilio, LAD Staff Attorney, substantially contributed to this summary.

Karen Cochrane-Brown
Director

H368-SMTG-66 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 368*
Committee Substitute Favorable 4/10/19

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.

STATE AND LOCAL GOVERNMENT COMMITTEE

2019 REGULAR SESSION

VISITOR REGISTRATION SHEET

DATE: 06-04-2019

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY & ADDRESS
Tim Wrighton	APCCC
George Gaise	Meck. Co. Sheriff's Dept.
Eddie Caldwell	NC Sheriffs' Assn.
Michael Barrett	NCGA
Flint Benson	SEANC
Resha Fortson	SEANC

STATE AND LOCAL GOVERNMENT COMMITTEE

2019 REGULAR SESSION

VISITOR REGISTRATION SHEET

DATE: 06-04-2019

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY & ADDRESS
Rhagan Jackson	FPA
Demetrius Deloatch	NCLM
April Neumann	MWC
Doug Miskus	PSG
Jon Ares	PSG
Susan	Duke
Sam White	NCDST
Brenton Hatt	NCDST

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Senate Committee on State and Local Government

June 4, 2019 2:00PM Rm. 1124/1224

Senate Sergeant-At-Arms

Hal Roach

Eddie Broughton

Michael Caviness

Senate Pages Attending

COMMITTEE: State & Local Govt **ROOM:** 1124

DATE: 6-4-19 **TIME:** 2 pm

PLEASE PRINT LEGIBLY....*or else!!!!!*

	Page Name	Hometown	Sponsoring Senator
1.	Della Crawford	Wadesboro	Sen. McInnis
2.	Caden Robinette	Pinetops	Sen. Jackson B.
3.	Jordan Britt	Clayton	Sen Rick Horner
4.	AnnaKate Gilchrist	Clayton	Sen. Rick Horner
5.			
6.			
7.			
8.			

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Principal Clerk ____
Reading Clerk ____

Updated #2: HB757 Removed

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 11, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 99	Transfer ALE.	Representative McNeill Representative Boles
HB 383	Topsail Beach Charter/Board Vacancies.	Representative C. Smith
HB 697	State Surplus Prop. Computers for Nonprofits.	Representative Horn Representative Saine Representative Elmore

Senator John Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

Updated #1: Bills Added

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 11, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 99	Transfer ALE.	Representative McNeill Representative Boles
HB 383	Topsail Beach Charter/Board Vacancies.	Representative C. Smith
HB 697	State Surplus Prop. Computers for Nonprofits.	Representative Horn Representative Saine Representative Elmore
HB 757	Pender County Property Transfer.	Representative C. Smith

Senator John Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 11, 2019	2:00 PM	1124/1224 LB

Bills TBD.

Senator John Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, June 11, 2019, 2:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages and Sergeant-at-Arms

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 99	Transfer ALE.	Representative McNeill Representative Boles
HB 383	Topsail Beach Charter/Board Vacancies.	Representative C. Smith
HB 697	State Surplus Prop. Computers for Nonprofits.	Representative Horn Representative Saine Representative Elmore

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, June 11, 2019

Senator J. Alexander,
submits the following with recommendations as to passage:

FAVORABLE

HB **99** **(SCS#1)** Transfer ALE.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

HB **697** State Surplus Prop. Computers for Nonprofits.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Senator Norman W. Sanderson will handle HB 99
Senator Tom McInnis will handle HB 697

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, June 11, 2019

Senator J. Alexander,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **383** Topsail Beach Charter/Board Vacancies.

Draft Number:	H383-PCS40482-BK-19
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Bill Rabon will handle HB 383

Senate Committee on State and Local Government
Tuesday, June 11, 2019 at 2:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 PM on June 11, 2019 in Room 1124/1224 of the Legislative Building. 12 members were present.

Senator John M. Alexander, Jr., Chair, presided.

Senator Alexander welcomed committee members and guests. He introduced and thanked the Sergeants-at-Arms Charles Marsalis, Chris Moore, Frank Urben and Tom Burroughs. He also introduced and thanked the Pages Abbey Hamilton, sponsored by Senator Van Duyn, Christina Hamilton, sponsored by Senator Van Duyn, Will Twilla, sponsored by Senator Perry, Rebekah Byrd, sponsored by Senator B. Jackson and Elizabeth Cashwell, sponsored by Senator B. Jackson.

HB 99 Transfer ALE. (Representatives McNeill, Boles)
Representative McNeill explained the bill and fielded a question from Senator Horner. Senator Burgin moved for a favorable report. Motion passed.
Reported as: Favorable as to bill with sequential referral to Rules.

HB 383 Topsail Beach Charter/Board Vacancies. (Representative C. Smith)
Senator McInnis presented an amendment. Amendment approved. Representative C. Smith explained the bill as amended. Senator McInnis moved for a favorable report to bill as amended rolled into a PCS with a serial referral to Rules. Motion passed.
Reported as: Unfavorable as to bill, but favorable as to Senate Committee Substitute with a sequential referral to Rules.

HB 697 State Surplus Prop. Computers for Nonprofits. (Representatives Horn, Saine, Elmore)
Representative Horn explained the bill. Senator Ford commented and debated the bill. Representative Horn fielded questions from Senator Burgin, Senator Smith and Senator Searcy. Senator McInnis commented in support of the bill. Michael Abensour, Kramden Institute, spoke in support of the bill. Senator McInnis moved for a favorable report. Motion passed.
Reported as: Favorable as to bill with a sequential referral to Rules.

The meeting adjourned at 2:23 PM.

Senator John M. Alexander, Jr., Chair
Presiding

Jessica Daigler-Walls, Committee Clerk

HOUSE BILL 99: Transfer ALE.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 7, 2019
Introduced by:	Reps. McNeill, Boles	**Prepared by:**	Bill Patterson* Committee Co-Counsel
Analysis of:	Third Edition		

OVERVIEW: House Bill 99 would move the Alcohol Law Enforcement (ALE) Branch from within the State Bureau of Investigation, make ALE a new Division of the Department of Public Safety, and clarify the jurisdiction of ALE agents. The bill would also appropriate funds for ALE Division office space and personnel.

[As introduced, this bill was identical to S78, as introduced by Sens. Sanderson, Britt, Horner, which is currently in Senate Judiciary.]

CURRENT LAW AND BACKGROUND: Alcohol Law Enforcement (ALE) is the lead enforcement agency for the State's alcoholic beverage control, lottery, and tobacco laws. ALE has been a branch agency of the State Bureau of Investigation (SBI) since 2014.

BILL ANALYSIS:

Section 1 would relocate the ALE Branch of the SBI as a new Division of the Department of Public Safety (DPS).

Section 2 would create the ALE Division of the DPS.

Section 3 would repeal the existing law that established the ALE Branch within the SBI.

Section 4 would:

- Authorize the DPS Secretary to appoint and supervise the Director of the ALE Division.
- Allow the Director of the ALE Division to hire, appoint, transfer, supervise, and fire personnel within the Division.

Section 4 would also clarify the jurisdiction of ALE agents to include any criminal offense:

- At a location related to a permit issued by the Alcoholic Beverage Control Commission (ABC) or the Education Lottery Commission.
- Encountered by an ALE agent acting on behalf of the ABC Commission or the Education Lottery Commission.
- Encountered while an ALE agent is carrying out a duty assigned by the ALE Division or by law.
- Occurring in the presence of an ALE agent.
- Occurring while an ALE agent is assisting another law-enforcement agency.

Karen Cochrane-Brown
Director

H99-SMTG-70 E3 -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.

Section 4 would also define the primary responsibilities of an ALE agent to include violations of the lottery and gaming laws, and the bingo and raffle laws.

Sections 5-11 would make conforming changes.

Sections 12 and 13 would provide appropriations for office space and personnel for the DPS ALE Division.

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

**Jennifer Bedford, counsel to Senate Judiciary Committee, substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 3

HOUSE BILL 99*
Committee Substitute Favorable 4/30/19
Senate Judiciary Committee Substitute Adopted 5/28/19

Short Title: Transfer ALE. (Public)

Sponsors:

Referred to:

February 19, 2019

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH ALCOHOL LAW ENFORCEMENT AS A SEPARATE DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY AND TO CLARIFY THE JURISDICTION AND PRIMARY RESPONSIBILITIES OF ALCOHOL LAW-ENFORCEMENT AGENTS.

The General Assembly of North Carolina enacts:

SECTION 1. The Alcohol Law Enforcement Branch of the State Bureau of Investigation shall be relocated as a division of the Department of Public Safety. The Department of Public Safety shall continue to consolidate ALE and SBI regions and regional offices in the same manner so that all district offices remain co-located.

SECTION 2. Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new Subpart to read:

"Subpart F. Alcohol Law Enforcement Division.

"**§ 143B-990. Creation of Alcohol Law Enforcement Division of the Department of Public Safety.**

There is created and established a division to be known as the Alcohol Law Enforcement Division of the Department of Public Safety with the organization, powers, and duties defined in Article 1 of this Chapter and G.S. 18B-500, except as modified in this Part."

SECTION 3. G.S. 143B-928 is repealed.

SECTION 4. G.S. 18B-500 reads as rewritten:

"**§ 18B-500. Alcohol law-enforcement agents.**

(a) Appointment. – The Secretary of Public Safety shall appoint and supervise the Director of the Division of Alcohol Law Enforcement of the Department of Public Safety. The Director of the ~~State Bureau of Investigation shall~~ Division of Alcohol Law Enforcement of the Department of Public Safety may appoint ~~alcohol law-enforcement agents and other enforcement personnel.~~ and supervise a sufficient number of assistants who shall be competent and qualified to do the work of the Division. The Director ~~may also appoint regular employees of the Commission as alcohol law-enforcement agents.~~ shall be responsible for making all hiring and personnel decisions of the Division. Notwithstanding the provisions of this Chapter or Chapter 143A of the General Statutes, the Director may hire or fire personnel and transfer personnel within the Division. The Director may also appoint a regular employee of the Commission as an ALE agent, provided the employee was employed by the ABC Commission and serving as an ALE agent on January 1, 2019. Alcohol law-enforcement agents shall be designated as "alcohol law-enforcement agents". Persons serving as reserve alcohol law-enforcement agents are considered employees of the ~~Alcohol Law Enforcement Branch~~ Division for workers'

compensation purposes while performing duties assigned or approved by the ~~Head~~ Director of the ~~Alcohol Law Enforcement Branch~~ Division or the ~~Head's~~ Director's designee.

(b) Subject Matter Jurisdiction. – After taking the oath prescribed for a peace officer, an alcohol law-enforcement agent shall have authority to arrest and take other investigatory and enforcement actions for any criminal ~~offense. The primary responsibility of an agent shall be enforcement of the ABC and lottery laws and G.S. 14-313 regarding youth access to tobacco products.~~offense:

(1) Occurring, encountered, or otherwise discovered on the premises of, or elsewhere when such conduct relates to a location under application for, or holding a permit issued by, the North Carolina Alcoholic Beverage Control Commission or the North Carolina Education Lottery Commission.

(2) Encountered or otherwise discovered while investigating or enforcing matters for the North Carolina Alcoholic Beverage Control Commission or the North Carolina Education Lottery Commission or encountered or otherwise discovered while investigating or enforcing the provisions of this Chapter, Chapter 18C of the General Statutes, G.S. 14-313, or Parts 1 and 2 of Article 37 of Chapter 14 of the General Statutes.

(3) Encountered or otherwise discovered while carrying out any duty or function assigned to the Division by law.

(4) Occurring in an agent's presence.

(5) When assisting another law enforcement agency.

(b1) Authority. – Alcohol law-enforcement agents have full power and authority as peace officers to execute criminal process, and respond to and take enforcement action for any crime of violence or breach of the peace, and any additional duties as may from time to time be directed by the Governor or the Secretary of the Department of Public Safety when needed for security purposes at a public event, or to protect persons or property because of a disaster or state of emergency.

(b2) Primary Responsibilities. – The primary ~~responsibility~~ responsibilities of an alcohol law-enforcement agent ~~shall be~~ are the enforcement of ~~the ABC and lottery laws and G.S. 14-313 regarding youth access to tobacco products.~~this Chapter, Chapter 18C of the General Statutes, G.S. 14-313, and Parts 1 and 2 of Article 37 of Chapter 14 of the General Statutes.

...

(g) Shifting of Personnel From One District to Another. – The ~~Head~~ Director of the Alcohol Law Enforcement ~~Branch, under rules adopted by the Department of Public Safety~~ Division may, from time to time, shift the forces from one district to another or consolidate more than one district force at any point for special purposes. Whenever an agent of the Alcohol Law Enforcement ~~Section~~ Division is transferred from one district to another for the convenience of the State or for reasons other than the request of the agent, the Department shall be responsible for transporting the household goods, furniture, and personal apparel of the agent and members of the agent's household."

SECTION 5. G.S. 18B-101 reads as rewritten:

"**§ 18B-101. Definitions.**

As used in this Chapter, unless the context requires otherwise:

...

(3) "ABC system" means a local ~~board and~~ board, all ABC stores operated by ~~it, its law-enforcement branch, and all its employees.~~a local board, and the designated ABC law enforcement officers employed pursuant to G.S. 18B-501.

...

(5) "ALE ~~Branch"~~ Division" means the Alcohol Law Enforcement ~~Branch~~ Division of the Department of Public Safety.

...."

SECTION 6. G.S. 143-651 reads as rewritten:

"**§ 143-651. Definitions.**

The following definitions apply in this Article:

...

~~(4a) Branch. – The Alcohol Law Enforcement Branch of the State Bureau of Investigation.~~

...

(7a) Division or ALE Division. – The Alcohol Law Enforcement Division of the Department of Public Safety.

...

(23b) Sanctioned amateur match. – Any match regulated by an amateur sports organization that has been recognized and approved by the ~~Branch.~~ALE Division.

...."

SECTION 7. G.S. 143-652.1 reads as rewritten:

"**§ 143-652.1. Regulation of boxing, kickboxing, mixed martial arts, and toughman events.**

The ~~Alcohol Law Enforcement Branch of the Department of Public Safety~~ ALE Division shall regulate live boxing, kickboxing, and mixed martial arts matches, whether professional, amateur, or sanctioned amateur, or toughman events, in which admission is charged for viewing, or the contestants compete for a purse or prize of value greater than twenty-five dollars ($25.00). The ~~Branch~~ ALE Division shall have the exclusive authority to approve and issue rules for the regulation of the conduct, promotion, and performances of live boxing, kickboxing, and mixed martial arts matches and exhibitions, whether professional, amateur, or sanctioned amateur, and toughman events in this State. The rules shall be issued pursuant to the provisions of Chapter 150B of the General Statutes and may include, without limitation, the following subjects:

...."

SECTION 8. G.S. 143-652.2 reads as rewritten:

"**§ 143-652.2. Boxing Advisory Commission.**

(a) Creation. – The Boxing Advisory Commission is created within the Department of Public Safety to advise the ~~Alcohol Law Enforcement Branch of the Department of Public Safety~~ ALE Division concerning matters regulated by this Article. The Commission shall consist of six voting members and two nonvoting advisory members. All the members shall be residents of North Carolina. The members shall be appointed as follows:

(1) One voting member shall be appointed by the Governor for an initial term of two years.

(2) One voting member shall be appointed by the President Pro Tempore of the Senate for an initial term of three years.

(3) One voting member shall be appointed by the Speaker of the House of Representatives for an initial term of three years.

(4) One voting member shall be appointed by the Secretary of Public Safety for an initial term of three years.

(5) One voting member shall be appointed by the Lieutenant Governor for an initial term of two years.

(6) One voting member shall be appointed by the Tribal Council of the Eastern Band of the Cherokee for an initial term of three years.

(7) One nonvoting advisory member shall be appointed by the Speaker of the House of Representatives for an initial term of one year, from nominations made by the North Carolina Medical Society, which shall nominate two licensed physicians for the position.

(8) One nonvoting advisory member shall be appointed by the President Pro Tempore of the Senate for an initial term of one year, from nominations made by the North Carolina Medical Society, which shall nominate two licensed physicians for the position.

Notwithstanding the schedule above in subdivisions (1), (5), (7), and (8) of this subsection, if any former member of the North Carolina Boxing Commission is appointed to the initial membership, that person shall serve an initial term of three years. The member appointed pursuant to subdivision (6) of this subsection may serve on the Commission only if an agreement exists and remains in effect between the Tribal Council of the Eastern Band of the Cherokee and the Commission authorizing the Commission to regulate professional boxing matches within the Cherokee Indian Reservation as provided by the Professional Boxing Safety Act of 1996.

The two nonvoting advisory members appointed pursuant to subdivisions (7) and (8) of this subsection shall advise the Commission and the ~~Branch~~ ALE Division on matters concerning the health and physical condition of boxers and health issues relating to the conduct of exhibitions and boxing matches. They may prepare and submit to the Commission for its consideration and to the ~~Branch~~ ALE Division for its approval any rules that in their judgment will safeguard the physical welfare of all participants engaged in boxing.

Terms for all members of the Commission except for the initial appointments shall be for three years.

The Secretary of Public Safety shall designate which member of the Commission is to serve as chair. A member of the Commission may be removed from office by the Secretary of Public Safety for cause. Members of the Commission are subject to the conflicts of interest requirements of 15 U.S.C. § 6308 (contained in the Professional Boxing Safety Act of 1996, as amended). Each member, before entering upon the duties of a member, shall take and subscribe an oath to perform the duties of the office faithfully, impartially, and justly to the best of the member's ability. A record of these oaths shall be filed in the Department of Public Safety.

...

(d) Review Authority of the Commission. – The Commission shall review existing rules adopted under this Article and shall from time to time make recommendations to the ~~Branch~~ ALE Division for changes or addition to such rules. Any proposals for change, amendment, addition, or deletion to those rules shall be submitted by the ~~Branch~~ ALE Division to the Commission for its comments prior to approval.

...."

SECTION 9.(a) The following statutes are amended by deleting the word "Branch" wherever it appears in uppercase and substituting "Division": G.S. 18B-201, 18B-202, 18B-203, 18B-504, 18B-805, 18B-902, 18B-903, 18B-903.1, 18B-904, 18C-163, 19-2.1, and 105-259(b)(15).

SECTION 9.(b) The following statutes are amended by deleting the word "Branch" wherever it appears in uppercase and substituting "ALE Division": G.S. 143-654, 143-655, and 143-656.

SECTION 10. G.S. 143-63.1(d) reads as rewritten:

"(d) Notwithstanding the provisions of this section, but subject to the provisions of G.S. 20-187.2, the North Carolina State Highway Patrol, the North Carolina Division of Adult Correction and Juvenile Justice of the Department of Public ~~Safety,~~ Safety, the Alcohol Law Enforcement Division of the Department of Public Safety, and the North Carolina State Bureau of Investigation may sell, trade, or otherwise dispose of any or all surplus weapons they possess to any federally licensed firearm dealers. The sale, trade, or disposal of these weapons shall be in a manner prescribed by the Department of Administration. Any moneys or property obtained from the sale, trade, or disposal shall go to the general fund."

SECTION 11. 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,~~ Investigation, the Alcohol Law Enforcement Division of the Department of Public Safety, the Samarcand Training Academy, or the constituent institutions of The University of North Carolina which are used primarily for law-enforcement purposes."

SECTION 12. There is appropriated from the General Fund to the Division of Alcohol Law Enforcement of the Department of Public Safety the sum of three hundred thousand dollars ($300,000) in recurring funds for each year of the 2019-2021 fiscal biennium, to fund office space.

SECTION 13. There is appropriated from the General Fund to the Division of Alcohol Law Enforcement of the Department of Public Safety the sum of two hundred thirteen thousand six hundred thirty-eight dollars ($213,638) in recurring funds for the 2019-2020 fiscal year and the sum of four hundred twenty-seven thousand two hundred seventy-six dollars ($427,276) in recurring funds for the 2020-2021 fiscal year, to fund eight full-time equivalent (FTE) administrative positions.

SECTION 14. This act becomes effective July 1, 2019.

HOUSE BILL 383:
Topsail Beach Charter/Board Vacancies.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 11, 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. An election would be held for a four-year term.

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 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 and applies to vacancies existing on or after that date.

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.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 383*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H383-ABK-15 [v.8]

Amends Title [NO]
First Edition

Date June 11 ,2019

Senator McInnis

moves to amend the bill on page 1, lines 22-28, by rewriting the lines to read:

"the remaining members of the board of commissioners. 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, or if the office was slated in that election for a full term of office, for a four-year term. The mayor and";

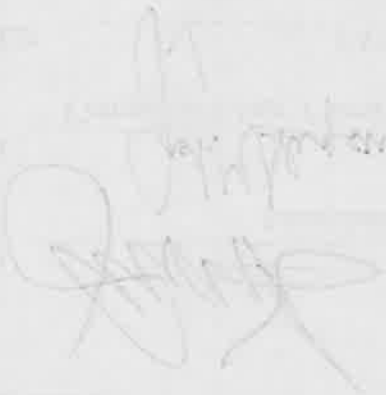
and on page 1, line 31, by deleting "his" and substituting "~~his~~" on that line;

and on page 2, line 4, by deleting "law." and substituting "law and applies to vacancies existing on or after that date.".

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:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 11, 2019
Introduced by:	Reps. Horn, Saine, Elmore	**Prepared by:**	Billy R. Godwin 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 nonprofits. 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 nonprofits 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 donate it to low-income students or households in the State.

The bill would also implement a reporting requirement on UNC and on those 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 the initial conveyance, UNC is prohibited from conveying additional surplus computer equipment to a nonprofit unless that nonprofit has reported the required information to Board of Governors.

Karen Cochrane-Brown
Director

H697-SMBD-71 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.

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.

Staff attorney Nicholas Giddens substantially contributed to this summary.

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.

State and Local Government,

Senate Committee

June 11, 2019 – Room 1124/1224 - 2:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Bryan House	ALE
Jason Locklear	ALE
Demetrius Dolcatch	NCLM
Rhaegan Jackson	FPA
Becki Gray	John Locke Foundation
Jacob Orman	FL
Suzanne Sams	NC DPS
Jacqueline Scott	Williams Mullen
Tim Wigginton	ARCG
Lisa Martin	Cap-Ha
Resha Fortson	SEANC
Suzanne Beasley	SEANC
Ann Neumann	MWC
David Heinen	NC Center for Nonprofits
Leo John	secy of State
FLINT BENSON	SEANC

State and Local Government,

Senate Committee

June 11, 2019 – Room 1124/1224 - 2:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Grace Irvin	WW
Michael Barbell	NCGN
Ryan Miller	NCBPA
Mark Lanier	UNCW
Austen Rowell	UNC System
Sam Kyzer	Retired
Charles Wheeler	Governor's Office
Michael Abensour	Krandel

SPEAKER SIGN-UP SHEET

State and Local Government,

Senate Committee

June 11, 2019 – Room 1124/1224 – 2:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
M. Abousoor	Kramden Inst.

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Senate Committee

on

State and Local Government

June 11, 2019

Room 1124/1224

2:00 PM

Senate Sergeant at Arms:

Charles Marsalis

Chris Moore

Frank Urben

Tom Burroughs

Senate Pages Attending

COMMITTEE: State & Local Gov't **ROOM:** 1124 LB

DATE: 6-11 **TIME:** 2 pm

PLEASE PRINT LEGIBLY....*or else!!!!!*

Page Name	Hometown	Sponsoring Senator
1. Abbey Hamilton	Asheville	Terry Van Duyn
2. Christina Hamilton	Asheville	Terry Van Duyn
3. Will Twilla	Elon	Jim Perry
4. Rebekah Byrd	Clinton	B. Jackson
5. Elizabeth Cashwell	Garland	B. Jackson
6.		
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Ausschnitt aus Seite 1

Principal Clerk
Reading Clerk

Updated #1: SB 267 has been added to the agenda.

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 18, 2019	2:00 PM	1124/1224 LB

The following 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 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 349	Wilkes County Fire Tax-Procedure.	Representative Elmore Representative Stevens
SB 267	Buncombe 1/4 Cent Sales Tax Use Restriction.	Senator Edwards Senator Van Duyn

Senator Rick Horner, Chair

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 18, 2019	2:00 PM	1124/1224 LB

The following 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 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 349	Wilkes County Fire Tax-Procedure.	Representative Elmore Representative Stevens

Senator Rick Horner, Chair

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, June 18, 2019, 2:00 PM
1124/1224 Legislative Building

AGENDA

I. CALL TO ORDER

Chairs: **Sen. Rick Horner, Co-Chair, presiding**
Senator John Alexander, Co-Chair

II. WELCOME AND OPENING REMARKS

III. AGENDA ITEMS

BILL NO.	SHORT TITLE	SPONSOR
SB 267	Buncombe 1/4 Cent Sales Tax Use Restriction.	Senator Edwards Senator Van Duyn
HB 4	Claremont Deannexation.	Representative Setzer
HB 6	Burlington Airport/Lease/Contract Authority.	Representative Ross Representative Riddell
HB 240	Albemarle/City Labor for Business Ctr.	Representative Sasser Representative Goodman
HB 349	Wilkes County Fire Tax-Procedure.	Representative Elmore Representative Stevens

IV. ADJOURNMENT

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, June 18, 2019

Senator Horner,
submits the following with recommendations as to passage:

FAVORABLE

HB **4** Claremont Deannexation.
- Draft Number: None
- Sequential Referral: Finance
- Recommended Referral: None
- Long Title Amended: No

HB **240** **(CS#1)** Albemarle/City Labor for Business Ctr.
- Draft Number: None
- Sequential Referral: Rules and Operations of the Senate
- Recommended Referral: None
- Long Title Amended: No

HB **349** Wilkes County Fire Tax-Procedure.
- Draft Number: None
- Sequential Referral: Finance
- Recommended Referral: None
- Long Title Amended: No

SB **267** **(CS#1)** Buncombe 1/4 Cent Sales Tax Use Restriction.
- Draft Number: None
- Sequential Referral: Rules and Operations of the Senate
- Recommended Referral: None
- Long Title Amended: No

TOTAL REPORTED: 4

Senator Andy Wells will handle HB 4
Senator Carl Ford will handle HB 240
Senator Deanna Ballard will handle HB 349
Senator Chuck Edwards will handle SB 267

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, June 18, 2019

Senator Horner,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB 6 (CS#1) Burlington Airport/Lease/Contract Authority.

Draft Number:	H6-PCS40483-RN-44
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Rick Gunn will handle HB 6

Senate Committee on State and Local Government
Tuesday, June 18, 2019 at 2:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 pm on June 18, 2019 in Room 1124/1224 of the Legislative Building. Seven members were present.

A Visitor Registration log is attached and made part of these minutes.

Senator Horner, Presiding Chair, called the meeting to order at 2:00 pm. He introduced the Pages and the Sergeant-at-Arms staff. The following bills were considered:

SB 267; Buncombe 1/4 Cent Sales Tax Use Restriction. (Senators Edwards, Van Duyn). The Chair recognized Senator Edwards to explain the bill. Senator McInnis moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

HB 4; Claremont Deannexation. (Representative Setzer). The Chair recognized Representative Setzer to explain the bill. Senator Perry moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Finance. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

HB 6; Burlington Airport/Lease/Contract Authority. (Representatives Ross, Riddell). Senator Steinburg sent forth an amendment **H6-ARN-15 [v.4]**. The Chair recognized Mr. Brad Krehely, NCGA Staff Attorney, to explain the amendment. Senator McInnis moved for the adoption of the amendment for consideration. The motion passed. The Chair recognized Representative Ross to explain the amended bill. Senator McInnis moved to roll the amendment into a Senate PCS, with a favorable report as to the Senate PCS, as amended; unfavorable to the original bill and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, the amendment, Senate PCS and Committee Report is attached.

HB 240; Albemarle/City Labor for Business Ctr. (Representatives Sasser, Goodman). The Chair recognized Representative Sasser to explain the bill. Senator Perry moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

HB 349; Wilkes County Fire Tax-Procedure. (Representatives Elmore, Stevens). The Chair recognized Representative Elmore to explain the bill. Senator Steinburg moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Finance. The motion passed. A copy of the bill, the bill summary, and Committee Report is attached.

There being no further business, the Chair adjourned the meeting at 2:15 pm.

Senator Rick Horner, Chair
Presiding

Regina Irwin, Committee Clerk

SENATE BILL 267:
Buncombe 1/4 Cent Sales Tax Use Restriction.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 18, 2019
Introduced by:	Sens. Edwards, Van Duyn	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	Second Edition		

OVERVIEW: Senate Bill 267 restricts for eight years the use of the quarter-cent local option sales tax levied by Buncombe County for capital needs at the Asheville-Buncombe Technical Community College (A-B Tech).

CURRENT LAW & BACKGROUND: In 2007, the General Assembly gave counties a local-option, quarter-cent sales tax, which is authorized in Article 46 of Chapter 105. The tax must be approved by voters in a referendum before it can be adopted. The proceeds of the tax are not shared with the cities and may be used for any public purpose. Since the enactment of the authorization, at least 159 referenda have been held in approximately 75 counties. Of those, 42 were approved.

In 2011, the voters of Buncombe County approved the levy of the quarter-cent sales tax. The issue was contentious with officials pledging to use the proceeds for a proposed $130 million building plan at A-B Tech, while opponents expressed concern that the money would be used to offset the county's existing appropriation to the school and that the current board could not bind commitments of future boards. The referendum passed with 50.76% of the vote. The ballot included the following statement, "This sales and use tax will sunset in 2029 and will be used exclusively for the stated capital improvement needs of Asheville-Buncombe Technical Community College." The resolution adopted after the passage of the referendum also reflected the county's intent for the tax to expire in 2029 and for the proceeds to be used for A-B Tech. In 2013, the General Assembly enacted legislation giving the county authority over certain construction activities on campus.

Beginning with the 2013-2014 fiscal year, the county began transferring a portion of the quarter-cent sales tax revenue to its general fund. The transfers grew incrementally, reaching $6.5 million in 2018, which was the same amount appropriated to the school that year. While several projects have been completed and paid for with sales tax revenue, including the $40 million Allied Health Building that opened in 2016 and a $15 million parking deck, news reports indicate that proceeds have also been used for operational and maintenance costs and that at least $15 million of the sales tax revenue was diverted to balance the county's budget. A-B Tech reports an approximate $25 million backlog of maintenance projects.

BILL ANALYSIS: The bill would restrict the use of the net proceeds of Buncombe's quarter-cent tax by requiring the county to appropriate funds as follows and in the following order of priority:

1. The amount equal to the community college's debt service obligations for that fiscal year.
2. An amount for deferred capital repairs and renovations on existing buildings as follows:
    - For 2019-2020: $3,125,000
    - For 2020-2021 through 2026-2027: 105.54% of the amount for the preceding fiscal year.

Karen Cochrane-Brown
Director

S267-SMRN-56 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.

3. Up to $5 million annually for operating costs of the college.
4. A reserve of $2 million for repairs and renovations resulting from an unexpected emergency occurrence.
5. The remainder may be used for any public purpose, upon resolution and 10 days' public notice.

EFFECTIVE DATE: This bill would be effective for the fiscal year beginning July 1, 2019, and would expire June 30, 2027.

*Trina Griffin, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

SENATE BILL 267
Finance Committee Substitute Adopted 6/13/19

Short Title: Buncombe 1/4 Cent Sales Tax Use Restriction. (Local)

Sponsors:

Referred to:

March 18, 2019

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE USE OF THE QUARTER-CENT SALES TAX PROCEEDS IN BUNCOMBE COUNTY FOR COMMUNITY COLLEGE NEEDS AT ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE.

Whereas, the voters of Buncombe County previously approved a quarter-cent increase in local sales and use tax with the informal understanding that it would be used to fund construction at the Asheville-Buncombe Technical Community College; and

Whereas, question arose in the community whether the proceeds of the sales tax increase had been used by the Buncombe County Board of Commissioners consistently with the purpose of the tax; and

Whereas, the Trustees of Asheville-Buncombe Technical Community College (A-B Tech) and the Buncombe County Board of Commissioners have reached an agreement as to how the proceeds shall be used and both sides request the General Assembly to enact legislation binding both A-B Tech and the Buncombe County Board of Commissioners to their agreement; and

Whereas, while the General Assembly does not regularly direct the expenditure of local sales tax revenue, in this instance the General Assembly is uniquely positioned to assist its local partners and is willing to enact the requested legislation to encourage all sides to build good will and a positive working relationship in the furtherance of the educational mission of A-B Tech; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to Buncombe County only.

SECTION 2. Article 46 of Chapter 105 of the General Statutes is amended by adding a new section to read:

"**§ 105-538.1. Use of taxes.**

A county shall use the net proceeds of a tax allocated to it under this Article for the items and in the priority order set forth in this section. For purposes of this section, an eligible community college is a community college with a main campus located in the county.

(1) The county shall appropriate for each fiscal year to an eligible community college an amount equal to the community college's debt service obligations for that fiscal year to be used for such obligations.

(2) The county shall appropriate a deferred capital repair amount to an eligible community college. The eligible community college shall use appropriations under this subdivision for deferred capital repairs and renovation-needs projects on existing buildings at the community college. For the 2019-2020 fiscal year, the deferred capital repair amount is three million one hundred

twenty-five thousand dollars ($3,125,000). For fiscal years 2020-2021 through 2026-2027, the deferred capital repair amount is one hundred five and fifty-four hundredths percent (105.54%) of the amount for the preceding fiscal year.

(3) The county shall appropriate for each fiscal year an amount up to five million dollars ($5,000,000) annually to an eligible community college for operating costs of the community college.

(4) The county shall appropriate a reserve of two million dollars ($2,000,000) for the benefit of an eligible community college. An eligible community college may only allocate moneys from the reserve for repairs and renovations necessitated by damage the community college deems as resulting from an unexpected emergency occurrence. In any year in which funds are disbursed from the reserve, the county shall restore the balance of the reserve to the amount required in this subdivision in the succeeding fiscal year.

(5) The county, by resolution and after 10 days' public notice, may use the remainder in conformity with the ballot question presented to the voters pursuant to Article 46 of Chapter 105 of the General Statutes."

SECTION 3. This act is effective for the fiscal year beginning July 1, 2019, and expires June 30, 2027.

HOUSE BILL 4:
Claremont Deannexation.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 18, 2019
Introduced by:	Rep. Setzer	**Prepared by:**	Brad Krehely Committee Co-Counsel
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 North Carolina 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.

*Billy Godwin, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

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

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 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:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 18, 2019
Introduced by:	Reps. Ross, Riddell	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	Second Edition		

OVERVIEW: ***House Bill 6 would increase the contract term authorization for the Burlington-Alamance Airport Authority from 25 years to 40 years and would only apply to new, renewed, or modified contracts.***

CURRENT LAW: S.L. 1969-814, as amended by S.L. 1971-263, 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: House Bill 6 would increase the maximum contract term authorization for the Burlington-Alamance Airport Authority from 25 years to 40 years. It would not affect existing contracts and would only apply to new, renewed, or modified contracts.

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.

*Staff Attorneys, Howard Marsilio and Jeremy Ray, substantially contributed to this summary.

Karen Cochrane-Brown
Director

H6-SMRN-55 E2 -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 6
Committee Substitute Favorable 2/6/19

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 6
Committee Substitute Favorable 2/6/19
PROPOSED SENATE COMMITTEE SUBSTITUTE H6-PCS40483-RN-44

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, as amended by S.L. 1971-263, 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 is effective when it becomes law and applies to contracts entered into, renewed, or modified on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 6

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H6-ARN-15 [v.4]

Amends Title [NO]
Second Edition

Date June 18 ,2019

Senator ~~Ford~~ Stevens

moves to amend the bill on page 1, line 6, by rewriting that line to read:

"**SECTION 1.** Section 4 of S.L. 1969-814, as amended by S.L. 1971-263, reads as rewritten:";

and on page 1, line 31, by rewriting that line to read:

"**SECTION 2.** This act is effective when it becomes law, and applies to contracts".

SIGNED Sen. [signature]
Amendment Sponsor

SIGNED _____
~~Committee Chair~~ if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 240:
Albemarle/City Labor for Business Ctr.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 18, 2019
Introduced by:	Reps. Sasser, Goodman	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: 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: House Bill 240 would authorize the City of Albemarle to use its permanent employee labor force in the construction of a business center 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 apparatus, supplies, materials, or equipment $90,000 or more.

EFFECTIVE DATE: This act is effective when it becomes law and expires December 31, 2028.

Staff attorney Howard Marsillio substantially contributed to this bill summary.

[1] G.S. 143-129.

Karen Cochrane-Brown
Director

H240-SMBD-75-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.

HOUSE BILL 240
Committee Substitute Favorable 4/29/19

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 349:
Wilkes County Fire Tax-Procedure.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 13, 2019
Introduced by:	Reps. Elmore, Stevens	**Prepared by:**	Bill Patterson* Committee Co-Counsel
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, in accordance with the requirements set forth in the bill.

[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 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 lines of a district requires some combination of the following:

- An application or petition by district 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, to 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.

Karen Cochrane-Brown
Director

H349-SMTG-74 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.

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.

* *Nicholas Giddings, Staff Attorney, substantially contributed to this summary.*

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.

Visitor Sign-in

Senate Committee on State and Local Government

JUNE 18, 2019 02:00 PM Room 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Teresa W Edwards	Senator Edwards office
Demetrius Dobalch	NCLM
Rhonyan Jackson	Focus Public Affairs
Tyler Ford	MWC

Visitor Sign-in

Senate Committee on State and Local Government

JUNE 18, 2019 02:00 PM Room 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Morgan Dunn	Strickland
Michael Barnhill	NCBA
Tim Wigington	ARCC
Yan Yang	Rep. Wayne Sasser
DAN DANIELEY	BURLINGTON AIRPORT

09-22-2016

SENATE SERGEANT-AT-ARMS

Senate Committee on State and Local Government

DATE: 06-18-2019 **ROOM**: 1124/1224 **TIME**: 02:00 PM

TERRY BARNHARDT

CHARLES HARPER

SHEREE HEDRICK

Senate Pages Attending

COMMITTEE: State & Local Govt **ROOM:** 1124 LB

DATE: 6-18 **TIME:** 2 pm

PLEASE PRINT LEGIBLY....*or else!!!!!*

Page Name	Hometown	Sponsoring Senator
1. Garrett Hughes	Thomasville	Gallimore
2. Alyssa Gross	Cary	Nickel
3. Ben Harmon	Apex	Rabon
4. Web Bass	Apex	Berger
5.		
6.		
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Principal Clerk
Reading Clerk

Updated #2: HB217 and SB267 Added

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 25, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 187	Amend Town of Elon Charter/Parking Ordinances.	Representative Ross Representative Riddell
HB 243	State Human Resources Act Amendments.-AB	Representative Riddell Representative Cleveland Representative Floyd
HB 489	Lincolnton-Lincoln County Airport Authority.	Representative Saine
HB 98	Macon/Clay/No Right-of-Way Spotlighting.	Representative Corbin
HB 239	Pitt County Animal Control Records.	Representative K. Smith Representative Humphrey
HB 757	Pender County Property Transfer.	Representative C. Smith
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall
SB 267	Buncombe 1/4 Cent Sales Tax Use Restriction.	Senator Edwards Senator Van Duyn

Senator J. Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk ____
Reading Clerk ____

Updated #1: HB98, HB239 and HB757 Added

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 25, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 187	Amend Town of Elon Charter/Parking Ordinances.	Representative Ross Representative Riddell
HB 243	State Human Resources Act Amendments.-AB	Representative Riddell Representative Cleveland Representative Floyd
HB 489	Lincolnton-Lincoln County Airport Authority.	Representative Saine
HB 98	Macon/Clay/No Right-of-Way Spotlighting.	Representative Corbin
HB 239	Pitt County Animal Control Records.	Representative K. Smith Representative Humphrey
HB 757	Pender County Property Transfer.	Representative C. Smith

Senator J. Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 25, 2019	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 187	Amend Town of Elon Charter/Parking Ordinances.	Representative Ross Representative Riddell
HB 243	State Human Resources Act Amendments.-AB	Representative Riddell Representative Cleveland Representative Floyd
HB 489	Lincolnton-Lincoln County Airport Authority.	Representative Saine

Senator J. Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, June 25, 2019, 2:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages and Sergeant-at-Arms

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 187	Amend Town of Elon Charter/Parking Ordinances.	Representative Ross Representative Riddell
HB 243	State Human Resources Act Amendments.-AB	Representative Riddell Representative Cleveland Representative Floyd
HB 489	Lincolnton-Lincoln County Airport Authority.	Representative Saine
HB 98	Macon/Clay/No Right-of-Way Spotlighting.	Representative Corbin
HB 239	Pitt County Animal Control Records.	Representative K. Smith Representative Humphrey
HB 757	Pender County Property Transfer.	Representative C. Smith
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall
SB 267	Buncombe 1/4 Cent Sales Tax Use Restriction.	Senator Edwards Senator Van Duyn

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, June 25, 2019

Senator J. Alexander,
submits the following with recommendations as to passage:

FAVORABLE

HB **98** Macon/Clay/No Right-of-Way Spotlighting.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

HB **187** **(CS#1)** Amend Town of Elon Charter/Parking Ordinances.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

HB **239** **(CS#1)** Pitt County Animal Control Records.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

HB **243** State Human Resources Act Amendments.-AB
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

HB **489** Lincolnton-Lincoln County Airport Authority.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 5

Senator Jim Davis will handle HB 98
Senator Rick Gunn will handle HB 187
Senator Don Davis will handle HB 239
Senator John M. Alexander, Jr. will handle HB 243
Senator W. Ted Alexander will handle HB 489

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, June 25, 2019

Senator J. Alexander,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **757** Pender County Property Transfer.

Draft Number:	H757-PCS10673-RN-48
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2

SB **267** **(CS#1)** Buncombe 1/4 Cent Sales Tax Use Restriction.

Draft Number:	S267-PCS35303-RNf-49
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Senator Tom McInnis will handle HB 757
Senator Chuck Edwards will handle SB 267

Senate Committee on State and Local Government
Tuesday, June 25, 2019 at 2:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 PM on June 25, 2019 in Room 1124/1224 of the Legislative Building. 10 members were present.

Senator John M. Alexander, Jr., Chair, presided.

Senator Alexander welcomed committee members and guests. He introduced and thanked the Sergeants-at-Arms Terry Barnhardt, John Enloe, Frances Patterson and Frank Urben. He also introduced and thanked the Senate Pages Jaden Baldwin, sponsored by Senator Lowe, Tania Hunter, sponsored by Senator Smith, Brooke Walls, sponsored by Senator J. Alexander and Blake Walls, sponsored by Senator J. Alexander.

SB 267 Buncombe 1/4 Cent Sales Tax Use Restriction. (Senators Edwards, Van Duyn)
Senator Burgin presented amendment. Senator McInnis approved the amendment and motion passed. Senator Edwards explained the bill as amended. Senator McInnis moved for a favorable report to bill as amended rolled into a new PCS with a serial referral to Rules. Motion passed.
Reported as: Unfavorable as to Committee Substitute Bill No. 1, but favorable as to Committee Substitute Bill No. 2 with a sequential referral to Rules.

HB 187 Amend Town of Elon Charter/Parking Ordinances. (Representatives Ross, Riddell)
Representatives Ross and Riddell explained the bill. Rep. Ross answered a question from Senator McInnis. Senator T. Alexander moved for a favorable report as to bill with a serial referral to Rules. Motion passed.
Reported as: Favorable with a sequential referral to Rules.

HB 243 State Human Resources Act Amendments.-AB (Representatives Riddell, Cleveland, Floyd)
Representative Riddell explained the bill. There were no questions from the committee or public comment. Senator Perry moved for favorable report on bill with a serial referral to Rules. Motion passed.
Reported as: Favorable with a sequential referral to Rules.

HB 489 Lincolnton-Lincoln County Airport Authority. (Representative Saine)
Representative Jones explained the bill. There were no questions from the committee or public comment. Senator T. Alexander moved for favorable report on bill with a serial referral to Rules. Motion passed.
Reported as: Favorable with a sequential referral to Rules.

HB 98 Macon/Clay/No Right-of-Way Spotlighting. (Representative Corbin)
Representative Dobson explained the bill and answered question from Senator McInnis. Senator Burgin moved for favorable report on bill with serial referral to Rules. Motion passed.
Reported as: Favorable with a sequential referral to Rules.

HB 239 Pitt County Animal Control Records. (Representatives K. Smith, Humphrey)
Representative K. Smith explained the bill and stated the delegation is in support. There were no questions from the committee or public comment. Senator Steinburg moved for favorable report on a bill with a serial referral to Rules. Motion passed.
Reported as: Favorable with a sequential referral to Rules

HB 757 Pender County/Butner Property Transfers. (Representative C. Smith)
Senator McInnis presented amendment. Moved for approval of amendment and motion passed. Representative C. Smith explained bill as amended. There were no questions from the committee or public comment. Senator Perry moved for favorable report to bill as amended rolled into a new PCS with a serial referral to Rules. Motion passed.
Reported as: Unfavorable as to bill, but favorable as to Senate Committee Substitute bill with a sequential referral to Rules.

HB 217 DIT Changes.-AB (Representatives Saine, Jones, K. Hall)
This bill was for discussion only and was not voted on today. Representative Jones presented PCS. Motion to bring PCS forward and motion passed. Representative Jones explained the PCS. There were no questions from the committee or public comment.

The meeting adjourned at 2:17 PM.

John M Alexander, Jr.

Senator John M. Alexander, Jr., Chair
Presiding

Jessica Walls

Jessica Daigler-Walls, Committee Clerk

SENATE BILL 267:
Buncombe 1/4 Cent Sales Tax Use Restriction.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 25, 2019
Introduced by:	Sens. Edwards, Van Duyn	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	Second Edition		

OVERVIEW: Senate Bill 267 restricts for eight years the use of the quarter-cent local option sales tax levied by Buncombe County for capital needs at the Asheville-Buncombe Technical Community College (A-B Tech).

CURRENT LAW & BACKGROUND: In 2007, the General Assembly gave counties a local-option, quarter-cent sales tax, which is authorized in Article 46 of Chapter 105. The tax must be approved by voters in a referendum before it can be adopted. The proceeds of the tax are not shared with the cities and may be used for any public purpose. Since the enactment of the authorization, at least 159 referenda have been held in approximately 75 counties. Of those, 42 were approved.

In 2011, the voters of Buncombe County approved the levy of the quarter-cent sales tax. The issue was contentious with officials pledging to use the proceeds for a proposed $130 million building plan at A-B Tech, while opponents expressed concern that the money would be used to offset the county's existing appropriation to the school and that the current board could not bind commitments of future boards. The referendum passed with 50.76% of the vote. The ballot included the following statement, "This sales and use tax will sunset in 2029 and will be used exclusively for the stated capital improvement needs of Asheville-Buncombe Technical Community College." The resolution adopted after the passage of the referendum also reflected the county's intent for the tax to expire in 2029 and for the proceeds to be used for A-B Tech. In 2013, the General Assembly enacted legislation giving the county authority over certain construction activities on campus.

Beginning with the 2013-2014 fiscal year, the county began transferring a portion of the quarter-cent sales tax revenue to its general fund. The transfers grew incrementally, reaching $6.5 million in 2018, which was the same amount appropriated to the school that year. While several projects have been completed and paid for with sales tax revenue, including the $40 million Allied Health Building that opened in 2016 and a $15 million parking deck, news reports indicate that proceeds have also been used for operational and maintenance costs and that at least $15 million of the sales tax revenue was diverted to balance the county's budget. A-B Tech reports an approximate $25 million backlog of maintenance projects.

BILL ANALYSIS: The bill would restrict the use of the net proceeds of Buncombe's quarter-cent tax by requiring the county to appropriate funds as follows and in the following order of priority:

1. The amount equal to the community college's debt service obligations for that fiscal year.
2. An amount for deferred capital repairs and renovations on existing buildings as follows:
    - For 2019-2020: $3,125,000
    - For 2020-2021 through 2026-2027: 105.54% of the amount for the preceding fiscal year.

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.

3. Up to $5 million annually for operating costs of the college.
4. A reserve of $2 million for repairs and renovations resulting from an unexpected emergency occurrence.
5. The remainder may be used for any public purpose, upon resolution and 10 days' public notice.

EFFECTIVE DATE: This bill would be effective for the fiscal year beginning July 1, 2019, and would expire June 30, 2027.

*Trina Griffin, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 2

SENATE BILL 267
Finance Committee Substitute Adopted 6/13/19

Short Title: Buncombe 1/4 Cent Sales Tax Use Restriction. (Local)

Sponsors:

Referred to:

March 18, 2019

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE USE OF THE QUARTER-CENT SALES TAX PROCEEDS IN BUNCOMBE COUNTY FOR COMMUNITY COLLEGE NEEDS AT ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE.

Whereas, the voters of Buncombe County previously approved a quarter-cent increase in local sales and use tax with the informal understanding that it would be used to fund construction at the Asheville-Buncombe Technical Community College; and

Whereas, question arose in the community whether the proceeds of the sales tax increase had been used by the Buncombe County Board of Commissioners consistently with the purpose of the tax; and

Whereas, the Trustees of Asheville-Buncombe Technical Community College (A-B Tech) and the Buncombe County Board of Commissioners have reached an agreement as to how the proceeds shall be used and both sides request the General Assembly to enact legislation binding both A-B Tech and the Buncombe County Board of Commissioners to their agreement; and

Whereas, while the General Assembly does not regularly direct the expenditure of local sales tax revenue, in this instance the General Assembly is uniquely positioned to assist its local partners and is willing to enact the requested legislation to encourage all sides to build good will and a positive working relationship in the furtherance of the educational mission of A-B Tech; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to Buncombe County only.

SECTION 2. Article 46 of Chapter 105 of the General Statutes is amended by adding a new section to read:

"**§ 105-538.1. Use of taxes.**

A county shall use the net proceeds of a tax allocated to it under this Article for the items and in the priority order set forth in this section. For purposes of this section, an eligible community college is a community college with a main campus located in the county.

(1) The county shall appropriate for each fiscal year to an eligible community college an amount equal to the community college's debt service obligations for that fiscal year to be used for such obligations.

(2) The county shall appropriate a deferred capital repair amount to an eligible community college. The eligible community college shall use appropriations under this subdivision for deferred capital repairs and renovation-needs projects on existing buildings at the community college. For the 2019-2020 fiscal year, the deferred capital repair amount is three million one hundred

twenty-five thousand dollars ($3,125,000). For fiscal years 2020-2021 through 2026-2027, the deferred capital repair amount is one hundred five and fifty-four hundredths percent (105.54%) of the amount for the preceding fiscal year.

(3) The county shall appropriate for each fiscal year an amount up to five million dollars ($5,000,000) annually to an eligible community college for operating costs of the community college.

(4) The county shall appropriate a reserve of two million dollars ($2,000,000) for the benefit of an eligible community college. An eligible community college may only allocate moneys from the reserve for repairs and renovations necessitated by damage the community college deems as resulting from an unexpected emergency occurrence. In any year in which funds are disbursed from the reserve, the county shall restore the balance of the reserve to the amount required in this subdivision in the succeeding fiscal year.

(5) The county, by resolution and after 10 days' public notice, may use the remainder in conformity with the ballot question presented to the voters pursuant to Article 46 of Chapter 105 of the General Statutes."

SECTION 3. This act is effective for the fiscal year beginning July 1, 2019, and expires June 30, 2027.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 267

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S267-ARNf-17 [v.4]

Amends Title [NO]
Second Edition

Date June 25 ,2019

Senator Burgin

moves to amend the bill on page 1, lines 29-31, by rewriting those lines to read:

"(1) The county shall appropriate for each fiscal year the amount necessary to satisfy the debt service obligations existing as of March 12, 2019, for construction and improvements to real property owned by an eligible community college and to real property owned by the county if directly related to services and educational programs offered by the community college.";

and on page 1, line 33, by deleting the word "eligible";

and on page 2, line 8, by rewriting that line to read:

"(4) The county shall appropriate to a reserve an amount equal to two million ($2,000,000) for";

and on page 2, lines 15-19, by rewriting those lines to read:

"(5) The county shall use the remainder only for new construction of or repair and improvements to real property owned by an eligible community college or to retire any indebtedness incurred by the county for these purposes."

SECTION 3. This act is effective for the fiscal year beginning July 1, 2019, and expires June 30, 2027. Funds appropriated to the reserve pursuant to G.S. 105-538.1(4), as enacted by this act, that are unexpended and unencumbered as of the expiration date of this act shall be used for new construction of or repair and improvements to real property owned by the

eligible community college or to retire any indebtedness incurred by the county for these purposes.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 187:
Amend Town of Elon Charter/Parking Ordinances.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 25, 2019
Introduced by:	Reps. Ross, Riddell	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	Second 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 24 hour period a vehicle remains illegally parked in the same 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.

Staff attorneys Wendy Ray and Nicholas Giddings substantially contributed to this summary.

Karen Cochrane-Brown
Director

H187-SMBD-83 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 187
Committee Substitute Favorable 5/22/19

Short Title: Amend Town of Elon Charter/Parking Ordinances. (Local)

Sponsors:

Referred to:

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 24-hour period a vehicle remains illegally parked in the same 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 243:
State Human Resources Act Amendments.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 25, 2019
Introduced by:	Reps. Riddell, Cleveland, Floyd	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	Second 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. It also would clarify that officers and employees of the Consolidated Judicial Retirement System and the Legislative Retirement System are "eligible officers and employees" under the North Carolina Flexible Compensation Plan.***

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:

Section 1 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.

Section 2 would clarify that officers and employees of the Consolidated Judicial Retirement System and the Legislative Retirement System are "eligible officers and employees" under the North Carolina Flexible Compensation Plan.

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

*Howard Marsilio and Kristen Harris, Staff Attorneys for the Legislative Analysis Division, substantially contributed to this summary.

Karen Cochrane-Brown
Director

H243-SMRN-60 E2 -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 243
Second Edition Engrossed 4/11/19

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 AND AMENDING THE DEFINITION OF ELIGIBLE OFFICERS AND EMPLOYEES IN THE FLEXIBLE COMPENSATION PLAN TO INCLUDE MEMBERS OF THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM AND LEGISLATIVE RETIREMENT SYSTEM.

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. G.S. 126-95(c) reads as rewritten:

"(c) As used in this section, the term "eligible officers and employees" means any officer or employee authorized to participate in the Teachers' and State Employees' Retirement ~~System~~ System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the State Health Plan."

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

HOUSE BILL 489:
Lincolnton-Lincoln County Airport Authority.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 24, 2019
Introduced by:	Rep. Saine	**Prepared by:**	Bill Patterson Committee Co-Counsel
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.

**Billy Godwin, Staff Attorney, substantially contributed to this summary.*

[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

H489-SMTG-81 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 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.

HOUSE BILL 98:
Macon/Clay/No Right-of-Way Spotlighting.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 25, 2019
Introduced by:	Rep. Corbin	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 98 would make it a Class 2 misdemeanor to intentionally shine a light on any wild animal from the right-of-way of a public road between one-half hour before sunset and one-half hour before sunrise in Macon and Clay Counties.

BILL ANALYSIS: Section 1 of the bill would prohibit a person from intentionally shining a light on any wild animal, including deer, coyote, and feral swine, from the right-of-way of any public road between the hours of one-half hour after sunset to one-half hour before sunrise.

Section 2 would provide that the prohibition does not apply to the necessary shining of lights by a motorist in normal travel on a highway, or to landowners, campers, or others who are not attempting to attract or immobilize wildlife by the use of lights.

Sections 3 and 4 would make violation of the act a Class 2 misdemeanor, enforceable by law enforcement officers of the WRC, sheriffs and deputy sheriffs, and other law enforcement officers with general subject matter jurisdiction.

Section 5 would make the act applicable to Macon and Clay Counties only.

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

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.

**Chris Saunders, Kyle Evans, and Jeremy Ray, Staff Attorneys for the Legislative Analysis Division, 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.

HOUSE BILL 98

Short Title:	Macon/Clay/No Right-of-Way Spotlighting.	(Local)
Sponsors:	Representative Corbin. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Wildlife Resources, if favorable, Rules, Calendar, and Operations of the House	

February 19, 2019

A BILL TO BE ENTITLED

AN ACT TO REGULATE HUNTING WITH ARTIFICIAL LIGHT IN MACON AND CLAY COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, it is unlawful for any person to shine a light intentionally upon any wild animal, including, but not limited to, deer, coyotes, or feral swine, from the right-of-way of any public road, street, or highway between the hours of one-half hour after sunset and one-half hour before sunrise.

SECTION 2. Section 1 of this act does not apply to the necessary shining of lights by motorists engaged in normal travel on the highway or to landowners, campers, or others who are not attempting to attract or immobilize wildlife by the use of lights.

SECTION 3. Violation of this act is a Class 2 misdemeanor.

SECTION 4. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other law enforcement officers with general subject matter jurisdiction.

SECTION 5. This act applies only to Macon and Clay Counties.

SECTION 6. This act becomes effective October 1, 2019, and applies to offenses committed on or after that date.

HOUSE BILL 239:
Pitt County Animal Control Records.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 24, 2019
Introduced by:	Reps. K. Smith, Humphrey	**Prepared by:**	Bill Patterson Committee Co-Counsel
Analysis of:	Second Edition		

OVERVIEW: House Bill 239 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.

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 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.

Billy Godwin, Legislative Analysis Division, 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 2

HOUSE BILL 239
Committee Substitute Favorable 4/3/19

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 757:
Pender County Property Transfer.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 25, 2019
Introduced by:	Rep. C. Smith	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	First Edition		

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, 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 would be paid by Pender County.

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

Billy R. Godwin, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

Karen Cochrane-Brown
Director

H757-SMRN-53 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 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.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 757

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H757-ARN-14 [v.6]

Amends Title [YES]
First Edition

Date June 25 ,2019

Senator McInnis

moves to amend the bill on page 1, line 3, by rewriting that line to read:

"USED FOR A NEW JAIL AND LAW ENFORCEMENT CENTER AND TO CONVEY CERTAIN STATE-OWNED LANDS TO THE TOWN OF BUTNER.";

and on page 1, lines 4-5, by inserting the following between those lines:

"**PART I. TRANSFER STATE-OWNED LANDS TO PENDER COUNTY TO BE USED FOR A NEW JAIL AND LAW ENFORCEMENT CENTER**";

and on page 2, line 2, by inserting the following at the end of the line:

"Pender County shall have a right of way between this property and the Penderlea Highway across property that will remain owned by the State of North Carolina.";

and on page 2, line 5, by inserting the following at the end of the line:

"Notwithstanding the foregoing, Pender County may grant a deed of trust or similar security instrument related to the property in connection with the financing or refinancing of construction, acquisition, and equipping of the intended facility or the financing or refinancing of improvements, additions, or repairs to the property.";

and on page 2, line 17, by rewriting that line to read:

"**PART II. TRANSFER STATE-OWNED LANDS TO THE TOWN OF BUTNER**

SECTION 5. The State of North Carolina shall convey to the Town of Butner, for consideration of one dollar ($1.00), all its rights, titles, and interests in approximately the former Umstead Correctional Center – bounded by West D Street and 12th Street in Butner, North Carolina, consisting of approximately 36 acres held by the North Carolina Department of Health and Human Services and the North Carolina Department of Public Safety.

SECTION 6. The State of North Carolina shall convey the real property described in Section 5 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 the Town of Butner.

SECTION 7. The conveyance of the State's rights, titles, and interests in the real property described in Section 5 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.

PART III. EFFECTIVE DATE

SECTION 8. This act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 217: DIT Changes.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 24, 2019
Introduced by:	Reps. Saine, Jones, K. Hall	**Prepared by:**	Bill Patterson Committee Co-Counsel
Analysis of:	PCS to Fourth Edition H217-CSTG-34		

OVERVIEW: The Proposed Committee Substitute (PCS) for 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 adds a new Section 9 relating to the number of payroll deduction slots for insurance premiums offered to an agency's employees to which each payroll unit is entitled, and makes other technical, clarifying, and conforming changes.

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 - 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 and *as modified by the PCS,* Section 2 would require agencies to obtain written approval from DIT (and not also the Office of State Budget and Management) before establishing or renewing certain information technology personal services contracts.

Section 3 would clarify that the Chief Information Officer 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.

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 would relocate the North Carolina Geographic Information Coordinating Council from the Office of the Governor to DIT for organizational, budgetary, and administrative purposes.

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 with the duty 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.

911 Board. 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, and SMS and Text-to-911.

Agency Payroll Unit Deduction Slots

Currently, each payroll unit is entitled to not less than four payroll deduction slots to be used for payment of insurance premiums for products selected to be offered to employees of the payroll unit.

Section 8 *(added by PCS)* would provide that each payroll unit is entitled to the number of payroll deduction slots it needs to be used for payment of such insurance premiums.

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

HOUSE BILL 217
Committee Substitute Favorable 4/25/19
Committee Substitute #2 Favorable 4/29/19
Fourth Edition Engrossed 4/30/19

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; 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 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.~~ Significant cybersecurity incident. – 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 time lines 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. – ~~The Order of the~~ FCC order means all orders or final rules issued by the Federal Communications ~~Commission FCC~~ Commission, pursuant to the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (FCC Docket No. ~~94-102, adopted on December 1, 1997, and any consent decrees, rules, and regulations adopted by the Federal Communications Commission pursuant to the Order.~~94-102) 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 imaging.~~or other 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 E-911 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 G.S. 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.

(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 produce~~ charge imposed 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 ~~and~~ over a reasonable period of time, 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 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. 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.~~ replacement if shown pursuant to subsection (f) of this section. 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) of this section 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 communications 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 who are not required to be certified by the North Carolina Sheriffs' Education and Training Standards Commission shall successfully complete:

a. A minimum of 40 hours in a nationally recognized training course for 911 telecommunicators or a basic telecommunicator course offered by the North Carolina Sheriffs' Education and Training 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).~~G.S. 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 ~~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~~ telecommunicator. The plaintiff's burden of proof shall be by clear and convincing evidence."

SECTION 7.(k) Nothing in this act alters or diminishes the exclusive responsibility and authority of the Secretary of Revenue to maintain and safeguard the secrecy and security of taxpayer information under G.S. 105-259.

SECTION 8. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 217
Committee Substitute Favorable 4/25/19
Committee Substitute #2 Favorable 4/29/19
Fourth Edition Engrossed 4/30/19
PROPOSED SENATE COMMITTEE SUBSTITUTE H217-CSTG-34 [v.3]
06/24/2019 04:37:44 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; 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~~Technology. 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.~~bribes; gifts and favors regulated.**

(a) 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.~~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.

(b) 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 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.~~Significant cybersecurity incident. – 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 time lines 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. Military personnel with a valid secret security clearance or a favorable Tier 3 security clearance investigation are exempt from this requirement. 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 call taking 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 or for a communications service provider. 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, 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. – The Order of the Federal Communications Commission FCC Docket No. 94-102, adopted on December 1, 1997, and any consent decrees, rules, and regulations adopted by the Federal Communications Commission pursuant to the Order.

(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 imaging.~~ or other 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 E-911 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 (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.

(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.~~PSAPs as authorized by this Part, to set operating standards for PSAPs and back-up ~~PSAPs,~~PSAPs, including telecommunicator training and certification requirements as provided by G.S. 143B-1406(f), and to provide funds in accordance with these policies, procedures, and ~~standards.~~standards subject to the limitations of G.S. 143B-1406.

(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, manage, and analyze call taking data that is delivered to the State ESInet for use by the Board in performing call analytics and call routing. Such data shall be subject to the limitations of 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.

(e) 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."

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. 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 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.

(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 produce revenue that exceeds or is less than the amount needed, the 911 Board may adjust the rates. ~~The rates must ensure full cost recovery for communications service providers and for primary PSAPs over a reasonable period of time.~~ 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 becomes effective only on July 1. The 911 Board must notify providers of a change in the rates at least 90 days before the change becomes effective. The 911 Board must notify the Department of Revenue of a change in the rate 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 for prepaid wireless telecommunications service at least 45 days before the change becomes effective only on the Department's Web site. The revenues must:

(i) ensure full cost recovery for communications service providers over a reasonable period of time; and

(ii) fund allocations under 143B-1404 of this Part, for monthly distributions to primary PSAPs and for the State ESInet.

...."

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 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. 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 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.

(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 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. 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.~~ replacement if shown pursuant to subsection (f) of this section. 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) of this section 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 communications 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.

(5b) Persons employed as telecommunicators who are not required to be certified by the North Carolina Sheriffs' Education and Training Standards Commission shall successfully complete:

a. A minimum of 40 hours in a nationally recognized training course for 911 telecommunicators or a basic telecommunicator course offered by the North Carolina Sheriffs' Education and Training 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.

(g) Every local government shall participate in a 911 system. The establishment and operation of regional PSAPs shall be a coordinated effort among local governments, local government agencies, and the Board. Nothing in this article shall be construed to prohibit or discourage in any way the formation of regional PSAPs.

...."

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).~~G.S. 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~~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."

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 ~~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~~ telecommunicator. The plaintiff's burden of proof shall be by clear and convincing evidence."

SECTION 8. Nothing in this act alters or diminishes the exclusive responsibility and authority of the Secretary of Revenue to maintain and safeguard the secrecy and security of taxpayer information under G.S. 105-259.

SECTION 9. G.S. 58-31-60(c) reads as rewritten:

"**§ 58-31-60. Competitive selection of payroll deduction insurance products paid for by State employees.**

...

(c) Payroll Deduction Slots. – Each payroll unit shall be entitled to ~~not less than four~~ the number of payroll deduction slots it needs to be used for payment of insurance premiums for products selected by the Employee Insurance Committee and offered to the employees of the payroll unit. The Employee Insurance Committee shall select only one company per payroll deduction slot. The products selected by the Employee Insurance Committee may be offered on a pretax basis if the products qualify as a cafeteria plan under section 125 of the Code. For purposes of this subsection, the term "Code" has the same meaning as defined in G.S. 105-228.90. The Company selected by ~~the~~ an Employee Insurance Committee shall be permitted to sell through payroll deduction only the products specifically approved by the Employee Insurance Committee. The assignment by the Employee Insurance Committee of a payroll deduction slot shall be for a period of not less than two years unless the insurance company shall be in violation of the terms of the written agreement specified in this subsection. The insurance company awarded a payroll deduction slot shall, pursuant to a written agreement setting out the rights and duties of the insurance company, be afforded an adequate opportunity to solicit employees of the payroll unit by making such employees aware that a representative of the company will be available at a specified time and at a location convenient to the employees.

Notwithstanding any other provision of the General Statutes, once an employee has selected an insurance product for payroll deduction, that product may not be removed from payroll deduction for that employee without his or her specific written consent.

When an employee retires from State employment and payroll deduction under this section is no longer available, the insurance company may not terminate life insurance products purchased under the payroll deduction plan without the retiree's specific written consent solely because the premium is no longer deducted from payroll.

...."

SECTION 10. This act is effective when it becomes law.

Senate – State and Local Government

June 25, 2019 – Room 1124/1224 – 2:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Tim Livingston	PPLCC
Jamie Villa Bona	NCLA
David Greenwalker	governmental affairs
Hampton Billips	KTS

Senate – State and Local Government

June 25, 2019 – Room 1124/1224 – 2:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Brad Davis	Sen D Davis
Emily Manning	FPA
Wendy Kelly	FPA
Chad Spangler	SA
Tyler Ford	MWC
	C C A
Nate Denney	NCDIT
Tonya Heath	SSTR

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Senate – State and Local Government

June 25, 2019

Room 1124/1224

2:00 PM

Senate Sergeant at Arms:

Terry Barnhardt

John Enloe

Frances Patterson

Frank Urben

Senate Pages Attending

COMMITTEE: State & Local Gov't **ROOM:** 1124 LB

DATE: 6-25 **TIME:** 2 PM

PLEASE PRINT LEGIBLY....*or else!!!!!*

Page Name	Hometown	Sponsoring Senator
1. Jaden Baldwin	Winston-Salem	Paul Lowe Lowe
2. Tania Hunter	Henderson	Smith
3. Brooke Walls	Raleigh	John Alexander
4. Blake Walls	"	Jno. "Alexander
5.		
6.		
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	June 26, 2019	9:00 AM	1027/1128 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 80	Roanoke Rapids Lake/Unattended Equip.	Representative Wray
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall

Senator Rick Horner, presiding

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Wednesday, June 26, 2019, 9:00 AM
1027/1128 Legislative Building

AGENDA

I. CALL TO ORDER

Chairs: **Sen. Rick Horner, Co-Chair, presiding**
Senator John Alexander, Co-Chair

II. WELCOME AND OPENING REMARKS

III. AGENDA ITEMS

BILL NO.	SHORT TITLE	SPONSOR
HB 217	DIT Changes.-AB	Representative Saine Representative Jones Representative K. Hall
HB 80	Waterfowl Hunting/Roanoke Rapids Lake.	Representative Wray

IV. ADJOURNMENT

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

CORRECTED REPORT #1

Wednesday, June 26, 2019

Senator Horner,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **217** **(CS#2)** DIT Changes.-AB

Draft Number:	H217-PCS40491-TG-34
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Ralph Hise will handle HB 217

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Wednesday, June 26, 2019

Senator Horner,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **80** Waterfowl Hunting/Roanoke Rapids Lake.

Draft Number:	H80-PCS10676-RN-50
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator Milton F. "Toby" Fitch, Jr. will handle HB 80

Senate Committee on State and Local Government
Wednesday, June 26, 2019 at 9:00 am
Room 1027/1128 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 9:00 am on June 26, 2019 in Room 1027/1128 of the Legislative Building. Ten members were present.

A Visitor Registration log is attached and made part of these minutes.

Senator Horner, Presiding Chair, called the meeting to order at 9:00 am. He introduced the Pages and the Sergeant-at-Arms staff. The following bills were considered:

HB 217; DIT Changes.-AB (Representatives Saine, Jones, K. Hall). The Chair recognized Representative Saine, bill sponsor, to explain the bill. The PCS for HB 217 had been adopted for discussion only by the Senate Committee on State & Local Government on 06-25-2019. The Chair welcomed questions from the committee and visitors. Hearing none, Senator Perry moved for a favorable report as to the PCS for House Bill 217, unfavorable to the original bill, and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, Senate PCS and Committee Report is attached.

HB 80; Roanoke Rapids Lake/Unattended Equip. (Representative Wray). The Chair recognized Representative Wray to explain the bill. Senator Foushee sent forth an amendment **S80-ARN-22 [v4]**. Senator Steinburg moved for the adoption of the amendment for consideration. The motion passed. The Chair recognized Brad Krehely, Staff Attorney, to explain the amendment. The Chair recognized Representative Wray to explain the amended bill. The Chair welcomed questions from the committee and visitors. *Senator Perry*, have there been discussions with the Wildlife Resources Commission to make this a statewide law? *Representative Wray's response*, NO. Senator Steinburg moved to roll the amendment into a PCS, with a favorable report as to the PCS, as amended; unfavorable to the original bill and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, the amendment, Senate PCS and Committee Report is attached.

There being no further business, the Chair adjourned the meeting at 2:10 pm.

Senator Rick Horner, Chair
Presiding

Regina Irwin, Committee Clerk

HOUSE BILL 217: DIT Changes.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 24, 2019
Introduced by:	Reps. Saine, Jones, K. Hall	**Prepared by:**	Bill Patterson Committee Co-Counsel
Analysis of:	PCS to Fourth Edition H217-CSTG-34		

OVERVIEW: The Proposed Committee Substitute (PCS) for 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 adds a new Section 9 relating to the number of payroll deduction slots for insurance premiums offered to an agency's employees to which each payroll unit is entitled, and makes other technical, clarifying, and conforming changes.

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 - 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 and *as modified by the PCS,* Section 2 would require agencies to obtain written approval from DIT (and not also the Office of State Budget and Management) before establishing or renewing certain information technology personal services contracts.

Section 3 would clarify that the State Chief Information Officer (not the "Office of the State Chief Information Officer") 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.

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 would make a conforming change to provide that the North Carolina Geographic Information Coordinating Council is located in DIT for organizational, budgetary, and administrative purposes.

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 with the duty 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.

911 Board. 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, and SMS and Text-to-911.

Section 8 would provide that this act does not alter the exclusive responsibility of the Secretary of Revenue to maintain the security of taxpayer information.

Agency Payroll Unit Deduction Slots

Currently, each payroll unit is entitled to not less than four payroll deduction slots to be used for payment of insurance premiums for products selected to be offered to employees of the payroll unit.

Section 9 *(added by PCS)* would provide that each payroll unit is entitled to the number of payroll deduction slots it needs to be used for payment of such insurance premiums.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 4

HOUSE BILL 217
Committee Substitute Favorable 4/25/19
Committee Substitute #2 Favorable 4/29/19
Fourth Edition Engrossed 4/30/19

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; 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 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.~~ Significant cybersecurity incident. – 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 time lines 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. – ~~The Order of the~~ FCC order means all orders or final rules issued by the Federal Communications ~~Commission FCC~~ Commission, pursuant to the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (FCC Docket No. ~~94-102, adopted on December 1, 1997, and any consent decrees, rules, and regulations adopted by the Federal Communications Commission pursuant to the Order.~~94-102) 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 imaging.~~or other 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 E-911 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 G.S. 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.

(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 produce~~ charge imposed 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 ~~and~~ over a reasonable period of time, 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 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. 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.~~ replacement if shown pursuant to subsection (f) of this section. 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) of this section 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 communications 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 who are not required to be certified by the North Carolina Sheriffs' Education and Training Standards Commission shall successfully complete:

a. A minimum of 40 hours in a nationally recognized training course for 911 telecommunicators or a basic telecommunicator course offered by the North Carolina Sheriffs' Education and Training 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).~~G.S. 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 ~~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~~ telecommunicator. The plaintiff's burden of proof shall be by clear and convincing evidence."

SECTION 7.(k) Nothing in this act alters or diminishes the exclusive responsibility and authority of the Secretary of Revenue to maintain and safeguard the secrecy and security of taxpayer information under G.S. 105-259.

SECTION 8. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 217
Committee Substitute Favorable 4/25/19
Committee Substitute #2 Favorable 4/29/19
Fourth Edition Engrossed 4/30/19
PROPOSED SENATE COMMITTEE SUBSTITUTE H217-CSTG-34 [v.3]
06/24/2019 04:37:44 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; 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~~Technology. 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.~~bribes; gifts and favors regulated.**

(a) 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.~~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.

(b) 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 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.~~ Significant cybersecurity incident. – 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 time lines 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. Military personnel with a valid secret security clearance or a favorable Tier 3 security clearance investigation are exempt from this requirement. 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 call taking 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 or for a communications service provider. 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, 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. – The Order of the Federal Communications Commission FCC Docket No. 94-102, adopted on December 1, 1997, and any consent decrees, rules, and regulations adopted by the Federal Communications Commission pursuant to the Order.

(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 imaging.~~or other 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 E-911 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 (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.

(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,~~PSAPs as authorized by this Part, to set operating standards for PSAPs and back-up ~~PSAPs,~~PSAPs, including telecommunicator training and certification requirements as provided by G.S. 143B-1406(f), and to provide funds in accordance with these policies, procedures, and ~~standards.~~standards subject to the limitations of G.S. 143B-1406.

(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, manage, and analyze call taking data that is delivered to the State ESInet for use by the Board in performing call analytics and call routing. Such data shall be subject to the limitations of 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.

(e) 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."

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. 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 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.

(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 produce revenue that exceeds or is less than the amount needed, the 911 Board may adjust the rates. ~~The rates must ensure full cost recovery for communications service providers and for primary PSAPs over a reasonable period of time.~~ 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 becomes effective only on July 1. The 911 Board must notify providers of a change in the rates at least 90 days before the change becomes effective. The 911 Board must notify the Department of Revenue of a change in the rate 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 for prepaid wireless telecommunications service at least 45 days before the change becomes effective only on the Department's Web site. The revenues must:

(i) ensure full cost recovery for communications service providers over a reasonable period of time; and

(ii) fund allocations under 143B-1404 of this Part, for monthly distributions to primary PSAPs and for the State ESInet.

...."

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 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. 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 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.

(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 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. 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.~~ replacement if shown pursuant to subsection (f) of this section. 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) of this section 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 communications 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.

(5b) Persons employed as telecommunicators who are not required to be certified by the North Carolina Sheriffs' Education and Training Standards Commission shall successfully complete:

a. A minimum of 40 hours in a nationally recognized training course for 911 telecommunicators or a basic telecommunicator course offered by the North Carolina Sheriffs' Education and Training 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.

(g) Every local government shall participate in a 911 system. The establishment and operation of regional PSAPs shall be a coordinated effort among local governments, local government agencies, and the Board. Nothing in this article shall be construed to prohibit or discourage in any way the formation of regional PSAPs.

...."

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).~~G.S. 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~~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."

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 ~~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~~ telecommunicator. The plaintiff's burden of proof shall be by clear and convincing evidence."

SECTION 8. Nothing in this act alters or diminishes the exclusive responsibility and authority of the Secretary of Revenue to maintain and safeguard the secrecy and security of taxpayer information under G.S. 105-259.

SECTION 9. G.S. 58-31-60(c) reads as rewritten:

"**§ 58-31-60. Competitive selection of payroll deduction insurance products paid for by State employees.**

...

(c) Payroll Deduction Slots. – Each payroll unit shall be entitled to ~~not less than four~~ the number of payroll deduction slots it needs to be used for payment of insurance premiums for products selected by the Employee Insurance Committee and offered to the employees of the payroll unit. The Employee Insurance Committee shall select only one company per payroll deduction slot. The products selected by the Employee Insurance Committee may be offered on a pretax basis if the products qualify as a cafeteria plan under section 125 of the Code. For purposes of this subsection, the term "Code" has the same meaning as defined in G.S. 105-228.90. The Company selected by ~~the~~ an Employee Insurance Committee shall be permitted to sell through payroll deduction only the products specifically approved by the Employee Insurance Committee. The assignment by the Employee Insurance Committee of a payroll deduction slot shall be for a period of not less than two years unless the insurance company shall be in violation of the terms of the written agreement specified in this subsection. The insurance company awarded a payroll deduction slot shall, pursuant to a written agreement setting out the rights and duties of the insurance company, be afforded an adequate opportunity to solicit employees of the payroll unit by making such employees aware that a representative of the company will be available at a specified time and at a location convenient to the employees.

Notwithstanding any other provision of the General Statutes, once an employee has selected an insurance product for payroll deduction, that product may not be removed from payroll deduction for that employee without his or her specific written consent.

When an employee retires from State employment and payroll deduction under this section is no longer available, the insurance company may not terminate life insurance products purchased under the payroll deduction plan without the retiree's specific written consent solely because the premium is no longer deducted from payroll.

...."

SECTION 10. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 4

HOUSE BILL 217
Committee Substitute Favorable 4/25/19
Committee Substitute #2 Favorable 4/29/19
Fourth Edition Engrossed 4/30/19

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; 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 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.~~ Significant cybersecurity incident. – 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 time lines 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. – ~~The Order of the~~ FCC order means all orders or final rules issued by the Federal Communications ~~Commission FCC~~ Commission, pursuant to the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (FCC Docket No. ~~94-102, adopted on December 1, 1997, and any consent decrees, rules, and regulations adopted by the Federal Communications Commission pursuant to the Order.~~94-102) 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 imaging.~~or other 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 E-911 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 G.S. 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.

(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 produce~~ charge imposed 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 ~~and~~ over a reasonable period of time, 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 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. 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.~~ replacement if shown pursuant to subsection (f) of this section. 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) of this section 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 communications 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 who are not required to be certified by the North Carolina Sheriffs' Education and Training Standards Commission shall successfully complete:

a. A minimum of 40 hours in a nationally recognized training course for 911 telecommunicators or a basic telecommunicator course offered by the North Carolina Sheriffs' Education and Training 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).~~G.S. 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 ~~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~~ telecommunicator. The plaintiff's burden of proof shall be by clear and convincing evidence."

SECTION 7.(k) Nothing in this act alters or diminishes the exclusive responsibility and authority of the Secretary of Revenue to maintain and safeguard the secrecy and security of taxpayer information under G.S. 105-259.

SECTION 8. This act is effective when it becomes law.

HOUSE BILL 80:
Waterfowl Hunting/Roanoke Rapids Lake.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 26, 2019
Introduced by:	Rep. Wray	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 80 would make it a Class 2 misdemeanor to place or leave unoccupied any equipment or vessels that may be used for the purpose of hunting waterfowl between two hours after sunset and 4:00 A.M. during waterfowl hunting season on Roanoke Rapids Lake in Halifax and Northampton Counties.

BILL ANALYSIS: Section 1 of the bill would prohibit a person from placing or leaving unoccupied any equipment or vessels that may be used for the purpose of taking migratory waterfowl, including, but not limited to, mobile or temporary blinds, layout boats, and decoys, prior to 4:00 A.M. each day during established waterfowl hunting seasons. All equipment and unoccupied vessels must be removed by two hours after sunset each day unless they remain on a portion of the shoreline or attached to a dock as authorized by the owner of the shoreline or dock.

Sections 2 and 3 would make violation of the act a Class 2 misdemeanor, enforceable by law enforcement officers of the WRC, sheriffs and deputy sheriffs, and other peace officers with general subject matter jurisdiction.

Section 4 would make the act applicable to Roanoke Rapids Lake in Halifax and Northampton Counties only.

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

Kyle Evans, Staff Attorney for the Legislative Analysis Division, contributed substantially to the drafting of 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.

HOUSE BILL 80

Short Title:	Waterfowl Hunting/Roanoke Rapids Lake.	(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, Rules, Calendar, and Operations of the House	

February 14, 2019

A BILL TO BE ENTITLED

AN ACT TO REGULATE WATERFOWL HUNTING ON ROANOKE RAPIDS LAKE IN NORTHAMPTON AND HALIFAX COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. During the waterfowl seasons established by the Wildlife Resources Commission, it shall be unlawful to place or leave unoccupied any equipment or vessels that may be used for the purpose of taking migratory waterfowl, including, but not limited to, mobile or temporary blinds, layout boats, and decoys, prior to 4:00 A.M. each day. All such equipment and unoccupied vessels must be removed by two hours after sunset each day unless they remain on a portion of the shoreline or attached to a dock as authorized by the owner of the shoreline or dock.

SECTION 2. Violation of this Act shall be a Class 2 misdemeanor punishable by a fine of not less than two hundred fifty dollars ($250.00) in addition to any other punishment prescribed for that offense.

SECTION 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

SECTION 4. This act applies only to Roanoke Rapids Lake in Halifax and Northampton Counties.

SECTION 5. This act becomes effective October 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 80
PROPOSED SENATE COMMITTEE SUBSTITUTE H80-PCS10676-RN-50

Short Title: Roanoke Rapids Lake/Unattended Equip. (Local)

Sponsors:

Referred to:

February 14, 2019

A BILL TO BE ENTITLED

AN ACT TO REGULATE UNATTENDED EQUIPMENT USED FOR WATERFOWL HUNTING ON ROANOKE RAPIDS LAKE IN NORTHAMPTON AND HALIFAX COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. During the waterfowl seasons established by the Wildlife Resources Commission, it shall be unlawful to leave unattended or unoccupied any equipment or vessels that may be used for the purpose of taking migratory waterfowl, including, but not limited to, mobile or temporary blinds, layout boats, and decoys, prior to 4:00 A.M. each day. All such unattended equipment and unoccupied vessels must be removed by two hours after sunset each day unless remaining on a portion of the shoreline or attached to a dock as authorized by the owner of the shoreline or dock.

SECTION 2. Violation of this Act shall be a Class 2 misdemeanor punishable by a fine of not less than two hundred fifty dollars ($250.00) in addition to any other punishment prescribed for that offense.

SECTION 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

SECTION 4. This act applies only to Roanoke Rapids Lake in Halifax and Northampton Counties.

SECTION 5. This act becomes effective October 1, 2019, and applies to offenses committed on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 80

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H80-ARN-22 [v.4]

Amends Title [YES]
First Edition

Date 6-26- ,2019

Senator Foushee

moves to amend the bill on page 1, line 2, by rewriting that line to read:

"AN ACT TO REGULATE UNATTENDED EQUIPMENT USED FOR WATERFOWL HUNTING ON ROANOKE RAPIDS LAKE IN";

and on page 1, line 6, by rewriting that line to read:

"Commission, it shall be unlawful to leave unattended or unoccupied any equipment or vessels that may";

and on page 1, line 8, by inserting "unattended" between "such" and "equipment";

and on page 1, line 9, by deleting "they remain" and substituting "remaining";

and on page 1, line 19, by rewriting that line to read:

"**SECTION 5.** This act becomes effective October 1, 2019, and applies to offenses committed on or after that date.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

H80-ARN-22-V-4

SENATE COMMITTEE ON

STATE AND LOCAL GOVERNMENT

June 26, 2019 – Room 1027/1128 – 9:00 AM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Chandler Crawford	SA
[illegible]	NCSSA
[illegible]	NLC
VE Robert J. Bryant	Chairman, Hoke Co. Comm
Emery G. Doughtie	Mayor City Ro. Rapids
Wayne Smith	City Council Roanoke Rapids, NC
Robert Harris	NCDIT/NC911 Board
Nate Denny	NCDIT

SENATE COMMITTEE ON

STATE AND LOCAL GOVERNMENT

June 26, 2019 – Room 1027/1128 – 9:00 AM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
A Gordon	WRC
Leo John	Secy of State
Tim Longmate	APCC

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Senate Committee

On

State and Local Government

June 26, 2019 – 9:00 AM

Room 1027/1128

Senate Sergeant at Arms:

Linda Matthews

Hal Roach

Senate Pages Attending

COMMITTEE: State & Local Govt **ROOM:** 1027

DATE: 6-26 **TIME:** 9 (AM)

PLEASE PRINT LEGIBLY....*or else!!!!!*

	Page Name	Hometown	Sponsoring Senator
1.	Louis Blanton	Durham	McKissick
2.	Blake Walls	Raleigh	Alexander J.
3.	Derek Prillaman	Sneads Ferry	Brown
4.	muhser Thayanse	Raleigh	Nickel
5.	Evensen Ross	Wilmington	Peterson
6.	Jaden Baldwin	Winston-Salem	Lowe
7.			
8.			

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Friday	June 28, 2019	11:00 AM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 134	Filling Vacancy/Onslow County Board of Comm.	Representative Cleveland Representative Dixon Representative Shepard
HB 52	Wrightsville Beach Local Act Amendment.	Representative Davis

Senator J. Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Friday	June 28, 2019	11:00 AM	1124/1224 LB

Agenda TBD.

Senator J. Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Friday, June 28, 2019, 11:00 AM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages and Sergeant-at-Arms

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 134	Filling Vacancy/Onslow County Board of Comm.	Representative Cleveland Representative Dixon Representative Shepard
HB 52	Wrightsville Beach Local Act Amendment.	Representative Davis

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Friday, June 28, 2019

Senator J. Alexander,
submits the following with recommendations as to passage:

FAVORABLE

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

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

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

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Senator John M. Alexander, Jr. will handle HB 52
Senator Harry Brown will handle HB 134

Senate Committee on State and Local Government
Friday, June 28, 2019 at 11:00 AM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 11:00 AM on June 28, 2019 in Room 1124/1224 of the Legislative Building. 10 members were present.

Senator John M. Alexander, Jr., Chair, presided.

Senator Alexander welcomed committee members and guests. He introduced and thanked the Sergeants-at-Arms Terry Barnhardt and Sheree Hedrick.

HB 134 Filling Vacancy/Onslow County Board of Comm. (Representatives Cleveland, Dixon, Shepard)
Senator Brown explained the bill. There were no questions from the committee or public comment. Senator McInnis moved for favorable report to bill with a serial referral to Rules. Motion passed.
Reported as: Favorable with a sequential referral to Rules.

HB 52 Wrightsville Beach Local Act Amendment. (Representative Davis)
Representative Davis explained the bill and fielded questions from Senators Horner and J. Alexander. Senator Sanderson moved for favorable report to bill with a serial referral to Rules. Motion passed.
Reported as: Favorable with a sequential referral to Rules.

The meeting adjourned at 11:10 AM.

John M Alexander Jr.
Senator John M. Alexander, Jr., Chair
Presiding

Jessica Walls
Jessica Daigler-Walls, Committee Clerk

HOUSE BILL 52:
Wrightsville Beach Local Act Amendment.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 28, 2019
Introduced by:	Rep. Davis	**Prepared by:**	Brad Krehely Committee Co-Counsel
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 deletes the specific list of public purposes for which the land may be used. The bill would allow the land to be used only for public purposes, except that the Town would be authorized to license and regulate the operation of private businesses on the land.

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

Nicholas Giddings and Wendy Ray, Staff Attorneys for the Legislative Analysis Division, substantially contributed to this summary.

Karen Cochrane-Brown
Director

H52-SMRN-69 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 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 134:
Filling Vacancy/Onslow County Board of Comm.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 28, 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.

Karen Cochrane-Brown
Director

H134-SMBD-94 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 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.

Visitor Sign-in

Senate Committee on State and Local Government

June 28, 2019 11:00 AM Room 1124

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Tim Minard	NCHBA
Steven Wood	NCLBA
Frank Stacy	NCRLAA
Tim Waggerton	PRCC

09-22-2016

Visitor Sign-in

Senate Committee on State and Local Government

June 28, 2019 11:00 AM Room 1124

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Patsy Yancey	NCANP
[illegible]	SA
Brian Uhldwurf	NCSBA
Adam Prideaux	NCBCE

09-22-2016

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

State and Local Government

Senate Committee

June 28, 2019

Room 1124

11:00 AM

Senate Sergeant at Arms:

Terry Barnhardt

Sheree Hedrick

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	July 2, 2019	9:30 AM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 324	Cleveland/Caldwell Counties Hunting Omnibus.	Representative Hastings

Senator Alexander, Chair

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	July 2, 2019	9:30 AM	1124/1224 LB

The committee anticipates hearing HB 324, Cleveland/Caldwell Counties Hunting Omnibus, upon its referral to the committee.

Senator Horner, Chair

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, July 2, 2019, 9:30 AM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages and Segreant-at-Arms

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 324	Local Hunting Omnibus.	Representative Hastings

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, July 02, 2019

Senator J. Alexander,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **324** **(CS#1)** Cleveland/Caldwell Counties Hunting Omnibus.

Draft Number:	H324-PCS10691-BD-27
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator W. Ted Alexander will handle HB 324

Senate Committee on State and Local Government
Tuesday, July 2, 2019 at 9:30 AM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 9:30 AM on July 2, 2019 in Room 1124/1224 of the Legislative Building. 8 members were present.

Senator John M. Alexander, Jr., Chair, presided.

Senator Alexander welcomed committee members and guests. He introduced and thanked the Sergeants-at-Arms Dwight Green, John Enloe and Hal Roach.

HB 324 Local Hunting Omnibus. (Representative Hastings)
Senator Perry presented amendment. Moved for approval of amendment and motion passed. Senator T. Alexander explained the bill as amended and answered a question from Senator Sanderson. Senator Perry moved for favorable report to bill as amended rolled into a new PCS with a serial referral to Rules. Motion passed.
Reported as: Unfavorable as to Committee Substitute Bill No. 1, but favorable as to Senator Committee Substitute Bill with a sequential referral to Rules.

The meeting adjourned at 9:38 AM.

Senator John M. Alexander, Jr., Chair
Presiding

Jessica Daigler-Walls, Committee Clerk

HOUSE BILL 324:
Cleveland/Caldwell Counties Hunting Omnibus.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	July 2, 2019
Introduced by:	Rep. Hastings	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: House Bill 324 would make various changes to local hunting acts for Cleveland and Caldwell Counties, to become effective October 1, 2019.

CURRENT LAW/BILL ANALYSIS:

Section 1.(a) would repeal the following local acts:

- 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.
- Chapter 1101 of the 1951 Session Laws, which prohibits taking or killing a red fox by gun, trap, or otherwise in Cleveland County.
- Sections 1 and 3 of Chapter 587 of the 1979 Session Laws (S.L. 1979-587), 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.

Section 1.(b) would make conforming changes.

Section 1.(c) would amend S.L. 1979-587 to (i) prohibit a person from discharging a firearm from the roadway or right-of-way of any State-maintained road or highway, (ii) remove the need for a landowner request for a law enforcement officer to enforce that prohibition, and (iii) expand the applicability to all of Cleveland County. Under current law, S.L. 1979-587 only prohibits the discharge of a centerfire rifle from the any State-maintained road or highway, law enforcement officers are only authorized to enforce the prohibition upon the request of a landowner or lessee of land, and the act only applies to the portion of Cleveland County north of U.S. 74 and south of secondary road 1361 and N.C. 182.

Section 2 – S.L. 2018-10 created an open season for taking foxes with weapons, and foxes and coyotes by trapping during trapping seasons established by the Wildlife Resources Commission, which no tagging requirements or bag limits in Cabarrus, Gaston, McDowell, Mitchell, Montgomery, Rowan, Rutherford, and Stokes Counties. This section would amend S.L. 2018-10 to include Caldwell and Cleveland Counties.

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

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.

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.

Staff Attorneys Kyle Evans and Howard Marsilio substantially significantly to this summary.

HOUSE BILL 324
Committee Substitute Favorable 4/16/19

Short Title: Cleveland/Caldwell Counties Hunting Omnibus. (Local)

Sponsors:

Referred to:

March 12, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO LOCAL HUNTING ACTS FOR CLEVELAND AND CALDWELL COUNTIES.

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 and 3 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.

...."

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.

"**Sec. 6.** This act ~~shall be effective only as to those lands in Cleveland County lying north of U.S. Highway 74 and south of secondary road 1361 and N.C. Highway 182.~~applies only to Cleveland County."

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, Caldwell, Cleveland, Gaston, McDowell, Mitchell, Montgomery, Rowan, Rutherford, and Stokes Counties."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 324

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H324-ATQ-70 [v.2]

Amends Title [YES]
Second Edition

Date July 2 ,2019

Senator Perry

moves to amend the bill by rewriting the Short Title to read:

"Local Hunting Omnibus.";

and on page 1, line 3, by rewriting the line to read:

"CALDWELL, CLEVELAND, CUMBERLAND, AND YANCEY COUNTIES.";

and on page 2, lines 4 through 6, by rewriting the lines to read:

""**SECTION 1.(c)** This section applies only to Cabarrus, Caldwell, Cleveland, Cumberland, Gaston, McDowell, Mitchell, Montgomery, Rowan, Rutherford, ~~and Stokes~~Stokes, and Yancey Counties."

SECTION 3. This act becomes effective October 1, 2019, and applies to offenses committed on or after that date.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

H324-ATQ-70-V-2

VISITOR SIGN-UP SHEET

SENATE COMMITTEE
ON
STATE AND LOCAL GOVERNMENT
July 2, 2019
9:30 AM

PLEASE SIGN IN BELOW

NAME	COMPANY/AGENCY
Chris McDaniel	KTS
Nelson Freeman	Kilpatrick Townsend
Tim Livingston	ARLLC
Adam Priddy	NCAJC
Richard Bostic	NCSBA
Resha Fortson	SEANC
Hampton Billips	KTS

SENATE COMMITTEE
ON
STATE AND LOCAL GOVERNMENT
July 2, 2019
9:30 AM

Senate Sergeant-at-Arms

Dwight Green

John Enloe

Hal Roach

SENATE STATE & LOCAL GOVERNMENT COMMITTEE

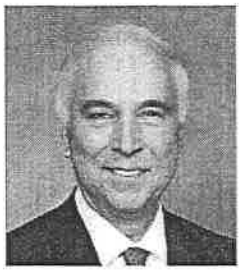
2020 SESSION

SENATOR JOHN ALEXANDER, JR. CO-CHAIR
SENATOR RICK HORNER, CO-CHAIR

JESSICA DAIGLER-WALLS, COMMITTEE CLERK
REGINA IRWIN, COMMITTEE CLERK

NORTH CAROLINA GENERAL ASSEMBLY

STATE AND LOCAL GOVERNMENT COMMITTEE
2019 – 2020 SESSION



Senator John Alexander
Co-Chair

Senator Rick Horner
Co-Chair

Senator Ted Alexander

Senator Jim Burgin

Senator Carl Ford

Senator Valerie Foushee

Senator Eddie Gallimore

Senator Jeff Jackson

Senator Tom McInnis

Senator Mujtaba Mohammed

Senator Jim Perry

Senator Harper Peterson

Senator Norman Sanderson

Senator Sam Searcy

Senator Erica Smith

Senator Bob Steinburg

SENATE STANDING COMMITTEE ON STATE AND LOCAL GOVERMENT

2020 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE
Sen. John Alexander, Jr., Chair	Jessica Daigler-Walls	919-733-5850	625
Sen. Rick Horner, Chair	Regina Irwin	919-715-3030	2106
Sen. W. Ted Alexander	Lynn Tennant	919 715-0690	2117
Sen. Jim Burgin	Elissa Tew	919-733-5748	2113
Sen. Carl Ford	Angela Ford	919-733-5665	608
Sen. Valerie Foushee	Tenae Turner	919-733-5804	629
Sen. Eddie Gallimore	Roger Younts	919-733-5743	2111
Sen. Jeff Jackson	Dylan Arant	919-715-8331	1104
Sen. Tom McInnis	Lynn Taylor	919-733-5953	620
Sen. Mujtaba A. Mohammed	Jordan Lopez	919-733-5955	577
Sen. Jim Perry	Leigh Ann Biddix	919-733-5621	311
Sen. Harper Peterson	Rita Harris	919-715-2525	518
Sen. Norman W. Sanderson	Emily Barnes	919-733-5706	628
Sen. Sam Searcy	Michael Barnhill	919-733-5653	1118
Sen. Erica D. Smith	Angelicia Simmons	919-715-3040	520
Sen. Bob Steinburg	Edward Stile	919-715-8293	301-B

COMMITTEE STAFF

LEGISLATIVE ANALYSIS	ROOM 545 LOB	TEL: 919-733-2578
Bradley K. Krehely - Attorney	Bradley.Krehely@ncleg.gov	
Billy Goodwin - Attorney	Billy.Godwin@ncleg.gov	
Bill Patterson - Attorney	Bill.Patterson@ncleg.gov	
Jonathan Zator – Attorney	Jonathan.Zator@ncleg.net	
Susan Barham - Research Assistant	Susan.Barham@ncleg.net	

COMMITTEE POLICY ADVISOR	ROOM 1408	TEL: 919 301-2008
Carly Weaver	Carly.Weaver@ncleg.gov	

ATTENDANCE

Committee: **State and Local Government Committee**

2020 Session

DATES **NAMES**	05-19-2020	06-02-2020	06-16-2020							
Senator John Alexander, Co-Chair	X	E	E							
Senator Rick Horner, Co-Chair	X	X	X							
Senator Ted Alexander	X	X	X							
Senator Jim Burgin	X	X	X							
Senator Carl Ford	X	X	X							
Senator Valerie Foushee			X							
Senator Eddie Gallimore	X	X	X							
Senator Jeff Jackson										
Senator Tom McInnis	X									
Senator Mujtaba Mohammed	X	X								
Senator Jim Perry	X	X	X							
Senator Harper Peterson	X	X	X							
Senator Norman Sanderson	X	X	X							
Senator Sam Searcy	X		X							
Senator Erica Smith	X	X	X							
Senator Bob Steinburg	X	X	X							
Brad Krehely, Staff	X	X	X							
Billy Godwin, Staff	X	X	X							
Bill Patterson, Staff	X	X								
Jonathan Zator, Staff	X	X	X							
Carly Weaver, Staff	X	X	X							
Susan Barham, Staff										
Jessica Daigler-Walls, Clerk	X	X	X							
Regina Irwin, Clerk	X	X	X							

Regina Irwin (Sen. Rick Horner)

From: Regina Irwin (Sen. Rick Horner)
Sent: Tuesday, May 19, 2020 09:42 AM
To: Rep. George Cleveland; Rep. Phil Shepard; Sen. Don Davis; Sen. Andy Wells; Sen. Chuck Edwards; Sen. Tom McInnis
Cc: Pamela Ahlin (Rep. George Cleveland); Pamela Pate (Rep. Phil Shepard); Edwin Woodard (Sen. Don Davis); Linda Wente (Sen. Andy Wells); Sarah Glad (Sen. Chuck Edwards); Lynn Taylor (Sen. Tom McInnis)
Subject: <NCGA> Senate State and Local Government Committee Meeting Notice for Tuesday, May 19, 2020 at 2:00 PM - UPDATED #3
Attachments: Add Meeting to Calendar_LINC_.ics

Principal Clerk ____
Reading Clerk ____

Updated #3: Added SB 795

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	May 19, 2020	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 85	Emissions/Onslow County.	Representative Shepard Representative Cleveland
SB 720	GSC Conforming Amends./2019 Land-Use Changes.	Senator Edwards Senator Wells Senator D. Davis
SB 795	Laurinburg-Maxton Airport Commission.	Senator McInnis

Senator Horner will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, May 19, 2020
2:00 pm
1124/1224 Legislative Building

AGENDA

I. CALL TO ORDER

Chairs: **Sen. Rick Horner, Co-Chair, presiding**
Senator John Alexander, Co-Chair

II. WELCOME AND OPENING REMARKS

III. AGENDA ITEMS

BILL NO.	SHORT TITLE	SPONSOR
HB 85	Emissions/Onslow County.	Representative Shepard Representative Cleveland
SB 720	GSC Conforming Amends./2019 Land-Use Changes.	Senator Edwards Senator Wells Senator D. Davis
SB 795	Laurinburg-Maxton Airport Commission	Senator McInnis

IV. ADJOURNMENT

Senate Committee on State and Local Government
Tuesday, May 19, 2020 at 2:00 pm
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 pm on May 19, 2020 in Room 1124/1224 of the Legislative Building. Thirteen members were present.

A Visitor Registration log is attached and made part of these minutes.

Senator Horner, Presiding Chair, called the meeting to order at 2:00 pm. He welcomed the members of the Committee and introduced the Sergeant-at-Arms staff. The following bills were considered:

HB 85; Emissions/Onslow County. (Representatives Shepard, Cleveland). Due to a scheduling conflict Representative Shepard, bill sponsor, was not available to present the bill in committee. The Chair recognized Senator Brown to explain the Senate PCS for HB 85. Senator T. Alexander moved to adopt the PCS for discussion. The motion passed. Senator Brown explained and Senator Burgin commented on the Senate PCS. The Senate PCS would convert the bill from a local bill to a public bill. It would remove Lee, Onslow, and Rockingham Counties from the group of counties required to conduct emissions inspections, change to December 31, 2020, the due date of a report from DEQ to the EPA seeking EPA approval of a proposed North Carolina State Implementation Plan amendment based on the proposed change to the motor vehicle emissions testing. Change the effective date to the later of January 1, 2021, or the first day of a month that is 60 days after the Secretary of DEQ certifies to the Revisor of Statutes that the EPA has approved the amendment to the State's Implementation Plan. Senator McInnis moved unfavorable as to the Committee Substitute bill No. 2, but favorable as to the Senate Committee Substitute bill for HB 85 and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, Senate PCS and committee report is attached.

SB 720; GSC Conforming Amends./2019 Land-Use Changes. (Senators Edwards, Wells, D. Davis). The Chair recognized Senator Edwards to explain the bill. Senator Burgin sent forth two amendments **S720-AMN-12 [v.4] and S720-AMN-13 [v.1].** See attachments. Senator Sanderson moved for the adoption of the amendments for consideration. The motion passed. The Chair recognized Senator Burgin to explain the amendments. Senator Sanderson moved to roll the amendments into a PCS. The motion passed. The Chair recognized Senator Edwards to explain the amended bill. SB 720 would complete the consolidation of land use provisions into the new Chapter 160D of the General Statutes. The process was started by S.L. 2019-111. The bill consists of a number of technical and clarifying changes, including updating statutory cross references that were worked by the General Statutes Commission throughout the interim. Stakeholders were involved in the process. Senator Smith asked if there was any opposition to the bill. Senator Edwards' response, no opposition. Senator Smith moved for a favorable report as to the PCS, as amended; unfavorable to the original bill and recommendation the bill be re-referred to the Senate

Committee on Judiciary. The motion passed. A copy of the bill, the bill summary, the amendments, PCS and committee report is attached

SB 795; Laurinburg-Maxton Airport Commission. (Senator McInnis). The Chair recognized Senator McInnis, bill sponsor, to explain the bill. Senator Smith inquired about any opposition to this bill by any member of the Senate and/or House of Representatives whose district includes the area to which the bill applies. Senator McInnis response, no opposition. Senator Burgin moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and committee report is attached.

There being no further business, the Chair adjourned the meeting at 2:20 pm.

Senator Rick Horner, Chair
Presiding

Regina Irwin, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, May 19, 2020

Senator Horner,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **720** GSC Conforming Amends./2019 Land-Use Changes.

Draft Number:	S720-PCS45445-MN-4
Sequential Referral:	Judiciary
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **85** **(CS#2)** Emissions/Onslow County.

Draft Number:	H85-PCS30570-BD-32
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Senator Tom McInnis will handle SB 720
Senator Harry Brown will handle HB 85

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 4

HOUSE BILL 85

Committee Substitute Favorable 3/6/19
Committee Substitute #2 Favorable 3/19/19
Senate State and Local Government Committee Substitute Adopted 5/19/20

Short Title: Emissions/Lee, Onslow, & Rockingham Counties. (Public)

Sponsors:

Referred to:

February 14, 2019

A BILL TO BE ENTITLED

AN ACT TO REMOVE LEE, ONSLOW, AND ROCKINGHAM COUNTIES 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 December 31, 2020, 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) January 1, 2021.

(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/Lee, Onslow, & Rockingham Counties.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	May 19, 2020
Introduced by:	Reps. Shepard, Cleveland	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	PCS to Third Edition H85-CSBD-32		

OVERVIEW: ***The Proposed Committee Substitute (PCS) to House Bill 85 would do all of the following:***

- ***Convert the bill from a local bill to a public bill.***
- ***Remove Lee, Onslow, and Rockingham Counties from the group of counties required to conduct emissions inspections.***
- ***Modify the due date of a report from the Department of Environmental Quality (DEQ) to the United States Environmental Protection Agency (EPA).***
- ***Modify the effective date.***

CURRENT LAW: G.S. 143-215.107A requires motor vehicle emissions inspections to 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 PCS to House Bill 85 bill would:

- Convert the bill from a local bill to a public bill.[1]
- Remove Lee, Onslow, and Rockingham Counties from the group of counties required to conduct emissions inspections.
- Change to December 31, 2020, the due date of a report from DEQ to the EPA seeking EPA approval of a proposed North Carolina State Implementation Plan amendment based on the proposed change to the motor vehicle emissions testing.
- Change the effective date to the later of January 1, 2021, or the first day of a month that is 60 days after the Secretary of DEQ certifies to the Revisor of Statutes that the EPA has approved the amendment to the State's Implementation Plan.

[1] Article II, Sec. 24, of the State Constitution prohibits local bills related to health, sanitation, and the abatement of nuisances and provides that such bills are void. A court could find that a local bill pertaining vehicle emissions testing is related to health, sanitation, and the abatement of nuisances and violates this constitutional provision.

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.

EFFECTIVE DATE: Section 1 of this act would become effective on the later of January 1, 2021, or the first day of a month that is 60 days after the Secretary of DEQ certifies to the Revisor of Statutes that the EPA has approved the amendment to the State's Implementation Plan and would apply to motor vehicles inspected, or due to be inspected, on or after that effective date. The remainder of this act would become effective when it becomes law.

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.

Howard Marsilio and Jeremy Ray, Staff Attorney for the Legislative Analysis Division, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 85
Committee Substitute Favorable 3/6/19
Committee Substitute #2 Favorable 3/19/19
PROPOSED SENATE COMMITTEE SUBSTITUTE H85-CSBD-32 [v.2]
5/14/2020 8:51:49 PM

Short Title: Emissions/Lee, Onslow, & Rockingham Counties. (Public)

Sponsors:

Referred to:

February 14, 2019

A BILL TO BE ENTITLED

AN ACT TO REMOVE LEE, ONSLOW, AND ROCKINGHAM COUNTIES 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 December 31, 2020, 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) January 1, 2021.

(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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H 3

HOUSE BILL 85
Committee Substitute Favorable 3/6/19
Committee Substitute #2 Favorable 3/19/19

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 December 31, 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) January 1, 2020.

(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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S 2

SENATE BILL 720
State and Local Government Committee Substitute Adopted 5/19/20

Short Title: GSC Conforming Amends./2019 Land-Use Changes. (Public)

Sponsors:

Referred to:

May 14, 2020

A BILL TO BE ENTITLED

AN ACT TO COMPLETE THE CONSOLIDATION OF LAND-USE PROVISIONS INTO ONE CHAPTER OF THE GENERAL STATUTES AS DIRECTED BY S.L. 2019-111, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 6-21.7 reads as rewritten:

"**§ 6-21.7. Attorneys' fees; cities or counties acting outside the scope of their authority.**

In any action in which a city or county is a party, upon a finding by the court that the city or county violated a statute or case law setting forth unambiguous limits on its authority, the court shall award reasonable attorneys' fees and costs to the party who successfully challenged the city's or county's action. In any action in which a city or county is a party, upon finding by the court that the city or county took action inconsistent with, or in violation of, ~~G.S. 160A-360.1, 153A-320.1, or 143-755,~~ G.S. 160D-108(b) or G.S. 143-755, the court shall award reasonable attorneys' fees and costs to the party who successfully challenged the local government's failure to comply with any of those provisions. In all other matters, the court may award reasonable attorneys' fees and costs to the prevailing private litigant. For purposes of this section, "unambiguous" means that the limits of authority are not reasonably susceptible to multiple constructions."

SECTION 2. G.S. 143-755 reads as rewritten:

"**§ 143-755. Permit choice.**

(a) If a development permit applicant submits a permit application for any type of development and a rule or ordinance is amended, including an amendment to any applicable land development regulation, between the time the development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. If an applicable rule or ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. Provided, however, any provision of the development permit applicant's chosen version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant.

(b) This section applies to all development permits issued by the State and by local governments.

(b1) If a permit application is placed on hold at the request of the applicant for a period of six consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the local or State government for a period of six consecutive months or more, the application review ~~shall be~~ is discontinued and the development regulations in effect at the time permit processing is resumed ~~shall be applied~~ apply to the application.

(c) Repealed by Session Laws 2015-246, s. 5(a), effective September 23, 2015.

(d) Any person aggrieved by the failure of a State agency or local government to comply with this section or ~~G.S. 160A-360.1 or G.S. 153A-320.1~~ G.S. 160D-108(b) may apply to the appropriate division of the General Court of Justice for an order compelling compliance by the offending agency or local government, and the court ~~shall have jurisdiction to~~ may issue that order. Actions brought pursuant to any of these sections shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts.

(e) For purposes of this section, the following definitions ~~shall apply:~~apply:

(1) Development. – Without altering the scope of any regulatory authority granted by statute or local act, any of the following:
   a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
   b. Excavation, grading, filling, clearing, or alteration of land.
   c. The subdivision of land as defined in ~~G.S. 153A-335 or G.S. 160A-376.~~G.S. 160D-802.
   d. The initiation of substantial change in the use of land or the intensity of the use of land.

(2) Development permit. – An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following:
   a. Zoning permits.
   b. Site plan approvals.
   c. Special use permits.
   d. Variances.
   e. Certificates of appropriateness.
   f. Plat approvals.
   g. Development agreements.
   h. Building permits.
   i. Subdivision of land.
   j. State agency permits for development.
   k. Driveway permits.
   l. Erosion and sedimentation control permits.
   m. Sign permit.

(3) Land development regulation. – Any State statute, rule, or regulation, or local ordinance affecting the development or use of real property, including any of the following:
   a. Unified development ordinance.
   b. Zoning regulation, including zoning maps.
   c. Subdivision regulation.
   d. Erosion and sedimentation control regulation.

e. Floodplain or flood damage prevention regulation.
f. Mountain ridge protection regulation.
g. Stormwater control regulation.
h. Wireless telecommunication facility regulation.
i. Historic preservation or landmark regulation.
j. Housing code."

SECTION 3. G.S. 160D-102 reads as rewritten:

"**§ 160D-102. Definitions.**

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section ~~shall~~ have the following meanings ~~indicated~~ when used in this Chapter:

...

(6) Comprehensive plan. – ~~The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have~~ A comprehensive plan that has been officially adopted by the governing ~~board.~~board pursuant to G.S. 160D-501.

...

(12) Development. – ~~Unless the context clearly indicates otherwise, the term means any~~ Any of the following:
a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
b. The excavation, grading, filling, clearing, or alteration of land.
c. The subdivision of land as defined in G.S. 160D-802.
d. The initiation or substantial change in the use of land or the intensity of use of land.

This definition does not alter the scope of regulatory authority granted by this Chapter.

...

(17) Governing board. – The city council or board of county commissioners. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and ~~shall mean~~ means any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.

...

(21) Local act. – As defined in ~~G.S. 160A-1(2).~~G.S. 160A-1(5).

...

~~(33) Vested right. – The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.~~

...."

SECTION 4. G.S. 160D-107 reads as rewritten:

"**§ 160D-107. Moratoria.**

...

(c) Exempt Projects. – Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section ~~shall~~ does not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific ~~or phased~~ vesting plan approved pursuant to ~~G.S. 160D-108,~~ G.S. 160D-108.1, to development for which substantial expenditures have already been made in

good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium, G.S. 160D-108(b) ~~shall be applicable~~ applies when permit processing resumes.

...

(e) Limit on Renewal or Extension. – No moratorium may be subsequently renewed or extended for any additional period unless the local government ~~shall have~~ has taken all reasonable and feasible steps proposed to be taken in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of subsection (d) of this section, including what new facts or conditions warrant the extension.

(f) Expedited Judicial Review. – Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the General Court of Justice for an order enjoining the enforcement of the moratorium. Actions brought pursuant to this section shall be scheduled for expedited hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In such actions, the local government ~~shall have~~ has the burden of showing compliance with the procedural requirements of this subsection."

SECTION 5.(a) G.S. 160D-108 reads as rewritten:

"**§ 160D-108. ~~Vested rights and permit choice.~~Permit choice and vested rights.**

(a) Findings. – The General Assembly recognizes that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses. The General Assembly finds that it is necessary and desirable to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, to secure the reasonable expectations of landowners, and to foster cooperation between the public and private sectors in land-use planning and development regulation. The provisions of this section and G.S. 160D-108.1 strike an appropriate balance between private expectations and the public interest.

(b) Permit Choice. – ~~If an application made in accordance with local regulation is submitted for a development approval required pursuant to this Chapter and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. This section applies to all development approvals issued by the State and by local governments. The duration of vested rights created by development approvals is as set forth in subsection (d) of this section.~~If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

(c) Vested Rights. – Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:

(1) Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.
(2) Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with G.S. 143-755.
(3) A site-specific vesting plan pursuant to G.S. 160D-108.1.
(4) A multi-phased development pursuant to subsection (f) of this section.
(5) A vested right established by the terms of a development agreement authorized by Article 10 of this Chapter.

The establishment of a vested right under any subdivision of this subsection does not preclude vesting under one or more other subdivisions of this subsection or vesting by application of common law principles. A vested right, once established as provided for in this section or by common law, precludes any action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation or regulations, except where a change in State or federal law mandating local government enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use.

~~(c) Process to Claim Vested Right. – A person claiming a statutory or common law vested right may submit information to substantiate that claim to the zoning administrator or other officer designated by a development regulation, who shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-405(c).~~

(d) Duration of Vesting. – Upon issuance of a development permit, the statutory vesting granted by subsection (c) of this section for a development project is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to law. Unless otherwise specified by this section or other statute, local development permits expire one year after issuance unless work authorized by the permit has substantially commenced. A local land development regulation may provide for a longer permit expiration period. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive.

Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period is automatically tolled during the pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section. The 24-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting.

~~(d) Types and Duration of Statutory Vested Rights. – Except as provided by this section and subject to subsection (b) of this section, amendments in local development regulations shall not be applicable or enforceable with regard to development that has been permitted or approved pursuant to this Chapter so long as one of the types of approvals listed in this subsection remains valid and unexpired. Each type of vested right listed in this subsection is defined by and is subject to the limitations provided in this section. Vested rights established under this section are not mutually exclusive. The establishment of a vested right under this section does not preclude the~~

~~establishment of one or more other vested rights or vesting by common law principles. Vested rights established by local government approvals are as follows:~~

~~(1) Six months – Building permits. – Pursuant to G.S. 160D-1109, a building permit expires six months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced.~~

~~(2) One year – Other local development approvals. – Pursuant to G.S. 160D-403(c), unless otherwise specified by statute or local ordinance, all other local development approvals expire one year after issuance unless work has substantially commenced. Expiration of a local development approval shall not affect the duration of a vested right established under this section or vested rights established under common law.~~

~~(3) Two to five years – Site-specific vesting plans.~~

~~a. Duration. – A vested right for a site-specific vesting plan shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the local government. A local government may provide that rights regarding a site-specific vesting plan shall be vested for a period exceeding two years, but not exceeding five years, if warranted by the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions, or other considerations. This determination shall be in the discretion of the local government and shall be made following the process specified for the particular form of a site-specific vesting plan involved in accordance with sub-subdivision c. of this subdivision.~~

~~b. Relation to building permits. – A right vested as provided in this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. 160D-1109 and G.S. 160D-1113 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under this subsection exists.~~

~~c. Requirements for site-specific vesting plans. – For the purposes of this section, a "site-specific vesting plan" means a plan submitted to a local government pursuant to this section describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as may be used by a local government. Unless otherwise expressly provided by the local government, the plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific vesting plan shall be defined by the relevant~~

~~development regulation, and the development approval that triggers vesting shall be so identified at the time of its approval. At a minimum, the regulation shall designate a vesting point earlier than the issuance of a building permit. In the event a local government fails to adopt a regulation setting forth what constitutes a site-specific vesting plan, any development approval shall be considered to be a site-specific vesting plan. A variance shall not constitute a site-specific vesting plan and approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.~~

~~d. Process for approval and amendment of site-specific vesting plans. — If a site-specific vesting plan is based on an approval required by a local development regulation, the local government shall provide whatever notice and hearing is required for that underlying approval. If the duration of the underlying approval is less than two years, that shall not affect the duration of the site-specific vesting plan established under this subdivision. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held. A local government may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by its terms and conditions will result in a forfeiture of vested rights. A local government shall not require a landowner to waive vested rights as a condition of developmental approval. A site-specific vesting plan shall be deemed approved upon the effective date of the local government's decision approving the plan or such other date as determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by staff, if such are defined and authorized by local regulation.~~

~~(4) Seven years — Multiphase developments. — A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.~~

~~(5) Indefinite. Development agreements. A vested right of reasonable duration may be specified in a development agreement approved under Article 10 of this Chapter.~~

(e) Multiple Permits for Development Project. – Subject to subsection (d) of this section, where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

(f) Multi-Phased Development. – A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

~~(f) Exceptions. The provisions of this section are subject to the following:~~

~~(1) A vested right, once established as provided for by subdivision (3) or (4) of subsection (d) of this section, precludes any zoning action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved vested right, except when any of the following conditions are present:~~

~~a. The written consent of the affected landowner.~~

~~b. Findings made, after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right.~~

~~c. The extent to which the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in G.S. 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action.~~

~~d. Findings made, after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right.~~

~~e. The enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved vested right, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing.~~

~~(2) The establishment of a vested right under subdivision (3) or (4) of subsection (d) of this section shall not preclude the application of overlay zoning or other development regulation that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that~~

~~are general in nature and are applicable to all property subject to development regulation by a local government, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations shall become effective with respect to property that is subject to a vested right established under this section upon the expiration or termination of the vested rights period provided for in this section.~~

~~(3) Notwithstanding any provision of this section, the establishment of a vested right under this section shall not preclude, change, or impair the authority of a local government to adopt and enforce development regulation provisions governing nonconforming situations or uses.~~

~~(e)~~(g) Continuing Review. – Following ~~approval or conditional approval of a statutory vested right,~~ issuance of a development permit, a local government may make subsequent inspections and reviews ~~and require subsequent approvals by the local government~~ to ensure compliance with the ~~terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval. The local government may revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations.~~applicable land development regulations in effect at the time of the original application.

(h) Process to Claim Vested Right. – A person claiming a statutory or common law vested right may submit information to substantiate that claim to the zoning administrator or other officer designated by a land development regulation, who shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal under G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1.

~~(g)~~(i) Miscellaneous Provisions. – ~~A vested right obtained under this section is not a personal right but shall attach to and run with the applicable property. After approval of a vested right under this section, all successors to the original landowner shall be entitled to exercise such rights.~~ The vested rights granted by this section run with the land except for the use of land for outdoor advertising governed by G.S. 136-131.1 and G.S. 136-131.2 in which case the rights granted by this section run with the owner of a permit issued by the North Carolina Department of Transportation. Nothing in this section ~~shall preclude~~ precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

(j) As used in this section, the following definitions apply:

(1) Development. – As defined in G.S. 143-755(e)(1).

(2) Development permit. – As defined in G.S. 143-755(e)(2).

(3) Land development regulation. – As defined in G.S. 143-755(e)(3).

(4) Multi-phased development. – A development containing 25 acres or more that is both of the following:

a. Submitted for development permit approval to occur in more than one phase.

b. Subject to a master development plan with committed elements showing the type and intensity of use of each phase."

SECTION 5.(b) Article 1 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§160D-108.1. Vested rights – site-specific vesting plans.**

(a) Site-Specific Vesting Plan. – A site-specific vesting plan consists of a plan submitted to a local government in which the applicant requests vesting pursuant to this section, describing

with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan, or any other land-use approval designation as may be utilized by a local government. Unless otherwise expressly provided by the local government, the plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific vesting plan under this section that would trigger a vested right shall be finally determined by the local government pursuant to a development regulation, and the document that triggers the vesting shall be so identified at the time of its approval. A variance does not constitute a site-specific vesting plan, and approval of a site-specific vesting plan with the condition that a variance be obtained does not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.

(b) Establishment of Vested Right. – A vested right is established with respect to any property upon the valid approval, or conditional approval, of a site-specific vesting plan as provided in this section. Such a vested right confers upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the site-specific vesting plan, including any amendments thereto.

(c) Approval and Amendment of Plans. – If a site-specific vesting plan is based on an approval required by a local development regulation, the local government shall provide whatever notice and hearing is required for that underlying approval. A duration of the underlying approval that is less than two years does not affect the duration of the site-specific vesting plan established under this section. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held.

A local government may approve a site-specific vesting plan upon any terms and conditions that may reasonably be necessary to protect the public health, safety, and welfare. Conditional approval results in a vested right, although failure to abide by the terms and conditions of the approval will result in a forfeiture of vested rights. A local government shall not require a landowner to waive the landowner's vested rights as a condition of developmental approval. A site-specific vesting plan is deemed approved upon the effective date of the local government's decision approving the plan or another date determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by staff, if such are defined and authorized by local regulation.

(d) Continuing Review. – Following approval or conditional approval of a site-specific vesting plan, a local government may make subsequent reviews and require subsequent approvals by the local government to ensure compliance with the terms and conditions of the original approval, provided that these reviews and approvals are not inconsistent with the original approval. The local government may, pursuant to G.S. 160D-403(f), revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations.

(e) Duration and Termination of Vested Right. –

(1) A vested right for a site-specific vesting plan remains vested for a period of two years. This vesting shall not be extended by any amendments or

modifications to a site-specific vesting plan unless expressly provided by the local government.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a local government may provide for rights to be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are in the sound discretion of the local government and shall be made following the process specified for the particular form of a site-specific vesting plan involved in accordance with subsection (a) of this section.

(3) Upon issuance of a building permit, the provisions of G.S. 160D-1111 and G.S. 160D-1115 apply, except that a permit does not expire and shall not be revoked because of the running of time while a vested right under this section is outstanding.

(4) A right vested as provided in this section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

(f) Subsequent Changes Prohibited; Exceptions. –

(1) A vested right, once established as provided for in this section, precludes any zoning action by a local government which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan, except under one or more of the following conditions:

a. With the written consent of the affected landowner.

b. Upon findings, by ordinance after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific vesting plan.

c. To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as provided under G.S. 160D-106. Compensation shall not include any diminution in the value of the property which is caused by the action.

d. Upon findings, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the site-specific vesting plan or the phased development plan.

e. Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

(2) The establishment of a vested right under this section does not preclude the application of overlay zoning or other development regulations which impose

additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation by a local government, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations become effective with respect to property which is subject to a site-specific vesting plan upon the expiration or termination of the vesting rights period provided for in this section.

(3) Notwithstanding any provision of this section, the establishment of a vested right does not preclude, change, or impair the authority of a local government to adopt and enforce development regulations governing nonconforming situations or uses.

(g) Miscellaneous Provisions. –

(1) A vested right obtained under this section is not a personal right, but attaches to and runs with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner are entitled to exercise these rights.

(2) Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

(3) In the event a local government fails to adopt a development regulation setting forth what constitutes a site-specific vesting plan triggering a vested right, a landowner may establish a vested right with respect to property upon the approval of a zoning permit, or otherwise may seek appropriate relief from the Superior Court Division of the General Court of Justice."

SECTION 6. G.S. 160D-111 reads as rewritten:

"**§ 160D-111. Effect on prior laws.**

(a) The enactment of this Chapter ~~shall~~ does not require the readoption of any local government ordinance enacted pursuant to laws that were in effect before January 1, 2021 and are restated or revised herein. The provisions of this Chapter ~~shall~~ do not affect any act heretofore done, any liability incurred, any right accrued or vested, or any suit or prosecution begun or cause of action accrued as of January 1, 2021. The enactment of this Chapter ~~shall not be deemed to~~ does not amend the geographic area within which local government development regulations adopted prior to January 1, ~~2019,~~ 2021, are effective.

(b) G.S. 153A-3 and G.S. 160A-3 are applicable to this Chapter. Nothing in this Chapter repeals or amends a charter or local act in effect as of January 1, 2021 unless this Chapter or a subsequent enactment of the General Assembly clearly shows a legislative intent to repeal or supersede that charter or local act.

(c) Whenever a reference is made in another section of the General Statutes or any local act, or any local government ordinance, resolution, or order, to a portion of Article 19 of Chapter 160A of the General Statutes or Article 18 of Chapter 153A of the General Statutes that is repealed or superseded by this Chapter, the reference ~~shall be~~ is deemed amended to refer to that portion of this Chapter that most nearly corresponds to the repealed or superseded portion of Article 19 of Chapter 160A or Article 18 of Chapter 153A of the General Statutes."

SECTION 7. G.S. 160D-201 reads as rewritten:

"**§ 160D-201. Planning and development regulation jurisdiction.**

(a) ~~Municipalities.~~ Cities. – All of the powers granted by this Chapter may be exercised by any city within its corporate limits and within any extraterritorial area established pursuant to ~~this Article.~~G.S. 160D-202.

(b) Counties. – All of the powers granted by this Chapter may be exercised by any county throughout the county except in areas subject to municipal planning and development regulation jurisdiction.

(c) Partial Jurisdiction Regulation in Cities and Counties. – If a city elects to adopt zoning or subdivision regulations, each must be applied to the city's entire planning and development regulation jurisdiction. If a county elects to adopt zoning or subdivision regulations, each may be applied to all or part of the county's planning and development regulation jurisdiction. A local government's planning and development regulation jurisdiction does not include an area in which it has ceded jurisdiction pursuant to an agreement under G.S. 160D-203."

SECTION 8. G.S. 160D-307(b) reads as rewritten:

"(b) Appointment. – Membership of joint municipal-county planning agencies or boards of adjustment may be appointed as agreed by counties and ~~municipalities.~~ cities. The extraterritorial representatives on a city advisory board authorized by this Article shall be appointed by the board of county commissioners with jurisdiction over the area. The county shall make the appointments within 90 days following the ~~hearing.~~ receipt of a request from the city that the appointments be made. Once a city provides proportional representation, no power available to a city under this Chapter ~~shall be~~ is ineffective in its extraterritorial area solely because county appointments have not yet been made. If there is an insufficient number of qualified residents of the extraterritorial area to meet membership requirements, the board of county commissioners may appoint as many other residents of the county as necessary to make up the requisite number. When the extraterritorial area extends into two or more counties, each board of county commissioners concerned shall appoint representatives from its portion of the area, as specified in the ordinance. If a board of county commissioners fails to make these appointments within 90 days after receiving a resolution from the city council requesting that they be made, the city council may make them."

SECTION 9. G.S. 160D-403 reads as rewritten:

"**§ 160D-403. Administrative development approvals and determinations.**

(a) Development Approvals. – To the extent consistent with the scope of regulatory authority granted by this Chapter, no person shall commence or proceed with development without first securing any required development approval from the local government with jurisdiction over the site of the development. A development approval shall be in writing and may contain a provision ~~that~~ requiring the development ~~shall~~ to comply with all applicable State and local laws. A local government may issue development approvals in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

(b) Determinations and Notice of Determinations. – A development regulation enacted under the authority of this Chapter may designate the staff member or members charged with making determinations under the development regulation.

The officer making the determination shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

It ~~shall be~~ is conclusively presumed that all persons with standing to appeal have constructive notice of the determination from the date a sign providing notice that a determination has been made is prominently posted on the property that is the subject of the determination, provided the sign remains on the property for at least 10 days. The sign shall contain the words "Zoning

Decision" or "Subdivision Decision" or similar language for other determinations in letters at least 6 inches high and shall identify the means to contact a local government staff member for information about the determination. Posting of signs is not the only form of constructive notice. Any such posting ~~shall be~~ is the responsibility of the landowner, applicant, or person who sought the determination. Verification of the posting shall be provided to the staff member responsible for the determination. Absent an ordinance provision to the contrary, posting of signs shall not be required.

(c) Duration of Development Approval. – Unless a different period is specified by this Chapter or other specific applicable law, ~~or a different period is provided by a quasi-judicial development approval,~~ including for a development agreement, ~~or a local ordinance,~~ a development approval issued pursuant to this Chapter ~~shall expire~~ expires one year after the date of issuance if the work authorized by the development approval has not been substantially commenced. Local development regulations may provide for development approvals of shorter duration for temporary land uses, special events, temporary signs, and similar development. ~~Unless provided otherwise by this Chapter or other specific applicable law or a longer period is provided by local ordinance, if after commencement the work or activity is discontinued for a period of 12 months after commencement, the development approval shall immediately expire. The time periods set out in this subsection shall be tolled during the pendency of any appeal. No work or activity authorized by any development approval that has expired shall thereafter be performed until a new development approval has been secured.~~ Local development regulations may also provide for development approvals of longer duration for specified types of development approvals. Nothing in this subsection ~~shall be deemed to limit~~ limits any vested rights secured under ~~G.S. 160D-108.~~G.S. 160D-108 or G.S. 160D-108.1.

…

(f) Revocation of Development Approvals. – In addition to initiation of enforcement actions under G.S. 160D-404, development approvals may be revoked by the local government issuing the development approval by notifying the holder in writing stating the reason for the revocation. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed pursuant to G.S. 160D-405. If an appeal is filed regarding a development regulation adopted by a local government pursuant to this Chapter, the provisions of G.S. 160D-405(e) regarding stays ~~shall be applicable.~~apply.

…."

SECTION 10. G.S. 160D-405 reads as rewritten:

"**§ 160D-405. Appeals of administrative decisions.**

(a) Appeals. – Except as provided in ~~subsection (c) of this section,~~ G.S. 160D-1403.1, appeals of administrative decisions made by the staff under this Chapter shall be made to the board of adjustment unless a different board is provided or authorized otherwise by statute or an ordinance adopted pursuant to this Chapter. If this function of the board of adjustment is assigned to any other board pursuant to G.S. 160D-302(b), that board shall comply with all of the procedures and processes applicable to a board of adjustment hearing appeals. Appeal of a decision made pursuant to an erosion and sedimentation control regulation, a stormwater control regulation, or a provision of the housing code shall not be made to the board of adjustment unless required by a local government ordinance or code provision.

(b) Standing. – Any person who has standing under G.S. 160D-1402(c) or the local government may appeal an administrative decision to the board. An appeal is taken by filing a notice of appeal with the local government clerk or such other local government official as designated by ordinance. The notice of appeal shall state the grounds for the appeal.

~~(c) Judicial Challenge. A person with standing may bring a separate and original civil action to challenge the constitutionality of an ordinance or development regulation, or whether the ordinance or development regulation is ultra vires, preempted, or otherwise in excess of statutory authority, without filing an appeal under subsection (a) of this section.~~

(d) Time to Appeal. – The owner or other party ~~shall have~~ has 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal ~~shall have~~ has 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first-class mail ~~shall be~~ is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

(e) Record of Decision. – The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(f) Stays. – An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the board of adjustment and any subsequent appeal in accordance with G.S. 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings ~~shall~~ are not ~~be~~ stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after ~~such a~~ the request is filed. ~~Notwithstanding the foregoing,~~

Notwithstanding any other provision of this section, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation ~~shall~~ does not stay the further review of an application for development approvals to use ~~such~~ the property; in these situations, the appellant or local government may request and the board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

(g) Alternative Dispute Resolution. – The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The development regulation may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

(h) No Estoppel. – G.S. 160D-1403.2, limiting a local government's use of the defense of estoppel, applies to proceedings under this section."

SECTION 11. G.S. 160D-501 reads as rewritten:

"**§ 160D-501. Plans.**

(a) ~~Preparation of Plans and Studies.~~ Requirements for Zoning. – As a condition of adopting and applying zoning regulations under this Chapter, a local government shall adopt and reasonably maintain a comprehensive plan ~~that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction.~~ or land-use plan.

(a1) Plans. – A comprehensive plan sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. A land-use plan uses text and maps to designate the future use or reuse of land. A comprehensive or land-use plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs.

Planning analysis may address inventories of existing conditions and assess future trends regarding demographics and economic, environmental, and cultural factors. The planning process shall include opportunities for citizen engagement in plan preparation and adoption.

~~In addition to a comprehensive plan, a~~ A local government may prepare and adopt ~~such~~ other plans as deemed appropriate. This may include, but is not limited to, ~~land-use plans,~~ small area plans, neighborhood plans, hazard mitigation plans, transportation plans, housing plans, and recreation and open space plans. ~~If adopted pursuant to the process set forth in this section, such plans shall be considered in review of proposed zoning amendments.~~

(b) Comprehensive Plan Contents. – A comprehensive plan may, among other topics, address any of the following as determined by the local government:

...

(c) Adoption and Effect of Plans. – Plans shall be adopted by the governing board with the advice and consultation of the planning board. Adoption and amendment of a comprehensive or land-use plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601. Plans adopted under this Chapter may be undertaken and adopted as part of or in conjunction with plans required under other statutes, including, but not limited to, the plans required by G.S. 113A-110. Plans adopted under this Chapter shall be advisory in nature without independent regulatory effect. Plans adopted under this Chapter do not expand, diminish, or alter the scope of authority for development regulations adopted under this Chapter. Plans adopted under this Chapter shall be considered by the planning board and governing board when considering proposed amendments to zoning regulations as required by G.S. 160D-604 and G.S. 160D-605.

If a plan is deemed amended by G.S. 160D-605 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed."

SECTION 12. G.S. 160D-601 reads as rewritten:

"**§ 160D-601. Procedure for adopting, amending, or repealing development regulations.**

(a) Hearing with Published Notice. – Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

...

(c) Ordinance Required. – A development regulation adopted pursuant to this Chapter shall be adopted by ordinance.

(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

(1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.

(2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage."

SECTION 13. G.S. 160D-602 reads as rewritten:

"**§ 160D-602. Notice of hearing on proposed zoning map amendments.**

(a) Mailed Notice. – ~~An~~ Subject to the limitations of this Chapter, an ordinance shall provide for the manner in which zoning regulations and the boundaries of zoning districts ~~shall be~~ are to be determined, established, and enforced, and from time to time amended, supplemented, or changed, in accordance with the provisions of this Chapter. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing.

(b) Optional Notice for Large-Scale Zoning Map Amendments. – The first-class mail notice required under subsection (a) of this section ~~shall~~ is not ~~be~~ required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the local government elects to use the expanded published notice provided for in this subsection. In this instance, a local government may elect to make the mailed notice provided for in subsection (a) of this section or, as an alternative, elect to publish notice of the hearing as required by G.S. 160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement ~~shall only be~~ is effective only for property owners who reside in the area of general circulation of the newspaper that 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.

(c) Posted Notice. – When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.

~~(d) Actual Notice. – Except for a government-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the landowner or authorized agent, the applicant shall certify to the local government 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 the hearing. Actual notice shall be provided in any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, 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). The person or persons required to provide notice shall certify to the local government that actual notice has been provided, and such certificate shall be deemed conclusive in the absence of fraud.~~

(e) Optional Communication Requirements. – When a zoning map amendment is proposed, a zoning regulation may require communication by the person proposing the map amendment to neighboring property owners and residents and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners and residents."

SECTION 14. G.S. 160D-603 reads as rewritten:

"§ 160D-603. Citizen comments.

Subject to the limitations of this Chapter, zoning regulations may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in the local government submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map ~~amendment,~~ amendment that has been properly initiated as provided in G.S. 160D-601, to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the governing board. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705 or any other statute, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting."

SECTION 15. G.S. 160D-702 reads as rewritten:

"§ 160D-702. Grant of power.

(a) ~~A Local Government May Adopt Zoning Regulations. A~~ A local government may adopt zoning regulations. Except as provided in subsections (b) and (c) of this section, a zoning regulation 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. A local government may regulate development, including floating homes, over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12. A zoning regulation 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. Where appropriate, a zoning regulation may include requirements that street and utility rights-of-way be dedicated to the public, that provision be made of recreational space and facilities, and that performance guarantees be provided, all to the same extent and with the same limitations as provided for in ~~G.S. 160D-804.~~G.S. 160D-804 and G.S. 160D-804.1.

(b) Any regulation relating to building design elements adopted under this Chapter may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under one or more of the following circumstances:

(1) The structures are located in an area designated as a local historic district pursuant to Part 4 of Article 9 of this Chapter.

(2) The structures are located in an area designated as a historic district on the National Register of Historic Places.

(3) The structures are individually designated as local, State, or national historic landmarks.

(4) The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.

(5) Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160D-908 and federal law.

(6) Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.

Regulations prohibited by this subsection may not be applied, directly or indirectly, in any zoning district or conditional district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval,

nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160D-604 or G.S. 160D-605 of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan.

For the purposes of this subsection, the phrase "building design elements" means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors, or (iii) regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

Nothing in this subsection ~~shall affect~~ affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements.

(c) A zoning regulation 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 16. G.S. 160D-703 reads as rewritten:

"**§ 160D-703. Zoning districts.**

(a) Types of Zoning Districts. – A local government may divide its territorial jurisdiction into zoning districts of any number, shape, and area deemed best suited to carry out the purposes of this Article. Within those districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Zoning districts may include, but ~~shall~~ are not be limited to, the following:

...

(b) Conditional Districts. – Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions ~~mutually~~ approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, a local government may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site. The zoning regulation may provide that defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments. If multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved ~~shall~~ apply only ~~be applicable~~ to those properties whose owners petition for the modification.

...."

SECTION 17. G.S. 160D-705 reads as rewritten:

"§ 160D-705. Quasi-judicial zoning decisions.

(a) Provisions of Ordinance. – The zoning or unified development ordinance may provide that the board of adjustment, planning board, or governing board hear and decide quasi-judicial zoning decisions. The board shall follow quasi-judicial procedures as specified in G.S. 160D-406 when making any quasi-judicial decision.

(b) Appeals. – Except as otherwise provided by this Chapter, the board of adjustment shall hear and decide appeals from administrative decisions regarding administration and enforcement of the zoning regulation or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development. The provisions of G.S. 160D-405 and G.S. 160D-406 are applicable to these appeals.

(c) Special Use Permits. – The regulations may provide that the board of adjustment, planning board, or governing board hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in the regulations. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local ~~government.~~government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

The ~~regulation[s]~~ regulations may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification or revocation of a special use permit shall follow the same process for approval as is applicable to the approval of a special use permit. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved ~~shall only be applicable~~ apply only to those properties whose owners apply for the modification. The regulation may require that special use permits be recorded with the register of deeds.

(d) Variances. – When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the regulation. It ~~shall not be~~ is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance ~~shall not be regarded as~~ is not a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection."

SECTION 18. G.S. 160D-706 reads as rewritten:

"**§ 160D-706. Zoning conflicts with other development standards.**

(a) When regulations made under authority of this Article require a greater width or size of yards or courts, or require a lower height of a building or fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under authority of this Article ~~shall~~ govern. When the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of a building or a fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Article, the provisions of that statute or local ordinance or regulation ~~shall~~ govern.

(b) When adopting regulations under this Article, a local government may not use a definition of building, dwelling, dwelling unit, bedroom, or sleeping unit that is ~~more expansive than~~ inconsistent with any definition of ~~the same~~ those terms in another statute or in a rule adopted by a State ~~agency.~~agency, including the State Building Code Council."

SECTION 19. Reserved.

SECTION 20.(a) G.S. 160D-804 reads as rewritten:

"**§ 160D-804. Contents and requirements of regulation.**

...

(c) Transportation and Utilities. –

(1) The regulation may provide for the dedication 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.

(2) ~~The~~ A regulation adopted by a city may provide that in lieu of required street construction, a developer be required to provide funds for city use for the construction of roads to serve the occupants, residents, or invitees of the subdivision or development, and these funds may be used for roads which serve more than one subdivision or development within the area. All funds received by the city pursuant to this ~~subsection~~ subdivision shall be used only for development of roads, including design, land acquisition, and construction. However, a city may undertake these activities in conjunction with the Department of Transportation under an agreement between the city and the Department of Transportation.

(3) A regulation adopted by a county may provide that in lieu of required street construction, a developer may provide funds to a county to be used for the development of roads to serve the occupants, residents, or invitees of the subdivision or development. All funds received by the county under this subdivision shall be transferred to a city to be used solely for the development of roads, including design, land acquisition, and construction. Any city receiving funds from a county under this subdivision is authorized to expend the funds outside its corporate limits for the purposes specified in the agreement between the municipality and the county.

(4) Any formula adopted by a local government to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. The regulation may require a combination of partial payment of funds and partial dedication of constructed streets when the governing board ~~of the city~~ determines that a combination is in the best interests of the citizens of the area to be served.

(d) Recreation Areas and Open Space. – The regulation may provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or, alternatively, for payment of funds to be used to acquire or develop recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area. All funds received by ~~municipalities~~ cities pursuant to this subsection shall be used only for the acquisition or development of recreation, park, or open space sites. All funds received by counties pursuant to this subsection shall be used only for the acquisition of recreation, park, or open space sites. Any formula enacted to determine the amount of funds that are to be provided under this subsection shall be based on the value of the development or subdivision for property tax purposes. The regulation may allow a combination or partial payment of funds and partial dedication of land when the governing board determines that this combination is in the best interests of the citizens of the area to be served.

...."

SECTION 20.(b) G.S. 160D-804(g) is recodified as G.S. 160D-804.1. As recodified by this section, G.S. 160D-804.1 reads as rewritten:

"**§ 160D-804.1. Performance guarantees.**

~~(g) Performance Guarantees.~~ To assure compliance with ~~these~~ G.S. 160D-804 and other development regulation requirements, ~~the~~ a subdivision regulation may provide for performance guarantees to assure successful completion of required ~~improvements at the time the plat is recorded as provided in subsection (b) of this section. For any specific development, the type of performance guarantee shall be at the election of the person required to give the performance guarantee.~~improvements.

For purposes of this section, all of the following ~~shall apply~~ apply with respect to performance guarantees:

(1) Type. – The type of performance guarantee shall be at the election of the developer. The term "performance guarantee" ~~shall mean~~ means any of the following forms of guarantee:

a. Surety bond issued by any company authorized to do business in this State.

b. Letter of credit issued by any financial institution licensed to do business in this State.

c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

(1a) Duration. – The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

(1b) Extension. – A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new

performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (3) of this subsection and shall include the total cost of all incomplete improvements.

(2) Release. – The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the local government that the improvements for which the performance guarantee is being required are complete. ~~If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer.~~The local government shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to local government acceptance. When required improvements that are secured by a bond are completed to the specifications of the local government, or are accepted by the local government, if subject to its acceptance, upon request by the developer, the local government shall timely provide written acknowledgement that the required improvements have been completed.

(3) Amount. – The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. ~~Any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.~~The local government may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

(3a) Timing. – A local government, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.

(4) Coverage. – The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

(5) Legal responsibilities. – No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:

a. The local government to whom ~~such~~ the performance guarantee is provided.

b. The developer at whose request or for whose benefit ~~such~~ the performance guarantee is given.

c. The person or entity issuing or providing ~~such~~ the performance guarantee at the request of or for the benefit of the developer.

(6) Multiple guarantees. – The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (1) of this section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

(7) Exclusion. – Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section."

SECTION 20.(c) Subsection (b) of this section applies to performance guarantees issued on or after the effective date of this act.

SECTION 20.(d) G.S. 160D-804 is amended by adding two new subsections to read:

"(h) Power Lines Exemption. – The regulation 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 local government, 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.

(i) Minimum Square Footage Exemption. – The regulation 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 21. G.S. 160D-807 reads as rewritten:

"**§ 160D-807. Penalties for transferring lots in unapproved subdivisions.**

(a) If a local government adopts a subdivision regulation, any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of that local government, thereafter subdivides ~~his~~ the land in violation of the regulation or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under ~~such~~ the subdivision regulation and recorded in the office of the appropriate register of deeds, ~~shall be~~ is guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land ~~shall~~ does not exempt the transaction from this penalty. The local government may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. Building permits required pursuant to ~~G.S. 160D-1108~~ G.S. 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, a local government may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

(b) The provisions of this section ~~shall~~ do not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a

final plat has not yet been properly approved under the subdivision regulation or recorded with the register of deeds, provided the contract does all of the following:

...

(c) The provisions of this section ~~shall~~ do not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision regulation or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision regulation and recorded with the register of deeds."

SECTION 22. G.S. 160D-903 reads as rewritten:

"**§ 160D-903. Agricultural uses.**

(a) Bona Fide Farming Exempt From County Zoning. – County zoning regulations may not affect property used for bona fide farm purposes; provided, however, that this section does not limit zoning regulation with respect to the use of farm property for nonfarm purposes. Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) ~~shall include~~ includes the farm within the jurisdiction of the county and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following ~~shall constitute~~ is sufficient evidence that the property is being used for bona fide farm purposes:

(1) A farm sales tax exemption certificate issued by the Department of Revenue.

(2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.

(3) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.

(4) A forest management plan.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farm sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide farm purpose pursuant to this subsection ~~shall subject~~ subjects the building or structure to applicable zoning and development regulation ordinances adopted by a county pursuant to subsection (a) of this section in effect on the date the property no longer meets the requirements of this subsection. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or

structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

(b) County Zoning of Residential Uses on Large Lots in Agricultural Districts. – A county zoning regulation shall not prohibit single-family detached residential uses constructed in accordance with the North Carolina State Building Code on lots greater than 10 acres in size and in zoning districts where more than fifty percent (50%) of the land is in use for agricultural or silvicultural purposes, except that this restriction ~~shall~~ does not apply to commercial or industrial districts where a broad variety of commercial or industrial uses are permissible. A zoning regulation shall not require that a lot greater than 10 acres in size have frontage on a public road or county-approved private road or be served by public water or sewer lines in order to be developed for single-family residential purposes.

(c) Agricultural Areas in Municipal Extraterritorial Jurisdiction. – Property that is located in a ~~municipality's~~ city's extraterritorial planning and development regulation jurisdiction and that is used for bona fide farm purposes is exempt from the ~~municipality's~~ city's zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to this section. As used in this subsection, "property" means a single tract of property or an identifiable portion of a single tract. Property that ceases to be used for bona fide farm purposes ~~shall become~~ becomes subject to exercise of the ~~municipality's~~ city's extraterritorial planning and development regulation jurisdiction under this Chapter. For purposes of complying with State or federal law, property that is exempt from ~~the exercise of municipal extraterritorial planning and development regulation jurisdiction~~ municipal zoning pursuant to this subsection ~~shall be~~ is subject to the county's floodplain regulation or all floodplain regulation provisions of the county's unified development ordinance.

(d) Accessory Farm Buildings. – A ~~municipality~~ city may provide in its zoning regulation that an accessory building of a "bona fide farm" has the same exemption from the building code as it would have under county zoning.

(e) City Regulations in Voluntary Agricultural Districts. – A city may amend the development regulations applicable within its planning and development regulation jurisdiction to provide flexibility to farming operations that are located within a city or county, voluntary agricultural district, or enhanced voluntary agricultural district adopted under Article 61 of Chapter 106 of the General Statutes. Amendments to applicable development regulations may include provisions regarding on-farm sales, pick-your-own operations, road signs, agritourism, and other activities incident to farming."

SECTION 23. G.S. 160D-916(b) is repealed.

SECTION 24. G.S. 160D-947 reads as rewritten:

"**§ 160D-947. Certificate of appropriateness required.**

(a) Certificate Required. – ~~From and after~~ After the designation of a landmark or a historic district, no exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on ~~such~~ the landmark or within ~~such~~ the district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the preservation commission. The local government shall require such a certificate to be issued by the commission prior to the issuance of a building permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Part. A certificate of appropriateness ~~shall be~~ is required whether or not a building or other permit is required.

For purposes of this Part, "exterior features" ~~shall include~~ include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and

style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" ~~shall be construed to mean~~ mean the style, material, size, and location of all such signs. Such "exterior features" may, in the discretion of the local governing board, include historic signs, color, and significant landscape, archaeological, and natural features of the area.

Except as provided in subsection (b) of this section, the commission ~~shall have~~ has no jurisdiction over interior arrangement. The commission shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district that would be incongruous with the special character of the landmark or district. In making decisions on certificates of appropriateness, the commission shall apply the rules and standards adopted pursuant to subsection (c) of this section.

(b) Interior Spaces. – Notwithstanding subsection (a) of this section, jurisdiction of the commission over interior spaces ~~shall be~~ is limited to specific interior features of architectural, artistic, or historical significance in publicly owned landmarks and of privately owned historic landmarks for which consent for interior review has been given by the owner. ~~Said~~ The consent of an owner for interior review ~~shall bind~~ binds future owners and/or successors in ~~title, provided such~~ if the consent has been filed in the office of the register of deeds of the county in which the property is located and indexed according to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the commission's jurisdiction over the interior.

...

(e) Appeals. –

(1) Appeals of administrative decisions allowed by regulation may be made to the commission.

(2) All decisions of the commission in granting or denying a certificate of appropriateness may, if so provided in the regulation, be appealed to the board of adjustment in the nature of certiorari within times prescribed for appeals of administrative decisions in ~~G.S. 160D-405(c).~~ G.S. 160D-405(d). To the extent applicable, the provisions of G.S. 160D-1402 ~~shall~~ apply to appeals in the nature of certiorari to the board of adjustment.

(3) Appeals from the board of adjustment may be made pursuant to G.S. 160D-1402.

(4) If the regulation does not provide for an appeal to the board of adjustment, appeals of decisions on certificates of appropriateness may be made to the superior court as provided in G.S. 160D-1402.

(5) Petitions for judicial review shall be taken within times prescribed for appeal of quasi-judicial decisions in ~~G.S. 160D-1404.~~ G.S. 160D-1405. Appeals in any such case shall be heard by the superior court of the county in which the local government is located.

(f) Public Buildings. – All of the provisions of this Part are hereby made applicable to construction, alteration, moving, and demolition by the State of North Carolina, its political subdivisions, agencies, and instrumentalities, provided, however, they ~~shall~~ do not apply to interiors of buildings or structures owned by the State of North Carolina. The State and its agencies ~~shall have a right of~~ may appeal to the North Carolina Historical Commission or any successor agency assuming its responsibilities under G.S. 121-12(a) from any decision of a local preservation commission. The North Carolina Historical Commission shall render its decision within 30 days from the date that the notice of appeal by the State is received by it. The current edition of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be the sole principles and guidelines used in reviewing applications of the State for certificates of appropriateness. The decision of the North Carolina

Historical Commission ~~shall be~~ is final and binding upon both the State and the preservation commission."

SECTION 25. G.S. 160D-1005 reads as rewritten:

"**§ 160D-1005. ~~Public hearing.~~Hearing.**

Before entering into a development agreement, a local government shall conduct a legislative hearing on the proposed agreement. The notice provisions of G.S. 160D-602 applicable to zoning map amendments shall be followed for this hearing. The notice for the ~~public~~ hearing must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained."

SECTION 26. G.S. 160D-1006 reads as rewritten:

"**§ 160D-1006. Content and modification.**

(a) A development agreement shall, at a minimum, include all of the following:

…

(b) A development agreement may also provide that the entire development or any phase of it be commenced or completed within a specified period of time. If required by ordinance or in the agreement, the development agreement shall provide a development schedule, including commencement dates and interim completion dates at no greater than five-year intervals; provided, however, the failure to meet a commencement or completion date ~~shall~~ does not, in and of itself, constitute a material breach of the development agreement pursuant to G.S. 160D-1008 but must be judged based upon the totality of the circumstances. The developer may request a modification in the dates as set forth in the agreement.

…

(d) The development agreement also may cover any other matter, including defined performance standards, not inconsistent with this Chapter. The development agreement may include mutually acceptable terms regarding provision of public facilities and other amenities and the allocation of financial responsibility for their provision, provided any impact mitigation measures offered by the developer beyond those that could be required by the local government ~~pursuant to G.S. 160D-804~~ shall be expressly enumerated within the agreement, and provided the agreement may not include a tax or impact fee not otherwise authorized by law.

…

(f) Any performance guarantees under the development agreement shall comply with ~~G.S. 160D-804(d).~~G.S. 160D-804.1."

SECTION 27. G.S. 160D-1007(b) reads as rewritten:

"(b) Except for grounds specified in ~~G.S. 160D-108(c),~~ G.S. 160D-108(c) or G.S. 160D-108.1(f), a local government may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement."

SECTION 28.(a) G.S. 160D-1104 reads as rewritten:

"**§ 160D-1104. Duties and responsibilities.**

(a) The duties and responsibilities of an inspection department and of the inspectors in it ~~shall be~~ are to enforce within their planning and development regulation jurisdiction State and local laws relating to the following:

(1) The construction of buildings and other structures.

(2) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air-conditioning systems.

(3) The maintenance of buildings and other structures in a safe, sanitary, and healthful condition.

(4) Other matters that may be specified by the governing board.

(b) The duties and responsibilities set forth in subsection (a) of this section ~~shall~~ include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections in a timely manner, the issuance or denial of certificates of compliance,

the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and any other actions that may be required in order adequately to enforce those laws. The ~~city council shall have~~ governing board has the authority to enact reasonable and appropriate provisions governing the enforcement of those laws.

(c) In performing the specific inspections required by the North Carolina Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected fails to meet the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings or the North Carolina Building Code.

(d) Except as provided in ~~G.S. 160D-1115~~ G.S. 160D-1117 and G.S. 160D-1207, a local government may not adopt or enforce a local ordinance or resolution or any other policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council. The North Carolina Building Code Council shall review all applications for additional inspections requested by a local government and shall, in a reasonable manner, approve or disapprove the additional inspections. This subsection does not limit the authority of the local government to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Residential Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings or the North Carolina Building Code.

(e) Each inspection department shall implement a process for an informal internal review of inspection decisions made by the department's inspectors. This process shall include, at a minimum, the following:

(1) Initial review by the supervisor of the inspector.

(2) The provision in or with each permit issued by the department of (i) the name, phone number, and e-mail address of the supervisor of each inspector and (ii) a notice of availability of the informal internal review process.

(3) Procedures the department must follow when a permit holder or applicant requests an internal review of an inspector's decision.

Nothing in this subsection ~~shall be deemed to limit or abrogate~~ limits or abrogates any rights available under Chapter 150B of the General Statutes to a permit holder or applicant.

(f) If a specific building framing inspection as required by the North Carolina Residential Code for One- and Two-Family Dwellings results in 15 or more separate violations of that Code, the inspector shall forward a copy of the inspection report to the Department of Insurance."

SECTION 28.(b) Notwithstanding Section 6(c) of S.L. 2018-29, as amended by Section 9 of S.L. 2019-174, G.S. 153A-352(g) and G.S. 160A-412(g) expire on the effective date of this act and not on October 1, 2021. G.S. 160D-1104(f) expires October 1, 2021.

SECTION 29. G.S. 160D-1106 reads as rewritten:

"§ 160D-1106. Alternate inspection method for component or element.

(a) Notwithstanding the requirements of this Article, a ~~city~~ local government shall accept and approve, without further responsibility to inspect, a design or other proposal for a component or element in the construction of buildings from an architect licensed under Chapter 83A of the General Statutes or professional engineer licensed under Chapter 89C of the General Statutes provided all of the following apply:

(1) The submission design or other proposal is completed under valid seal of the licensed architect or licensed professional engineer.

(2) Field inspection of the installation or completion of a component or element of the building is performed by a licensed architect or licensed professional engineer or a person under the direct supervisory control of the licensed architect or licensed professional engineer.

(3) The licensed architect or licensed professional engineer under subdivision (2) of this subsection provides the ~~city~~ local government with a signed written document ~~stating~~ certifying that the component or element of the building 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, and its receipt shall be promptly acknowledged by the ~~city~~ local government through reciprocal means. The certification 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 local government shall not require information other than that specified in this section.

(b) Upon the acceptance and approval receipt of a signed written document by the ~~city~~ local government as required under subsection (a) of this section, notwithstanding the issuance of a certificate of occupancy, the ~~city,~~ local government, its inspection department, and the inspectors ~~shall be~~ are discharged and released from any liabilities, duties, and responsibilities imposed by this Article with respect to or in common law from any claim arising out of or attributed to the component or element in the construction of the building for which the signed written document was submitted.

(c) With the exception of the requirements contained in subsection (a) of this section, no further certification by a licensed architect or licensed professional engineer ~~shall be~~ is required for any component or element designed and sealed by a licensed architect or licensed professional engineer for the manufacturer of the component or element under the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings.

(d) As used in this section, the following definitions 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. The term does not include a system.

(2) Element. – A combination of products designed to be combined with other elements to form all or part of a building component. The term does not include a system."

SECTION 30. G.S. 160D-1110 reads as rewritten:

"**§ 160D-1110. Building permits.**

(a) Except as provided in subsection (c) of this section, no person shall commence or proceed with any of the following without first securing all permits required by the State Building Code and any other State or local laws applicable to any of the following activities:

(1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure.

(2) The installation, extension, or general repair of any plumbing system except that in any one- or two-family dwelling unit a permit ~~shall not be~~ is not required for the connection of a water heater that is being ~~replaced, provided that~~ replaced if (i) the work is performed by a person licensed under G.S. 87-21 who personally examines the work at completion and ensures that a leak test has been performed on the gas piping, and ~~provided~~ (ii) the energy use rate or thermal input is not greater than that of the water heater that is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code.

(3) The installation, extension, alteration, or general repair of any heating or cooling equipment system.

(4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, except that in any one- or two-family dwelling unit a permit ~~shall not be~~ is not required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being ~~replaced, provided that~~ replaced if all of the following requirements are met:

a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.

b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.

c. The work is performed by a person licensed under G.S. 87-43.

d. The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code.

However, a building permit is not required for the installation, maintenance, or replacement of any load control device or equipment by an electric power supplier, as defined in G.S. 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the work is subject to supervision by an electrical contractor licensed under Article 4 of Chapter 87 of the General Statutes. The electric power supplier shall provide such installation, maintenance, or replacement in accordance with (i) an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement is made before or after the point of delivery of electric service to the customer. The exemption under this subsection applies to all existing installations.

(b) A building 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~~ requires a local government to review and approve residential building plans submitted to the local government pursuant to the North Carolina Residential Code, provided that the local government may review and approve ~~such~~ the residential building plans as it deems necessary. If a local government 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 for the building permit must be performed within 15 business days of submission of the plans. A local government 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

building 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 building 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 or development or zoning regulation requires that work be done by a licensed specialty contractor of any kind, no building permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor.

(c) No permit issued under Article 9 or 9C of Chapter 143 of the General Statutes ~~shall be~~ is required for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code costing fifteen thousand dollars ($15,000) or less in any single-family residence or farm building unless the work involves any of the following:

(1) The addition, repair, or replacement of load-bearing structures. However, no permit is required for replacement of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior decks.

(2) The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.

(3) The addition, replacement, or change in the design of heating, air-conditioning, or electrical wiring, devices, appliances, or equipment, other than like-kind replacement of electrical devices and lighting fixtures.

(4) The use of materials not permitted by the North Carolina Residential Code for One- and Two-Family Dwellings.

(5) The addition (excluding replacement) of roofing.

...."

SECTION 31. G.S. 160D-1113 reads as rewritten:

"**§ 160D-1113. Inspections of work in progress.**

Subject to the limitation imposed by ~~G.S. 160D-1104(b),~~ G.S. 160D-1104(d), as the work pursuant to a building permit progresses, local inspectors shall make as many inspections thereof as may be necessary to satisfy them that the work is being done according to the provisions of any applicable State and local laws and of the terms of the permit. In exercising this power, members of the inspection department ~~shall~~ have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. If a building permit has been obtained by an owner exempt from licensure under G.S. 87-1(b)(2), no inspection shall be conducted without the owner being present, unless the plans for the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes."

SECTION 32. G.S. 160D-1116 reads as rewritten:

"**§ 160D-1116. Certificates of ~~compliance.~~compliance; temporary certificates of occupancy.**

(a) At the conclusion of all work done under a building permit, the appropriate inspector shall make a final inspection, and, if ~~the inspector finds that~~ the completed work complies with all applicable State and local laws and with the terms of the permit, the inspector shall issue a certificate of compliance. ~~No~~ Except as provided by subsection (b) of this section, 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 moved may be occupied, until the inspection department has issued a certificate of compliance.

(b) A temporary certificate of occupancy ~~or compliance~~ may be issued permitting occupancy for a stated period of time of either the entire building ~~or property~~ or of specified portions of the building if the inspector finds that ~~such~~ the building ~~or property~~ may safely be occupied prior to its final completion. 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.

(c) ~~Violation of this section shall constitute a Class 1 misdemeanor. A local government may require the applicant for a temporary certificate of occupancy to post suitable security to ensure code compliance.~~Any person who owns, leases, or controls a building and occupies or allows the occupancy of the building or a part of the building before a certificate of compliance or temporary certificate of occupancy has been issued pursuant to subsection (a) or (b) of this section is guilty of a Class 1 misdemeanor."

SECTION 33. G.S. 160D-1121 reads as rewritten:

"§ 160D-1121. Action in event of failure to take corrective action.

If the owner of a building or structure that has been condemned as unsafe pursuant to ~~G.S. 160D-1117 shall fail~~ G.S. 160D-1119 fails to take prompt corrective action, the local inspector shall give written notice, by certified mail to the owner's last known address or by personal service, of all of the following:

(1) That the building or structure is in a condition that appears to meet one or more of the following conditions:
   a. Constitutes a fire or safety hazard.
   b. Is dangerous to life, health, or other property.
   c. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.
   d. Has a tendency to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

(2) That an administrative hearing will be held before the inspector at a designated place and time, not later than 10 days after the date of the notice, at which time the owner ~~shall~~ will be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

(3) That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.

If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice shall be considered properly and adequately served if a copy is posted on the outside of the building or structure in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the local government's area of jurisdiction at least once not later than one week prior to the hearing."

SECTION 34. G.S. 160D-1123 reads as rewritten:

"§ 160D-1123. Appeal; finality of order if not appealed.

Any owner who has received an order under ~~G.S. 160D-1120~~ G.S. 160D-1122 may appeal from the order to the governing board by giving notice of appeal in writing to the inspector and to the local government clerk within 10 days following issuance of the order. In the absence of an appeal, the order of the inspector ~~shall be~~ is final. The governing board shall hear an appeal in accordance with G.S. 160D-406 and render a decision ~~in an appeal~~ within a reasonable time. The governing board may affirm, modify and affirm, or revoke the order."

SECTION 35. G.S. 160D-1124 reads as rewritten:

"§ 160D-1124. Failure to comply with order.

If the owner of a building or structure fails to comply with an order issued pursuant to ~~G.S. 160D-1120~~ G.S. 160D-1122 from which no appeal has been taken or fails to comply with an order of the governing board following an appeal, the owner ~~shall be~~ is guilty of a Class 1 misdemeanor."

SECTION 36. G.S. 160D-1125 reads as rewritten:

"§ 160D-1125. Enforcement.

(a) Action Authorized. – Whenever any violation is denominated a misdemeanor under the provisions of this Article, the local government, either in addition to or in lieu of other

remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.

(b) Removal of Building. – In the case of a building or structure declared unsafe under ~~G.S. 160D-1117~~ G.S. 160D-1119 or an ordinance adopted pursuant to ~~G.S. 160D-1117,~~ G.S. 160D-1119, a local government may, in lieu of taking action under subsection (a) of this section, cause the building or structure to be removed or demolished. The amounts incurred by the local government in connection with the removal or demolition ~~shall be~~ are a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in Article 10 of Chapter 160A of the General Statutes. If the building or structure is removed or demolished by the local government, the local government shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The local government shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

(c) Additional Lien. – The amounts incurred by a local government in connection with the removal or demolition ~~shall also be~~ are also a lien against any other real property owned by the owner of the building or structure and located within the local government's planning and development regulation jurisdiction, and for ~~municipalities~~ cities without extraterritorial planning and development jurisdiction, within one mile of the city limits, except for the owner's primary residence. The provisions of subsection (b) of this section apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

(d) Nonexclusive Remedy. – Nothing in this section shall be construed to impair or limit the power of the local government to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise."

SECTION 37. G.S. 160D-1129 reads as rewritten:

"**§ 160D-1129. Regulation authorized as to repair, closing, and demolition of nonresidential buildings or structures; order of public officer.**

(a) Authority. – The governing board of the local government may adopt and enforce regulations relating to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety established by the governing board. The minimum standards shall address only conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings or structures. The ~~regulation~~ regulations shall provide for designation or appointment of a public officer to exercise the powers prescribed by the regulation, in accordance with the procedures specified in this section. ~~Such regulation~~ Regulations adopted under this section shall be applicable within the local government's entire planning and development regulation jurisdiction or limited to one or more designated zoning ~~districts or~~ districts, municipal service ~~districts.~~districts, or defined geographical areas designated for improvement and investment in an adopted comprehensive plan.

...

(c) Complaint and Hearing. – If the preliminary investigation discloses evidence of a violation of the minimum standards, the public officer shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that an administrative hearing will be held before the public officer, or his or her designated agent, at a place within the county scheduled not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of

evidence prevailing in courts of law or equity ~~shall not be~~ are not controlling in hearings before the public officer.

(d) Order. – If, after notice and hearing, the public officer determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by the governing board, the public officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order. The order may require the owner to take remedial action, within a reasonable time specified, subject to the procedures and limitations herein.

(e) Limitations on Orders. –

(1) An order may require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by the governing board or to vacate and close the nonresidential building or structure for any use.

(2) An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value. Notwithstanding any other provision of law, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the governing board determines, after ~~a public~~ an administrative hearing as provided by ordinance, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, the order may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by the governing board.

(3) An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

(f) Action by Governing Board Upon Failure to Comply With Order. –

(1) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the governing board may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The public officer may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted ~~shall be~~ is guilty of a Class 3 misdemeanor.

...

(i) Liens. –

(1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer ~~shall be~~ are a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.

...

(j) Ejectment. – If any occupant fails to comply with an order to vacate a nonresidential building or structure, the public officer may file a civil action in the name of the local government to remove the occupant. The action to vacate ~~shall be~~ is in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing board pursuant to subsection (f) of this section to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the governing board has ordered the public officer to proceed to exercise his or her duties under subsection (f) of this section to vacate and close or remove and demolish the nonresidential building or structure.

(k) Civil Penalty. – The governing board may impose civil penalties against any person or entity that fails to comply with an order entered pursuant to this section. However, the imposition of civil penalties ~~shall~~ does not limit the use of any other lawful remedies available to the governing board for the enforcement of any ordinances adopted pursuant to this section.

...

(m) Appeals. – The governing board may provide that appeals may be taken from any decision or order of the public officer to the local government's housing appeals board or board of adjustment. Any person aggrieved by a decision or order of the public officer ~~shall have~~ has the remedies provided in G.S. 160D-1208.

...."

SECTION 38.(a) Article 11 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§ 160D-1130. Vacant building receivership.**

(a) Petition to Appoint a Receiver. – The governing board of a city or its delegated commission may petition the superior court for the appointment of a receiver to rehabilitate, demolish, or sell a vacant building, structure, or dwelling upon the occurrence of any of the following, each of which is deemed a nuisance per se:

(1) The owner fails to comply with an order issued pursuant to G.S. 160D-1122, related to building or structural conditions that constitute a fire or safety hazard or render the building or structure dangerous to life, health, or other property, from which no appeal has been taken.

(2) The owner fails to comply with an order of the city following an appeal of an inspector's order issued pursuant to G.S. 160D-1122.

(3) The governing board of the city adopts any ordinance pursuant to subdivision (f)(1) of G.S. 160D-1129, related to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety, and orders a public officer to continue enforcement actions prescribed by the ordinance with respect to the named nonresidential building or structure. The public officer may submit a petition on behalf of the governing board to the superior court for the appointment of a receiver, and if granted by the superior court, the petition shall be considered an appropriate means of complying with the ordinance. In the event the superior court does not grant the petition, the public officer and the governing board may take action pursuant to the ordinance in any manner authorized in G.S. 160D-1129.

(4) The owner fails to comply with an order to repair, alter, or improve, remove, or demolish a dwelling issued under G.S. 160D-1203, related to dwellings that are unfit for human habitation.

(5) Any owner or partial owner of a vacant building, structure, or dwelling, with or without the consent of other owners of the property, submits a request to the governing board in the form of a sworn affidavit requesting the governing board to petition the superior court for appointment of a receiver for the property pursuant to this section.

(b) Petition for Appointment of Receiver. – The petition for the appointment of a receiver shall include all of the following: (i) a copy of the original violation notice or order issued by the city or, in the case of an owner request to the governing board for a petition for appointment of a receiver, a verified pleading that avers that at least one owner consents to the petition; (ii) a verified pleading that avers that the required rehabilitation or demolition has not been completed; and (iii) the names of the respondents, which shall include the owner of the property, as recorded with the register of deeds, any mortgagee with a recorded interest in the property, and all other parties in interest, as defined in G.S. 160D-1202(2). If the petition fails to name a respondent as required by this subsection, the proceeding may continue, but the receiver's lien for expenses incurred in rehabilitating, demolishing, or selling the vacant building, structure, or dwelling, as authorized by subsection (f) of this section, does not have priority over the lien of that respondent.

(c) Notice of Proceeding. – Within 10 days after filing the petition, the city shall give notice of the pendency and nature of the proceeding by regular and certified mail to the last known address of all owners of the property, as recorded with the register of deeds, any mortgagee with a recorded interest in the property, and all other parties in interest, as defined in G.S. 160D-1202(2). Within 30 days of the date on which the notice was mailed, an owner of the property, as recorded with the register of deeds, any mortgagee with a recorded interest in the property, and all other parties in interest, as defined in G.S. 160D-1202(2), may apply to intervene in the proceeding and to be appointed as receiver. If the city fails to give notice to any owner of the property, as recorded with the register of deeds, any mortgagee with a recorded interest in the property, and all other parties in interest, as defined in G.S. 160D-1202(2), as required by this subsection, the proceeding may continue, but the receiver's lien for expenses incurred in rehabilitating, demolishing, or selling the vacant building, structure, or dwelling, as authorized by subsection (f) of this section, does not have priority over the lien of that owner, as recorded with the register of deeds, any mortgagee with a recorded interest in the property, and all other parties in interest, as defined in G.S. 160D-1202(2).

(d) Appointment of Receiver. – The court shall appoint a qualified receiver if the provisions of subsections (b) and (c) of this section have been satisfied. If the court does not appoint a person to rehabilitate or demolish the property pursuant to subsection (e) of this section, or if the court dismisses such an appointee, the court shall appoint a qualified receiver for the

purpose of rehabilitating and managing the property, demolishing the property, or selling the property to a buyer. To be considered qualified, a receiver must demonstrate to the court (i) the financial ability to complete the purchase or rehabilitation of the property, (ii) the knowledge of, or experience in, the rehabilitation of vacant real property, (iii) the ability to obtain any necessary insurance, and (iv) the absence of any building code violations issued by the city on other real property owned by the person or any member, principal, officer, major stockholder, parent, subsidiary, predecessor, or others affiliated with the person or the person's business. No member of the petitioning city's governing board or a public officer of the petitioning city is qualified to be appointed as a receiver in that action. If, at any time, the court determines that the receiver is no longer qualified, the court may appoint another qualified receiver.

(e) Rehabilitation Not by Receiver. – The court may, instead of appointing a qualified receiver to rehabilitate or sell a vacant building, structure, or dwelling, appoint an owner or other party in interest in the property, as defined in G.S. 160D-1202, to rehabilitate or demolish the property if that person (i) demonstrates the ability to complete the rehabilitation or demolition within a reasonable time, (ii) agrees to comply with a specified schedule for rehabilitation or demolition, and (iii) posts a bond in an amount determined by the court as security for the performance of the required work in compliance with the specified schedule. After the appointment, the court shall require the person to report to the court on the progress of the rehabilitation or demolition, according to a schedule determined by the court. If, at any time, it appears to the city or its delegated commission that the owner, mortgagee, or other person appointed under this subsection is not proceeding with due diligence or in compliance with the court-ordered schedule, the city or its delegated commission may apply to the court for immediate revocation of that person's appointment and for the appointment of a qualified receiver. If the court revokes the appointment and appoints a qualified receiver, the bond posted by the owner, mortgagee, or other person shall be applied to the receiver's expenses in rehabilitating, demolishing, or selling the vacant building, structure, or dwelling.

(f) Receiver Authority Exclusive. – Upon the appointment of a receiver under subsection (d) of this section and after the receiver records a notice of receivership in the county in which the property is located that identifies the property, all other parties are divested of any authority to collect rents or other income from or to rehabilitate, demolish, or sell the building, structure, or dwelling subject to the receivership. Any party other than the appointed receiver who actively attempts to collect rents or other income from or to rehabilitate, demolish, or sell the property may be held in contempt of court and is subject to the penalties authorized by law for that offense. Any costs or fees incurred by a receiver appointed under this section and set by the court constitute a lien against the property, and the receiver's lien has priority over all other liens and encumbrances, except taxes or other government assessments.

(g) Receiver's Authority to Rehabilitate or Demolish. – In addition to all necessary and customary powers, a receiver appointed to rehabilitate or demolish a vacant building, structure, or dwelling has the right of possession with authority to do all of the following:

(1) Contract for necessary labor and supplies for rehabilitation or demolition.

(2) Borrow money for rehabilitation or demolition from an approved lending institution or through a governmental agency or program, using the receiver's lien against the property as security.

(3) Manage the property prior to rehabilitation or demolition and pay operational expenses of the property, including taxes, insurance, utilities, general maintenance, and debt secured by an interest in the property.

(4) Collect all rents and income from the property, which shall be used to pay for current operating expenses and repayment of outstanding rehabilitation or demolition expenses.

(5) Manage the property after rehabilitation, with all the powers of a landlord, for a period of up to two years and apply the rent received to current operating expenses and repayment of outstanding rehabilitation or demolition expenses.

(6) Foreclose on the receiver's lien or accept a deed in lieu of foreclosure.

(h) Receiver's Authority to Sell. – In addition to all necessary and customary powers, a receiver appointed to sell a vacant building, structure, or dwelling may do all of the following: (i) sell the property to the highest bidder at public sale, following the same presale notice provisions that apply to a mortgage foreclosure under Article 2A of Chapter 45 of the General Statutes, and (ii) sell the property privately for fair market value if no party to the receivership objects to the amount and procedure. In the notice of public sale authorized under this subsection, it is sufficient to describe the property by a street address and reference to the book and page or other location where the property deed is registered. Prior to any sale under this subsection, the applicants to bid in the public sale or the proposed buyer in the private sale shall demonstrate the ability and experience needed to rehabilitate the property within a reasonable time. After deducting the expenses of the sale, the amount of outstanding taxes and other government assessments, and the amount of the receiver's lien, the receiver shall apply any remaining proceeds of the sale first to the city's costs and expenses, including reasonable attorneys' fees, and then to the liens against the property in order of priority. Any remaining proceeds shall be remitted to the property owner.

(i) Receiver Forecloses on Lien. – A receiver may foreclose on the lien authorized by subsection (f) of this section by selling the property subject to the lien at a public sale, following public notice and notice to interested parties in the manner as a mortgage foreclosure under Article 2A of Chapter 45 of the General Statutes. After deducting the expenses of the sale and the amount of any outstanding taxes and other government assessments, the receiver shall apply the proceeds of the sale to the liens against the property, in order of priority. In lieu of foreclosure, and only if the receiver has rehabilitated the property, an owner may pay the receiver's costs, fees, including reasonable attorneys' fees, and expenses or may transfer ownership in the property to either the receiver or an agreed upon third party for an amount agreed to by all parties to the receivership as being the property's fair market value.

(j) Deed After Sale. – Following the court's ratification of the sale of the property under this section, the receiver shall sign a deed conveying title to the property to the buyer, free and clear of all encumbrances, other than restrictions that run with the land. Upon the sale of the property, the receiver shall at the same time file with the court a final accounting and a motion to dismiss the action.

(k) Receiver's Tenure. – The tenure of a receiver appointed to rehabilitate, demolish, or sell a vacant building, structure, or dwelling shall extend no longer than two years after the rehabilitation, demolition, or sale of the property. Any time after the rehabilitation, demolition, or sale of the property, any party to the receivership may file a motion to dismiss the receiver upon the payment of the receiver's outstanding costs, fees, and expenses. Upon the expiration of the receiver's tenure, the receiver shall file a final accounting with the court that appointed the receiver.

(l) Administrative Fee Charged. – The city may charge the owner of the building, structure, or dwelling subject to the receivership an administrative fee that is equal to five percent (5%) of the profits from the sale of the building, structure, or dwelling or one hundred dollars ($100.00), whichever is less."

SECTION 38.(b) This section applies to any nuisance per se described in G.S. 160A-439.1 or G.S. 160D-1130, as enacted by this section, that occurs on or after October 1, 2018, or any action listed in G.S. 160D-1130(a)(1) through (4) that was not complied with as of that date.

SECTION 39. G.S. 160D-1201(a) reads as rewritten:

"(a) ~~Occupied~~ Dwellings. – The existence and occupation of dwellings that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health and safety of the people of this State. A public necessity exists for the repair, closing, or demolition of such dwellings. Whenever any local government finds that there exists in the planning and development regulation jurisdiction dwellings that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the local government, power is conferred upon the local government to exercise its police powers to repair, close, or demolish the dwellings consistent with the provisions of this Article."

SECTION 40. G.S. 160D-1203(3) reads as rewritten:

"(3) Orders. – If, after notice and an administrative hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner one of the following orders, as appropriate:

a. If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified, to repair, alter, or improve the dwelling in order to render it fit for human habitation. The ordinance may fix a certain percentage of this value as being reasonable. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (4) of this section.

b. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish ~~such~~ the dwelling. The ordinance may fix a certain percentage of this value as being reasonable. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after ~~a public~~ an administrative hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949."

SECTION 41. G.S. 160D-1207(b) reads as rewritten:

"(b) A local government may require periodic inspections as part of a targeted effort to respond to blighted or potentially blighted conditions within a geographic area that has been designated by the governing board. However, the total aggregate of targeted areas in the local government jurisdiction at any one time shall not be greater than 1 square mile or five percent (5%) of the area within the local government jurisdiction, whichever is greater. A targeted area designated by the local government shall reflect the local government's stated neighborhood revitalization strategy and shall consist of property that meets the definition of a "blighted area"

or "blighted parcel" as those terms are defined in G.S. 160A-503(2) and G.S. 160A-503(2a), respectively, except that for purposes of this subsection, the planning board is not required to make a determination as to the property. The local government shall not discriminate in its selection of areas or housing types to be targeted and shall (i) provide notice to all owners and residents of properties in the affected area about the periodic inspections plan and information regarding a ~~public~~ legislative hearing regarding the plan, (ii) hold a ~~public~~ legislative hearing regarding the plan, and (iii) establish a plan to address the ability of low-income residential property owners to comply with minimum housing code standards."

SECTION 42. G.S. 160D-1208 reads as rewritten:

"**§ 160D-1208. Remedies.**

(a) An ordinance adopted pursuant to this Article may provide for a housing appeals board as provided by ~~G.S. 160D-306.~~ G.S. 160D-305. An appeal from any decision or order of the public officer is a quasi-judicial matter and may be taken by any person aggrieved thereby or by any officer, board, or commission of the local government. Any appeal from the public officer shall be taken within 10 days from the rendering of the decision or service of the order by filing with the public officer and with the housing appeals board a notice of appeal that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the public officer shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the public officer refusing to allow the person aggrieved thereby to do any act, the decision ~~shall remain~~ remains in force until modified or reversed. When any appeal is from a decision of the public officer requiring the person aggrieved to do any act, the appeal ~~shall have~~ has the effect of suspending the requirement until the hearing by the board, unless the public officer certifies to the board, after the notice of appeal is filed with the officer, that because of facts stated in the certificate, a copy of which shall be furnished to the appellant, a suspension of the requirement would cause imminent peril to life or property. In that case the requirement ~~shall~~ is not ~~be~~ suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the public officer, by the board, or by a court of record upon petition made pursuant to subsection (f) of this section.

(b) The housing appeals board shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and, to that end, it ~~shall have~~ has all the powers of the public officer, but the concurring vote of four members of the board ~~shall be~~ is necessary to reverse or modify any decision or order of the public officer. The board ~~shall have~~ also has power ~~also~~ in passing upon appeals, when unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance ~~shall be~~ is observed, public safety and welfare secured, and substantial justice done.

(c) Every decision of the housing appeals board ~~shall be~~ is subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the board, but not otherwise.

(d) Any person aggrieved by an order issued by the public officer or a decision rendered by the housing appeals board may petition the superior court for an injunction restraining the public officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the public officer pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the court on a petition within 20 days and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and

shall enter such final order or decree as law and justice may require. It ~~shall not be~~ is not necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

(e) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this Article or of any ordinance or code adopted under authority of this Article or any valid order or decision of the public officer or board made pursuant to any ordinance or code adopted under authority of this Article, the public officer or board may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, or use; to restrain, correct, or abate the violation; to prevent the occupancy of the dwelling; or to prevent any illegal act, conduct, or use in or about the premises of the dwelling."

SECTION 43. G.S. 160D-1312 reads as rewritten:

"**§ 160D-1312. Acquisition and disposition of property for redevelopment.**

Any local government is authorized, either as a part of a community development program or independently thereof, and without the necessity of compliance with the Urban Redevelopment Law, to exercise the following powers:

...

(4) To sell, exchange, or otherwise transfer real property or any interest therein in a community development project area to any redeveloper at private sale for residential, recreational, commercial, industrial, or other uses or for public use in accordance with the community development plan, subject to such covenants, conditions, and restrictions as may be deemed to be in the public interest or to carry out the purposes of this Article, provided that ~~such~~ the sale, exchange, or other transfer, and any agreement relating thereto, may be made only after approval of the governing board and after a ~~public hearing; a~~ legislative hearing. A notice of the ~~public~~ hearing shall be given once a week for two successive weeks in a newspaper having general circulation in the local government's planning and development jurisdiction area, the notice shall be published the first time not less than 10 days nor more than 25 days preceding the ~~public~~ hearing, and the notice shall disclose the terms of the sale, exchange, or transfer. At the ~~public~~ hearing, the appraised value of the property to be sold, exchanged, or transferred shall be disclosed, and the consideration for the conveyance shall not be less than the appraised value."

SECTION 44. G.S. 160D-1401 reads as rewritten:

"**§ 160D-1401. Declaratory judgments.**

Challenges of legislative decisions of governing boards, including the validity or constitutionality of development regulations adopted pursuant to this Chapter, and actions authorized by ~~G.S. 160D-108(c) or (g)~~ G.S. 160D-108(h) or (i) and ~~G.S. 160D-405(c),~~ G.S. 160D-1403.1 may be brought pursuant to Article 26 of Chapter 1 of the General Statutes. The governmental unit making the challenged decision shall be named a party to the action."

SECTION 45. G.S. 160D-1402 reads as rewritten:

"**§ 160D-1402. Appeals in the nature of certiorari.**

(a) Applicability. – This section applies to appeals of quasi-judicial decisions of decision-making boards when that appeal is in the nature of certiorari as required by this Chapter.

(b) Filing the Petition. – An appeal in the nature of certiorari shall be initiated by filing a petition for writ of certiorari with the superior court. The petition shall do all of the following:

...

(c) Standing. – A petition may be filed under this section only by a petitioner who has standing to challenge the decision being appealed. The following persons ~~shall have~~ have standing to file a petition under this section:

...

(e) Writ of Certiorari. – Upon filing the petition, the petitioner shall present the petition and a proposed writ of certiorari to the clerk of superior court of the county in which the matter

arose. The writ shall direct the respondent local government or the respondent decision-making board, if the petitioner is a local government that has filed a petition pursuant to subdivision (4) of subsection (c) of this section, to prepare and certify to the court the record of proceedings below within a specified date. The writ shall also direct ~~that~~ the petitioner ~~shall~~ to serve the petition and the writ upon each respondent named therein in the manner provided for service of a complaint under Rule 4(j) of the Rules of Civil Procedure, except that, if the respondent is a decision-making board, the petition and the writ shall be served upon the chair of that decision-making board. Rule 4(j)(5)d. of the Rules of Civil Procedure ~~shall apply~~ applies in the event the chair of a decision-making board cannot be found. No summons shall be issued. The clerk shall issue the writ without notice to the respondent or respondents if the petition has been properly filed and the writ is in proper form. A copy of the executed writ shall be filed with the court.

Upon the filing of a petition for writ of certiorari, a party may request a stay of the execution or enforcement of the decision of the quasi-judicial board pending superior court review. The court may grant a stay in its discretion and on ~~such~~ conditions that properly provide for the security of the adverse party. A stay granted in favor of a city or county shall not require a bond or other security.

...

(g) Intervention. – Rule 24 of the Rules of Civil Procedure ~~shall govern~~ governs motions to intervene as a petitioner or respondent in an action initiated under this section with the following exceptions:

(1) Any person described in subdivision (1) of subsection (c) of this section ~~shall have~~ has standing to intervene and shall be allowed to intervene as a matter of right.

...

(i) Hearing on the Record. – The court shall hear and decide all issues raised by the petition by reviewing the record submitted in accordance with subsection (h) of this section. The court ~~may, in its discretion,~~ shall allow the record to be supplemented with affidavits, testimony of witnesses, or documentary or other evidence if, and to the extent that, the ~~record is not adequate to allow an appropriate determination~~ petition raises any of the following ~~issues:~~issues, in which case the rules of discovery set forth in the North Carolina Rules of Civil Procedure apply to the supplementation of the record of these issues:

(1) Whether a petitioner or intervenor has standing.

(2) Whether, as a result of impermissible conflict as described in G.S. 160D-109 or locally adopted conflict rules, the decision-making body was not sufficiently impartial to comply with due process principles.

(3) Whether the decision-making body erred for the reasons set forth in sub-subdivisions a. and b. of subdivision (1) of subsection (j) of this section.

(j) Scope of Review. –

(1) When reviewing the decision under the provisions of this section, the court shall ensure that the rights of petitioners have not been prejudiced because the decision-making body's findings, inferences, conclusions, or decisions were:

...

b. In excess of the statutory authority conferred upon the local ~~government~~ government, including preemption, or the authority conferred upon the decision-making board by ordinance.

...

(2) When the issue before the court is one set forth in sub-subdivisions a. through d. of subdivision (1) of this subsection, including whether the decision-making board erred in interpreting an ordinance, the court shall review that issue de novo. The court shall consider the interpretation of the decision-making board,

but is not bound by that interpretation, and may freely substitute its judgment as appropriate. Whether the record contains competent, material, and substantial evidence is a conclusion of law, reviewable de novo.

(3) The term "competent evidence," as used in this subsection, ~~shall~~ does not preclude reliance by the decision-making board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if (i) except for the items noted in sub-subdivisions a., b., and c. of this subdivision that are conclusively incompetent, the evidence was admitted without objection or (ii) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the decision-making board to rely upon it. The term "competent evidence," as used in this subsection, ~~shall~~ shall, regardless of the lack of a timely objection, not be deemed to include the opinion testimony of lay witnesses as to any of the following:

a. The use of property in a particular way affects the value of other property.

b. The increase in vehicular traffic resulting from a proposed development poses a danger to the public safety.

c. Matters about which only expert testimony would generally be admissible under the rules of evidence.

(j1) Action Not Rendered Moot by Loss of Property. – Subject to the limitations in the State and federal constitutions and State and federal case law, an action filed under this section is not rendered moot, if during the pendency of the action, the aggrieved person loses the applicable property interest as a result of the local government action being challenged and exhaustion of an appeal described herein is required for purposes of preserving a claim for damages under G.S. 160D-1403.1.

(k) Decision of the Court. – Following its review of the decision-making board in accordance with subsection (j) of this section, the court may affirm the decision, reverse the decision and remand the case with appropriate instructions, or remand the case for further proceedings. If the court does not affirm the decision below in its entirety, then the court shall determine what relief should be granted to the petitioners:

...

(3) If the court concludes that the decision by the decision-making board is not supported by competent, material, and substantial evidence in the record or is based upon an error of law, then the court may remand the case with an order that directs the decision-making board to take whatever action should have been taken had the error not been committed or to take such other action as is necessary to correct the error. Specifically:

a. If the court concludes that a permit was wrongfully denied because the denial was not based on competent, material, and substantial evidence or was otherwise based on an error of law, the court ~~may~~ shall remand with instructions that the permit be issued, subject to ~~reasonable and appropriate conditions.~~any conditions expressly consented to by the permit applicant as part of the application or during the board of adjustment appeal or writ of certiorari appeal.

b. If the court concludes that a permit was wrongfully issued because the issuance was not based on competent, material, and substantial evidence or was otherwise based on an error of law, the court may remand with instructions that the permit be revoked.

c. If the court concludes that a zoning board decision upholding a zoning enforcement action was not supported by substantial competent

evidence or was otherwise based on an error of law, the court shall reverse the decision.

...

(n) Stays. – An appeal under this section is stayed as provided in G.S. 160D-405."

SECTION 46. Article 14 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§ 160D-1403.1. Civil action for declaratory relief, injunctive relief, other remedies; joinder of complaint and petition for writ of certiorari in certain cases.**

(a) Civil Action. – Except as otherwise provided in this section for claims involving questions of interpretation, in lieu of any remedies available under G.S. 160D-405 or G.S. 160D-108(h), a person with standing, as defined in subsection (b) of this section, may bring an original civil action seeking declaratory relief, injunctive relief, damages, or any other remedies provided by law or equity, in superior court or federal court to challenge the enforceability, validity, or effect of a local land development regulation for any of the following claims:

(1) The ordinance, either on its face or as applied, is unconstitutional.

(2) The ordinance, either on its face or as applied, is ultra vires, preempted, or otherwise in excess of statutory authority.

(3) The ordinance, either on its face or as applied, constitutes a taking of property.

If the decision being challenged is from an administrative official charged with enforcement of a local land development regulation, the party with standing must first bring any claim that the ordinance was erroneously interpreted to the applicable board of adjustment pursuant to G.S. 160D-405. An adverse ruling from the board of adjustment may then be challenged in an action brought pursuant to this subsection with the court hearing the matter de novo together with any of the claims listed in this subsection.

(b) Standing. – Any of the following criteria provide standing to bring an action under this section:

(1) The person has an ownership, leasehold, or easement interest in, or possesses an option or contract to purchase the property that is the subject matter of a final and binding decision made by an administrative official charged with applying or enforcing a land development regulation.

(2) The person was a development permit applicant before the decision-making board whose decision is being challenged.

(3) The person was a development permit applicant who is aggrieved by a final and binding decision of an administrative official charged with applying or enforcing a land development regulation.

(c) Time for Commencement of Action. – Any action brought pursuant to this section shall be commenced within one year after the date on which written notice of the final decision is delivered to the aggrieved party by personal delivery, electronic mail, or by first-class mail.

(d) Joinder. – An original civil action authorized by this section may, for convenience and economy, be joined with a petition for writ of certiorari and decided in the same proceedings. The Rules of Civil Procedure govern the parties for the claims raised in the original civil action. The record of proceedings in the appeal pursuant to G.S. 160D-1402 shall not be supplemented by discovery from the civil action unless supplementation is otherwise allowed under G.S. 160D-1402(i). The standard of review in the original civil action for the cause or causes of action pled as authorized by subsection (a) of this section is de novo. The standard of review of the petition for writ of certiorari is the standard established in G.S. 160D-1402(j).

(e) Action Not Rendered Moot by Loss of Property. – Subject to the limitations in the State and federal constitutions and State and federal case law, an action filed under this section is not rendered moot, if during the pendency of the action, the aggrieved person loses the applicable property interest as a result of the local government action being challenged and

exhaustion of an appeal described herein is required for purposes of preserving a claim for damages under this section.

(f) Stays. – An appeal under this section is stayed as provided in G.S. 160D-405.

(g) Definitions. – The definitions in G.S. 143-755 apply in this section."

SECTION 47. Article 14 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§ 160D-1403.2. No estoppel effect when challenging development conditions.**

A local government may not assert before a board of adjustment or in any civil action the defense of estoppel as a result of actions by the landowner or permit applicant to proceed with development authorized by a development permit as defined in G.S. 143-755 if the landowner or permit applicant is challenging conditions that were imposed and not consented to in writing by a landowner or permit applicant."

SECTION 48. G.S. 160D-1405 reads as rewritten:

"**§ 160D-1405. Statutes of limitation.**

(a) Zoning Map Adoption or Amendments. – A cause of action as to the validity of any regulation adopting or amending a zoning map adopted under this Chapter or other applicable law or a development agreement adopted under Article 10 of this Chapter ~~shall accrue~~ accrues upon adoption of ~~such~~ the ordinance and shall be brought within 60 days as provided in G.S. 1-54.1.

(b) Text Adoption or Amendment. – Except as otherwise provided in subsection (a) of this section, an action challenging the validity of a development regulation adopted under this Chapter or other applicable law shall be brought within one year of the accrual of such action. Such an action accrues when the party bringing such action first has standing to challenge the ordinance. A challenge to an ordinance on the basis of an alleged defect in the adoption process shall be brought within three years after the adoption of the ordinance.

(c) Enforcement Defense. – Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 ~~shall bar~~ bars a party in an action involving the enforcement of a development regulation or in an action under G.S. 160D-1403.1 from raising as a claim or defense in ~~such~~ the proceedings the enforceability or the invalidity of the ordinance. Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 ~~shall bar~~ bars a party who files a timely appeal from an order, requirement, decision, or determination made by an administrative official contending that ~~such~~ the party is in violation of a development regulation from raising in the judicial appeal the invalidity of ~~such~~ the ordinance as a defense to ~~such~~ the order, requirement, decision, or determination. A party in an enforcement action or appeal may not assert the invalidity of the ordinance on the basis of an alleged defect in the adoption process unless the defense is formally raised within three years of the adoption of the challenged ordinance.

(c1) Termination of Grandfathered Status. – When a use constituting a violation of a zoning or unified development ordinance is in existence prior to adoption of the zoning or unified development ordinance creating the violation, and that use is grandfathered and subsequently terminated for any reason, a local government shall bring an enforcement action within 10 years of the date of the termination of the grandfathered status, unless the violation poses an imminent hazard to health or public safety.

(d) Quasi-Judicial Decisions. – Unless specifically provided otherwise, a petition for review of a quasi-judicial decision shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with G.S. 160D-406(j). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(e) Others. – Except as provided by this section, the statutes of limitations ~~shall be~~ are as provided in Subchapter II of Chapter 1 of the General Statutes."

SECTION 49.(a) Section 2.6(j) of S.L. 2019-111 is repealed.

SECTION 49.(b) G.S. 168-20, 168-21, and 168-22 are repealed.

SECTION 49.(c) G.S. 168-23 reads as rewritten:

"**§ 168-23. Certain private agreements void.**

Any restriction, reservation, condition, exception, or covenant in any subdivision plan, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property which would permit residential use of property but prohibit the use of ~~such~~ the property as a family care home ~~shall, to the extent of such prohibition, be void~~ as defined in G.S. 160D-907 is void as against public policy to the extent of the prohibition and shall be given no legal or equitable force or effect."

SECTION 50.(a) Sections 12 and 13 incorporate in Chapter 160D of the General Statutes the provisions of Sections 1.4 and 1.5 of S.L. 2019-111 and apply to applications for down-zoning amendments and for driveway improvements submitted on or after July 11, 2019, and to appeals from decisions related to such applications filed on or after that date.

SECTION 50.(b) Sections 5, 10, 14, 16, 17, 18, 45, 46, 47, and the amendments to G.S. 160D-1405(c) in Section 48 incorporate in Chapter 160D of the General Statutes the provisions of Sections 1.2, 1.3, 1.6, 1.7, 1.8, 1.9, 1.10, 1.12, 1.13, 1.14, 1.15, and 1.17 of S.L. 2019-111, clarify and restate the intent of existing law, and apply to ordinances adopted before, on, and after the effective date of this act.

SECTION 51.(a) Section 3.2 of S.L. 2019-111 is repealed.

SECTION 51.(b) Part II of S.L. 2019-111 is effective when this act becomes law. Part II of S.L. 2019-111 clarifies and restates the intent of law existing on the effective date of this act and applies to ordinances adopted before, on, and after that date. Valid local government development regulations that are in effect at the time of the effective date of Part II of S.L. 2019-111 remain in effect but local governments shall amend those regulations to conform to the provisions of Part II of S.L. 2019-111 on or before July 1, 2021. Part II of S.L. 2019-111 applies to local government development regulation decisions made on or after the earlier of:

(1) The effective date of the amendments to local development regulations made to conform to the provisions of Part II of S.L. 2019-111 or

(2) July 1, 2021.

SECTION 51.(c) The Revisor of Statutes is authorized to substitute the effective date of this act for "January 1, 2021" throughout Chapter 160D of the General Statutes.

SECTION 51.(d) Section 4.33 of S.L. 2020-3 is repealed.

SECTION 52. Except as otherwise provided in this act, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 720

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

S720-AMN-12 [v.4]

Amends Title [NO]
First Edition

Date May 19 ,2020

Senator Burgin

moves to amend the bill on page 9, lines 19 through 26, by rewriting the lines to read:

"(h) Process to Claim Vested Right. – A person claiming a statutory or common law vested right may submit information to substantiate that claim to the zoning administrator or other officer designated by a land development regulation, who shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal under G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1.";

And on page 20, line 23, by deleting the word "regulations" and inserting in its place the phrase "~~regulation[s]~~regulations";

And on page 21, lines 24 through 43, by deleting those lines and inserting in their place the following:

"**SECTION 19.** Reserved.";

And on page 47, line 35, by deleting the word "48,", and on line 36, by deleting the word "46" and replacing it with the word "48".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

S720-AMN-12-V-4

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 720

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S720-AMN-13 [v.1]

Amends Title [NO]
First Edition

Date May 19 ,2020

Senator Burgin

moves to amend the bill by replacing the phrase "local government" with the word "city" as follows:

on page 37, lines 14, 22, 24, and 45, and
on page 38, lines 4, 11, 27, 31, 43, and 45, and
on page 40, line 13;

and by replacing the phrase "local government's" with the word "city's" on page 38, line 30, and page 39, line 38.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

General Statutes Commission
300 N. Salisbury Street, Suite 401
Raleigh, NC 27603-5925
Tel. 919-733-6660 Fax 919-715-5459

Floyd M. Lewis
Revisor of Statutes

P. Bly Hall
Assistant Revisor of Statutes

MEMORANDUM

To: Senate State and Local Government
From: General Statutes Commission
Re: SB 720 (GSC Conforming Amends./2019 Land-Use Changes)
Date: May 15, 2020

General Comments

This bill fulfills a study directive to the General Statutes Commission to incorporate additional land-use-related legislation enacted in 2019 into Chapter 160D of the General Statutes, the new land-use chapter enacted in Part II of S.L. 2019-111. When Chapter 160D becomes effective, it will replace the land-use provisions of the cities and counties chapters in the General Statutes (i.e., Article 19 of Chapter 160A (G.S. 160A-360 through 160A-459.1) and Article 18 of Chapter 153A (G.S. 153A-320 through 153A-378) of the General Statutes).

2019 additional land-use-related legislation is found in Part I of S.L. 2019-111 itself and also in S.L. 2019-35, 2019-79, and 2019-174. This bill incorporates that additional legislation, and its placement into Chapter 160D is shown in an appendix to the General Statutes Commission's study report to the General Assembly filed on May 7, 2020. The appendix is also attached to the end of this memorandum.

In addition, this bill also:

- Brings forward other provisions from Article 19 of Chapter 160A and Article 18 of Chapter 153A that were inadvertently not already added to Chapter 160D, including current G.S. 160A-439.1 on the appointment of receivers to deal with derelict vacant property in default of action by the owner, which section is extended to include counties.
- Updates or corrects cross-references, updates terms to match the new definitions and usage in Chapter 160D, and makes stylistic updates to conform to the requirements of the General Assembly's drafting manual.
- Makes stylistic and other conforming and clarifying amendments that do not change the underlying policy.
- Reorganizes and restates G.S. 160D-1116, also removing an option bond requirement that has not yet become effective.
- Accelerates the effective date of the new Chapter 160D and its accompanying changes from January 1, 2021, to the date this bill becomes law, but the bill also extends to July 1, 2021, the time for local governments to come into compliance with Chapter 160D. The accelerated date allows those local governments that are already prepared to begin operating under Chapter 160D but allows others additional time due to the extra demands caused by COVID-19.

A draft of this bill was circulated before final approval by the Commission to the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, the North Carolina Home Builders Association, and a representative of the North Carolina Bar

Association's Zoning, Planning, and Land Use Section and Real Property Section. As of the date of this explanatory memorandum, no opposition to the bill has been reported to the General Statutes Commission.

Specific Comments

Sections 1 and **2** of this bill amend G.S. 6-21.7 and G.S. 143-755(d) and (e) to update cross-references (from G.S. 160A-360.1 and G.S. 153A-320.1 to G.S. 160D-108(b)). **Section 2** also amends phrasing in G.S. 143-755 (b1), (d), and (e) to conform to the requirements of the General Assembly's drafting manual (use of the indicative mood).

Section 3 amends G.S. 160D-102 to:

- Amend the introductory language and the definition of "governing board" to conform to the requirements of the drafting manual (use of the indicative mood).
- Simplify the definition of "comprehensive plan."
- Delete a duplicative phrase in the definition of "development."
- Update a cross-reference in the definition of "local act."
- Delete the definition of "vested right" due to conflict over its accuracy after the incorporation of the provisions of Part I of S.L. 2019-111 into Chapter 160D.

Section 4 amends G.S. 160D-107 to update a cross-reference (from G.S. 160D-108 to G.S. 160D-108.1), to remove a reference to the now-obsolete term "phased" vesting plan, and to conform to the requirements of the drafting manual (use of the indicative mood).

Section 5(a) and **(b)** rewrite G.S. 160D-108 and enact a new G.S. 160D-108.1 in order to incorporate the provisions of Sections 1.2 and 1.3 of S.L. 2019-111, because the provisions of those sections and the provisions of G.S. 160D-108 as enacted do not appear to be structurally or philosophically compatible. **Section 5(a)** incorporates the gist of G.S. 160A-385/153A-344, as amended by Section 1.3 of S.L. 2019-111, into G.S. 160D-108, while updating terminology and cross-references and rearranging the text and the catchline. **Section 5(a)** also retains some features from G.S. 160D-108 as enacted, notably the retention of the findings subsection, the inclusion of the law on permit choice, and a revised provision dealing with continuing review. **Section 5(b)** similarly incorporates the gist of G.S. 160A-385.1/153A-344.1 into a new G.S. 160D-108.1, without the portions that are essentially duplicated elsewhere in Chapter 160D (for example, the findings subsection and the definitions) or are obsolete (for example, the provisions on phased development plans). Current G.S. 160D-108(c) and (f) are not repealed but are relocated. G.S. 160D-108(c) is moved to become G.S. 160D-108(h). G.S. 160D-108(f), which was originally derived from G.S. 160A-385.1(e)/153A-344.1(d), is moved to become G.S. 160D-108.1(f).

Section 6 amends G.S. 160D-111 to correct a date (from January 1, 2019, to January 1, 2021), and to conform to the requirements of the General Assembly's drafting manual (use of the indicative mood).

Section 7 amends G.S. 160D-201 to:

- In subsection (a), update the terminology (from "municipalities" to "cities") and to correct an internal reference (from "this Article" to a specific reference to G.S. 160D-202).
- Add a new subsection (c) that codifies current case law.

Section 8 amends G.S. 160D-307(b) to update terminology (from "municipalities" to "cities"), to conform the timeframe for making appointments to the procedure under Chapter 160D, and to conform to the requirements of the drafting manual (use of the indicative mood).

Section 9 amends G.S. 160D-403(c) to conform to the changes to G.S. 160D-108 and the enactment of G.S. 160D-108.1. **Section 9** also amends the statute to conform to the requirements of the drafting manual (use of the indicative mood).

Section 10 amends G.S. 160D-405(a), (c), and (f) to incorporate and conform to the provisions of Section 1.6 of S.L. 2019-111, to update terminology and conform to the requirements of the drafting manual (use of the indicative mood), to divide subsection (f) into two paragraphs, and to add a new subsection (h) to cross-refer to the estoppel provisions in G.S. 160D-1403.2, which also apply to appeals under this statute.

Section 11 amends G.S. 160D-501 to clarify in the statutes that local governments that have land-use plans but have not adopted comprehensive plans are authorized to adopt zoning regulations.

Section 12 amends G.S. 160D-601 to incorporate the provisions of Sections 1.4 and 1.5 of S.L. 2019-111, with new subsection catchlines to match the style elsewhere in G.S. 160D-601.

Section 13 deletes G.S. 160D-602(d) to conform to the provisions of Sections 1.4 and 1.5 of S.L. 2019-111. **Section 13** also amends subsections (a) and (b) to conform to the requirements of the drafting manual (use of the indicative mood) and to clarify that the provisions of G.S. 160D-602 are subject to any limitations found elsewhere in Chapter 160D.

Section 14 amends G.S. 160D-603 to conform to changes made by Section 1.3 of S.L. 2019-111.

Section 15 amends G.S. 160D-702 to correct a formatting error in the first sentence, to conform a cross-reference (adding the reference to G.S. 160D-804.1), to conform to the requirements of the drafting manual (use of the indicative mood), and to add a subsection (c) incorporating the provisions of Section 3(b) and (d) of S.L. 2019-174.

Section 16 amends G.S. 160D-703 to incorporate the provisions of Sections 1.14 and 1.15 of S.L. 2019-111 in subsection (b) and to conform the statute generally to the requirements of the drafting manual (use of the indicative mood).

Section 17 amends G.S. 160D-705 to incorporate into subsection (c) the provisions of Sections 1.12 and 1.13 of S.L. 2019-111 and to conform the statute generally to the requirements of the drafting manual (use of the indicative mood).

Section 18 amends G.S. 160D-706 to incorporate the provisions of Section 1.17 of S.L. 2019-111 in subsection (b) and to conform the statute generally to the requirements of the drafting manual (use of the indicative mood).

Section 19 amends G.S. 160D-705(c) by enacting the correction to the word "regulation[s]" and conforming the verb "shall be applicable" to the requirements of the drafting manual (use of the indicative mood).

Section 20(a) amends G.S. 160D-804(c) to incorporate as subdivision (3) the provisions of G.S. 153A-331(d), which was inadvertently not brought forward into Chapter 160D, and to make the adjustments to the language, style and order of the subsection made necessary by the new provision. **Section 20(a)** also amends G.S. 160D-804(d) to update the terminology (from "municipalities" to "cities").

Section 20(b) recodifies G.S. 160D-804(g) as G.S. 160D-804.1 and incorporates the provisions of Sections 1 and 2 of S.L. 2019-79, with terminology and stylistic updates. **Section 20(c)** provides that the amendments in **Section 20(b)** apply to performance guarantees issued on or after the effective date of this act, which will also be the effective date of Chapter 160D (see Section 51 for this change).

Section 20(d) adds two new subsections (h) and (i) to G.S. 160D-804 to incorporate the provisions of Section 3(a) and (c) of S.L. 2019-174.

Section 21 amends G.S. 160D-807 to correct a cross-reference in subsection (a) and to make the statute gender neutral, eliminate legalese, and conform the statute generally to the other requirements of the drafting manual (use of the indicative mood).

Section 22 amends G.S. 160D-903(c) to conform the wording of the last sentence to a change made in the first sentence in 2019 (reference to "municipal zoning"). **Section 22** also amends the statute generally to update the terminology ("municipality" to "city") and conform to the requirements of the drafting manual (use of the indicative mood).

Section 23 repeals G.S. 160D-916(b) (on transportation corridor official maps) to conform to the provisions of Section 3 of S.L. 2019-35. That act repealed the Transportation Corridor Official Map Act.

Section 24 amends G.S. 160D-947 to correct two cross-references in subsection (e) (from G.S. 160D-405(c) to G.S. 160D-405(d) and from G.S. 160D-1404 to G.S. 160D-1405) and to generally eliminate legalese and otherwise conform to the requirements of the drafting manual (use of the indicative mood).

Section 25 amends G.S. 160D-1005 in both the catchline and the text to make a conforming amendment. Chapter 160D does not use the term "public hearing"; it defines three new terms, administrative hearing, legislative hearing, and evidentiary hearing, to cover the different types of hearings that formerly came under the umbrella term "public hearing" in local government law. The General Statutes Commission is informed that the purpose was to better describe what is supposed to happen at these hearings and thereby eliminate some confusion. In G.S. 160D-947, the term was changed to the correct new term in the first sentence, but these two additonal locations were overlooked.

Section 26 amends G.S. 160D-1006 to correct cross-references in subsections (d) (eliminating an unnecessary reference to G.S. 160D-804) and (f) (from G.S. 160D-804(d) to G.S. 160D-804.1) and to amend subsection (b) to conform to the requirements of the drafting manual (use of the indicative mood).

Section 27 amends G.S. 160D-1007(b) to conform a cross-reference (from G.S. 160D-108(e) to G.S. 160D-108(c) or 160D-108.1(f)).

Section 28(a) amends G.S. 160D-1104(a), (b), and (e) to conform to the requirements of the drafting manual (use of the indicative mood). **Section 28(a)** also amends subsection (b) to correct the terminology ("city council" should now be "governing board") and subsection (d) to correct a cross-reference (from G.S. 160D-1115 to G.S. 160D-1117).

Section 28(b) repeals G.S. 160D-1104(f) effective October 1, 2021, to conform to the repeal of the equivalent provisions in Chapters 160A and 153A on that date and to conform the repeal of the Chapter 160A/153A provisions to the effective date of Chapter 160D.

Section 29 amends G.S. 160D-1106 to incorporate the provisions of Section 1 of S.L. 2019-174, to clarify an ambiguity in the introductory language of subdivision (a)(3), to correct the reference to "city" to be "local government," and to conform to the requirements of the drafting manual (use of the indicative mood).

Section 30 amends G.S. 160D-1110 to incorporate the provisions of Section 7(a) and (b) of S.L. 2019-174, with updated terminology, and to eliminate legalese and otherwise conform to the requirements of the drafting manual (use of the indicative mood).

Section 31 amends G.S. 160D-1113 to correct a cross-reference (from G.S. 160D-1104(b) to G.S. 160D-1104(d)) and to conform to the requirements of the drafting manual (use of the indicative mood).

Section 32 amends G.S. 160D-1116 to:

- Incorporate the provisions of Section 5(a) and (b) of S.L. 2019-174.
- Better specify what acts in violation of the section actually constitute a crime.
- Remove the option for a local government to require a security bond for code compliance before issuing a temporary certificate of occupancy, at the request of the North Carolina Home Builders Association. The optional bond provision was added as part of new Chapter 160D and is therefore not yet effective, and, as of the date of this memorandum, no opposition to its removal is known to the General Statutes Commission.
- Reorganize the statute for greater clarity.

Section 33 amends the introductory language of G.S. 160D-1121 to correct a cross-reference (from G.S. 160D-1117 to G.S. 160D-1119) and to conform subdivision (2) to the requirements of the drafting manual (use of the indicative mood).

Section 34 amends G.S. 160D-1123 to update a cross-reference (from G.S. 160D-1120 to G.S. 160D-1122), to rephrase an awkward sentence, and to conform to the requirements of the drafting manual (use of the indicative mood).

Section 35 amends G.S. 160D-1124 to update a cross-reference (from G.S. 160D-1120 to G.S. 160D-1122) and to conform to the requirements of the drafting manual (use of the indicative mood).

Section 36 amends G.S. 160D-1125 to update a cross-reference that appears in two places (from G.S. 160D-1117 to G.S. 160D-1119), to update terminology (from "municipalities" to "cities"), and to conform to the requirements of the drafting manual (use of the indicative mood).

Section 37 amends G.S. 160D-1129 in subsection (a) to add the option of designating target areas in an adopted comprehensive plan. **Section 37** also updates the reference to a "public hearing" to an "administrative hearing" (see explanation of that change at **Section 25**), eliminates legalese, and otherwise makes changes to conform to the requirements of the drafting manual (use of the indicative mood).

Section 38(a) enacts a new G.S. 160D-1130 to bring forward the provisions of current G.S. 160A-439.1, which was inadvertently omitted from Chapter 160D. The section authorizes the appointment of a receiver to rehabilitate, demolish, or sell a vacant building that is essentially unfit/unsafe for occupation after notice to the owner and the owner's failure to correct the problems. New G.S. 160D-1130 would apply to both cities and counties.

There is currently no equivalent provision for counties in Chapter 153A. The General Statutes Commission decided to include counties in proposed new G.S. 160D-1130 because of the provision's remedial and optional nature. The Commission was also informed that one of the goals behind the creation of Chapter 160D was to make land-use laws more uniform and that the drafters of Chapter 160D maintained distinctions between counties and cities where there was a strong policy reason to do so but not otherwise. Although the Commission heard from the North Carolina Association of County Commissioners that the counties would prefer not to be included, the Commission concluded that it had not heard a strong policy reason for not including counties and did not change its draft.

Section 38(b) is an applicability provision for the new G.S. 160D-1130 (essentially, applies on or after the effective date of this act but also continues the applicability of G.S. 160A-439.1 by having this section apply to any nuisance per se as described in the section that occurred on or after the effective date of G.S. 160A-439.1).

Section 39 makes a conforming amendment to G.S. 160D-1201(a) by deleting "occupied" from the subsection catchline, because the text clearly applies also to dwellings that are not necessarily occupied.

Sections 40 and **41** amend G.S. 160D-1203(3) and G.S. 160D-1207(b), respectively, to update the terminology for the type of hearing referenced (see explanation in **Section 25**). **Section 41** also eliminates legalese.

Section 42 amends G.S. 160D-1208 to correct a cross-reference in subsection (a) (from G.S. 160D-306 to G.S. 160A-305) and inserts a missing "to" in the sixth sentence. **Section 42** also makes changes throughout the section to conform to the requirements of the drafting manual (use of the indicative mood).

Section 43 amends G.S. 160D-1312 to update the terminology for the type of hearing referenced (see expanation in **Section 25**) and to eliminate legalese.

Section 44 amends G.S. 160D-1401 to conform the cross-references (from G.S. 160D-108(c) or (g) to G.S. 160D-108(h) or (i) and from G.S. 160D-405(c) to G.S. 160D-1403.1).

Section 45 amends G.S. 160D-1402 to:

- Incorporate the provisions of Section 1.9 of S.L. 2019-111, with internal reference changes necessary to make the incorporation and to move a paragraph initially included with provisions now in subsection (c) to become a new subsection (j1).
- Add a new subsection (n) cross-referencing the stay provisions of G.S. 160D-405, which also apply to this statute.
- Eliminate legalese and otherwise conform to the requirements of the drafting manual (use of the indicative mood).

Section 46 enacts a new G.S. 160D-1403.1 to continue the provisions of G.S. 160A-393.1 as enacted by Section 1.7 of S.L. 2019-111, with necessary changes to internal references and cross-references. As in **Section 45**, a paragraph originally included with subsection (b) is moved to become a new subsection (e), and subsection (f) is added to cross-reference the stay provisions of G.S. 160D-405 because they also apply to this statute.

Section 47 enacts a new G.S. 160D-1403.2 to continue the provisions of G.S. 160A-393.2, as enacted by Section 1.10 of S.L. 2019-111, with a terminology update.

Section 48 amends G.S. 160D-1405 (i) to incorporate the provisions of Section 1.8 of S.L. 2019-111 by adding the cross-reference in subsection (c) to G.S. 160D-1403.1 and (ii) to add a new subsection (c1) incorporating G.S. 160A-364.1(d)/153A-348(d), which was inadvertently omitted from Chapter 160D. **Section 48** also generally eliminates legalese and otherwise conforms this statute to the requirements of the drafting manual (use of indicative mood).

Section 49(a) repeals Section 2.6(j) of S.L. 2019-111, which is an overbroad conforming amendment to the enactment of Chapter 160D. Section 2.6(j) of S.L. 2019-111 repeals Article 3 of Chapter 168 of the General Statutes, which, as a whole, prevents local governments from adopting zoning regulations that exclude family care homes from residential areas. Because the first three sections in that article, G.S. 168-20, -21, and -22, are incorporated into Chapter 160D as G.S. 160D-907, they should have been repealed. The fourth section in the article, however, G.S. 168-23, was not moved to Chapter 160D and should not have been repealed. That section voids restrictive covenants and other private agreements that would prohibit the use of residential property as a family care home. Its repeal was unintentional. **Section 49(b)** accordingly repeals G.S. 168-20, -21, and -22, and **Section 49(c)** leaves G.S. 168-23 in its current location but makes conforming amendments to the cross-references and eliminates legalese and otherwise conforms the statute to the requirements of the drafting manual (use of indicative mood).

Section 50(a) and **(b)** continue the interpretive provisions of Section 3.1 of S.L. 2019-111.

Section 51(a) repeals Section 3.2 of S.L. 2019-111, the effective date and applicability provisions of S.L. 2019-111, and **Section 51(b)** replaces them with a new effective date and essentially the same interpretive provisions. The new effective date is when this bill becomes law, except that local governments are given until July 1, 2021 to come into compliance with Chapter 160D. **Section 51(c)** authorizes the Revisor of Statutes to replace references to January 1, 2021, the original effective date of Chapter 160D, with the effective date of this act throughout Chapter 160D. **Section 51(d)** repeals Section 4.33 of S.L. 2020-3 as no longer necessary. That provision amended Section 3.2 of S.L. 2019-111 to extend the effective date of Part II of that act from January 1, 2021, to August 1, 2021. If this bill becomes law before that time, the provision will no longer be needed. Although **Section 51(d)** is technically unnecessary because **Section 51(a)** repeals Section 3.2 itself, it is included in this bill in an abundance of caution.

Section 52 contains the act's effective date (when it becomes law, except as otherwise provided).

CHART OF DISPOSITION OF OTHER 2019 LEGISLATION INTO CHAPTER 160D

2019 Legislation Affecting Repealed Land Use Articles	G.S. Sections Amended	Disposition in Chapter 160D	SB 720 Section
2019-35, s. 3	160A-458.4	160D-916(b)	s. 23
2019-79, s. 1	160A-372	160D-804.1	s. 20(b)
2019-79, s. 2	153A-331	160D-804.1	s. 20(b)
2019-174, s. 1	160A-413.5	160D-1106	s. 29
2019-174, s. 3(a), (c)[1]	160A-372(f1), (f2) 153A-331(f1), (f2)	160D-804(h), (i)	s. 20(d)
2019-174, s. 3(b), (d)	160A-381 153A-340	160D-702	s. 15
2019-174, s. 5(a), (b)	160A-423 153A-363	160D-1116	s. 32
2019-174, s. 7(a), (b)	160A-417(a1) 153A-357(a1)	160D-1110(b)	s. 30
2019-174, s. 9	2018-29, s. 6(c) (expiration date for 153A-352(g)/160A-412(g)	160D-1104(f)	s. 28(b)
2019-111, s. 1.2(a), (b)[2]	160A-360.1 153A-320.1	160D-108(b)	s. 5(a)
2019-111, s. 1.3(a), (d)	160A-385(c) 153A-344(b1)	160D-108(c), (f)	s. 5(a)
2019-111, s. 1.3(b)	160A-385(a)	160D-603	s. 14
2019-111, s. 1.3(b), (e)	160A-385(b) 153A-344(b)	160D-108(c), (f)	s. 5(a)
2019-111, s. 1.3(b), (e)	160A-385(d) 153A-344(c)	160D-108(d)	s. 5(a)
2019-111, s. 1.3(b), (e)	160A-385(e) 153A-344(d)	160D-108(e)	s. 5(a)
2019-111, s. 1.3(b), (e)	160A-385(f) 153A-344(e)	160D-108(c), (d), (i)	s. 5(a)
2019-111, s. 1.3(b), (e)	160A-385(g) 153A-344(f)	160D-108(j)	s. 5(a)
2019-111, s. 1.4	160A-384(a)	160D-601(d)	s. 12
2019-111, s. 1.4	160A-384(a), (b1)	160D-602(a), (d)	s. 13
2019-111, s. 1.5	153A-343(a)	160D-601(d)	s. 12
2019-111, s. 1.5	153A-343(b1)	160D-602(d)	s. 13

[1] S.L. 2019-174, ss. 2, 4, 6, 8, 10, and 11 did not affect Article 19 of Chapter 160A or Article 18 of Chapter 153A, and the remaining provisions in that act are effective date/applicability provisions that are not codified.

[2] S.L. 2019-111, ss. 1.1, 1.11, and 1.16 did not amend sections in Article 19 of Chapter 160A or Article 18 of Chapter 153A. Section 1.3(c) and (f) repealed a definition that was not brought forward into Chapter 160D, so incorporation into Chapter 160D is needed.

2019 Legislation Affecting Repealed Land Use Articles	G.S. Sections Amended	Disposition in Chapter 160D	SB 720 Section
2019-111, s. 1.6	160A-388(b1)(6)	160D-405(f)	s. 10
2019-111, s. 1.7	160A-393.1	160D-1403.1	s. 46
2019-111, s. 1.8	160A-364.1(c)	160D-1405(c)	s. 48
2019-111, s. 1.9	160A-393(d), (j), (k), (*l*)	160D-1402(j1), (i), (j), (k)	s. 45
2019-111, s. 1.10	160A-393.2	160D-1403.2	s. 47
2019-111, s. 1.12	160A-381(c)	160D-705(c)	s. 17
2019-111, s. 1.13	153A-340(c1)	160D-705(c)	s. 17
2019-111, s. 1.14	160A-382(b)	160D-703(b)	s. 16
2019-111, s. 1.15	153A-342(b)	160D-703(b)	s. 16
2019-111, s. 1.17(a), (b)	153A-346(b) 160A-390(b)	160D-706(b)	s. 18

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SENATE BILL 720

Short Title:	GSC Conforming Amends./2019 Land-Use Changes.	(Public)
Sponsors:	Senators Edwards, Wells, and D. Davis (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

May 14, 2020

A BILL TO BE ENTITLED

AN ACT TO COMPLETE THE CONSOLIDATION OF LAND-USE PROVISIONS INTO ONE CHAPTER OF THE GENERAL STATUTES AS DIRECTED BY S.L. 2019-111, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 6-21.7 reads as rewritten:

"**§ 6-21.7. Attorneys' fees; cities or counties acting outside the scope of their authority.**

In any action in which a city or county is a party, upon a finding by the court that the city or county violated a statute or case law setting forth unambiguous limits on its authority, the court shall award reasonable attorneys' fees and costs to the party who successfully challenged the city's or county's action. In any action in which a city or county is a party, upon finding by the court that the city or county took action inconsistent with, or in violation of, ~~G.S. 160A-360.1, 153A-320.1, or 143-755,~~ G.S. 160D-108(b) or G.S. 143-755, the court shall award reasonable attorneys' fees and costs to the party who successfully challenged the local government's failure to comply with any of those provisions. In all other matters, the court may award reasonable attorneys' fees and costs to the prevailing private litigant. For purposes of this section, "unambiguous" means that the limits of authority are not reasonably susceptible to multiple constructions."

SECTION 2. G.S. 143-755 reads as rewritten:

"**§ 143-755. Permit choice.**

(a) If a development permit applicant submits a permit application for any type of development and a rule or ordinance is amended, including an amendment to any applicable land development regulation, between the time the development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. If an applicable rule or ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. Provided, however, any provision of the development permit applicant's chosen version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant.

(b) This section applies to all development permits issued by the State and by local governments.

(b1) If a permit application is placed on hold at the request of the applicant for a period of six consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the local or State government for a period of six consecutive months or more, the application review ~~shall be~~ is discontinued and the development regulations in effect at the time permit processing is resumed ~~shall be applied~~ apply to the application.

(c) Repealed by Session Laws 2015-246, s. 5(a), effective September 23, 2015.

(d) Any person aggrieved by the failure of a State agency or local government to comply with this section or ~~G.S. 160A-360.1 or G.S. 153A-320.1~~ G.S. 160D-108(b) may apply to the appropriate division of the General Court of Justice for an order compelling compliance by the offending agency or local government, and the court ~~shall have jurisdiction to~~ may issue that order. Actions brought pursuant to any of these sections shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts.

(e) For purposes of this section, the following definitions ~~shall apply:~~apply:

(1) Development. – Without altering the scope of any regulatory authority granted by statute or local act, any of the following:
   a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
   b. Excavation, grading, filling, clearing, or alteration of land.
   c. The subdivision of land as defined in ~~G.S. 153A-335 or G.S. 160A-376.~~G.S. 160D-802.
   d. The initiation of substantial change in the use of land or the intensity of the use of land.

(2) Development permit. – An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following:
   a. Zoning permits.
   b. Site plan approvals.
   c. Special use permits.
   d. Variances.
   e. Certificates of appropriateness.
   f. Plat approvals.
   g. Development agreements.
   h. Building permits.
   i. Subdivision of land.
   j. State agency permits for development.
   k. Driveway permits.
   l. Erosion and sedimentation control permits.
   m. Sign permit.

(3) Land development regulation. – Any State statute, rule, or regulation, or local ordinance affecting the development or use of real property, including any of the following:
   a. Unified development ordinance.
   b. Zoning regulation, including zoning maps.
   c. Subdivision regulation.
   d. Erosion and sedimentation control regulation.

e. Floodplain or flood damage prevention regulation.
f. Mountain ridge protection regulation.
g. Stormwater control regulation.
h. Wireless telecommunication facility regulation.
i. Historic preservation or landmark regulation.
j. Housing code."

SECTION 3. G.S. 160D-102 reads as rewritten:

"**§ 160D-102. Definitions.**

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section ~~shall~~ have the following meanings ~~indicated~~ when used in this Chapter:

...

(6) Comprehensive plan. – ~~The comprehensive plan, land use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have~~ A comprehensive plan that has been officially adopted by the governing ~~board.~~board pursuant to G.S. 160D-501.

...

(12) Development. – ~~Unless the context clearly indicates otherwise, the term means any~~ Any of the following:
a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
b. The excavation, grading, filling, clearing, or alteration of land.
c. The subdivision of land as defined in G.S. 160D-802.
d. The initiation or substantial change in the use of land or the intensity of use of land.

This definition does not alter the scope of regulatory authority granted by this Chapter.

...

(17) Governing board. – The city council or board of county commissioners. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and ~~shall mean~~ means any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.

...

(21) Local act. – As defined in ~~G.S. 160A-1(2).~~G.S. 160A-1(5).

...

~~(33) Vested right. – The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.~~

...."

SECTION 4. G.S. 160D-107 reads as rewritten:

"**§ 160D-107. Moratoria.**

...

(c) Exempt Projects. – Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section ~~shall~~ does not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific ~~or phased~~ vesting plan approved pursuant to ~~G.S. 160D-108,~~ G.S. 160D-108.1, to development for which substantial expenditures have already been made in

good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium, G.S. 160D-108(b) ~~shall be applicable~~ applies when permit processing resumes.

...

(e) Limit on Renewal or Extension. – No moratorium may be subsequently renewed or extended for any additional period unless the local government ~~shall have~~ has taken all reasonable and feasible steps proposed to be taken in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of subsection (d) of this section, including what new facts or conditions warrant the extension.

(f) Expedited Judicial Review. – Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the General Court of Justice for an order enjoining the enforcement of the moratorium. Actions brought pursuant to this section shall be scheduled for expedited hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In such actions, the local government ~~shall have~~ has the burden of showing compliance with the procedural requirements of this subsection."

SECTION 5.(a) G.S. 160D-108 reads as rewritten:

"**§ 160D-108. ~~Vested rights and permit choice.~~Permit choice and vested rights.**

(a) Findings. – The General Assembly recognizes that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses. The General Assembly finds that it is necessary and desirable to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, to secure the reasonable expectations of landowners, and to foster cooperation between the public and private sectors in land-use planning and development regulation. The provisions of this section and G.S. 160D-108.1 strike an appropriate balance between private expectations and the public interest.

(b) Permit Choice. – ~~If an application made in accordance with local regulation is submitted for a development approval required pursuant to this Chapter and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. This section applies to all development approvals issued by the State and by local governments. The duration of vested rights created by development approvals is as set forth in subsection (d) of this section.~~If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

(c) Vested Rights. – Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:

(1) Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.
(2) Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with G.S. 143-755.
(3) A site-specific vesting plan pursuant to G.S. 160D-108.1.
(4) A multi-phased development pursuant to subsection (f) of this section.
(5) A vested right established by the terms of a development agreement authorized by Article 10 of this Chapter.

The establishment of a vested right under any subdivision of this subsection does not preclude vesting under one or more other subdivisions of this subsection or vesting by application of common law principles. A vested right, once established as provided for in this section or by common law, precludes any action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation or regulations, except where a change in State or federal law mandating local government enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use.

~~(c) Process to Claim Vested Right. – A person claiming a statutory or common law vested right may submit information to substantiate that claim to the zoning administrator or other officer designated by a development regulation, who shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-405(c).~~

(d) Duration of Vesting. – Upon issuance of a development permit, the statutory vesting granted by subsection (c) of this section for a development project is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to law. Unless otherwise specified by this section or other statute, local development permits expire one year after issuance unless work authorized by the permit has substantially commenced. A local land development regulation may provide for a longer permit expiration period. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive.

Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period is automatically tolled during the pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section. The 24-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting.

~~(d) Types and Duration of Statutory Vested Rights. – Except as provided by this section and subject to subsection (b) of this section, amendments in local development regulations shall not be applicable or enforceable with regard to development that has been permitted or approved pursuant to this Chapter so long as one of the types of approvals listed in this subsection remains valid and unexpired. Each type of vested right listed in this subsection is defined by and is subject to the limitations provided in this section. Vested rights established under this section are not mutually exclusive. The establishment of a vested right under this section does not preclude the~~

~~establishment of one or more other vested rights or vesting by common law principles. Vested rights established by local government approvals are as follows:~~

~~(1) Six months – Building permits. Pursuant to G.S. 160D-1109, a building permit expires six months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced.~~

~~(2) One year – Other local development approvals. Pursuant to G.S. 160D-403(c), unless otherwise specified by statute or local ordinance, all other local development approvals expire one year after issuance unless work has substantially commenced. Expiration of a local development approval shall not affect the duration of a vested right established under this section or vested rights established under common law.~~

~~(3) Two to five years – Site-specific vesting plans.~~

~~a. Duration. A vested right for a site-specific vesting plan shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the local government. A local government may provide that rights regarding a site-specific vesting plan shall be vested for a period exceeding two years, but not exceeding five years, if warranted by the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions, or other considerations. This determination shall be in the discretion of the local government and shall be made following the process specified for the particular form of a site-specific vesting plan involved in accordance with sub-subdivision c. of this subdivision.~~

~~b. Relation to building permits. A right vested as provided in this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. 160D-1109 and G.S. 160D-1113 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under this subsection exists.~~

~~c. Requirements for site-specific vesting plans. For the purposes of this section, a "site-specific vesting plan" means a plan submitted to a local government pursuant to this section describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as may be used by a local government. Unless otherwise expressly provided by the local government, the plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific vesting plan shall be defined by the relevant~~

~~development regulation, and the development approval that triggers vesting shall be so identified at the time of its approval. At a minimum, the regulation shall designate a vesting point earlier than the issuance of a building permit. In the event a local government fails to adopt a regulation setting forth what constitutes a site-specific vesting plan, any development approval shall be considered to be a site-specific vesting plan. A variance shall not constitute a site-specific vesting plan and approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.~~

~~d. Process for approval and amendment of site-specific vesting plans. If a site-specific vesting plan is based on an approval required by a local development regulation, the local government shall provide whatever notice and hearing is required for that underlying approval. If the duration of the underlying approval is less than two years, that shall not affect the duration of the site-specific vesting plan established under this subdivision. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held. A local government may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by its terms and conditions will result in a forfeiture of vested rights. A local government shall not require a landowner to waive vested rights as a condition of developmental approval. A site-specific vesting plan shall be deemed approved upon the effective date of the local government's decision approving the plan or such other date as determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by staff, if such are defined and authorized by local regulation.~~

~~(4) Seven years—Multiphase developments. A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.~~

~~(5) Indefinite. Development agreements. A vested right of reasonable duration may be specified in a development agreement approved under Article 10 of this Chapter.~~

(e) Multiple Permits for Development Project. – Subject to subsection (d) of this section, where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

(f) Multi-Phased Development. – A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

~~(f) Exceptions. The provisions of this section are subject to the following:~~

~~(1) A vested right, once established as provided for by subdivision (3) or (4) of subsection (d) of this section, precludes any zoning action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved vested right, except when any of the following conditions are present:~~

~~a. The written consent of the affected landowner.~~

~~b. Findings made, after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right.~~

~~c. The extent to which the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in G.S. 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action.~~

~~d. Findings made, after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right.~~

~~e. The enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved vested right, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing.~~

~~(2) The establishment of a vested right under subdivision (3) or (4) of subsection (d) of this section shall not preclude the application of overlay zoning or other development regulation that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that~~

~~are general in nature and are applicable to all property subject to development regulation by a local government, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations shall become effective with respect to property that is subject to a vested right established under this section upon the expiration or termination of the vested rights period provided for in this section.~~

~~(3) Notwithstanding any provision of this section, the establishment of a vested right under this section shall not preclude, change, or impair the authority of a local government to adopt and enforce development regulation provisions governing nonconforming situations or uses.~~

~~(e)~~(g) Continuing Review. – Following ~~approval or conditional approval of a statutory vested right,~~ issuance of a development permit, a local government may make subsequent inspections and reviews ~~and require subsequent approvals by the local government~~ to ensure compliance with the ~~terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval. The local government may revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations.~~applicable land development regulations in effect at the time of the original application.

~~(e)~~(h) Process to Claim Vested Right. – A person claiming a statutory or common law vested right may submit information to substantiate that claim to the zoning administrator or other officer designated by a land development regulation, who shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a ~~determination,~~ determination or pursuing an appeal under G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by ~~G.S. 160D-405(c).~~G.S. 160D-1403.1.

~~(g)~~(i) Miscellaneous Provisions. – ~~A vested right obtained under this section is not a personal right but shall attach to and run with the applicable property. After approval of a vested right under this section, all successors to the original landowner shall be entitled to exercise such rights.~~ The vested rights granted by this section run with the land except for the use of land for outdoor advertising governed by G.S. 136-131.1 and G.S. 136-131.2 in which case the rights granted by this section run with the owner of a permit issued by the North Carolina Department of Transportation. Nothing in this section ~~shall preclude~~ precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

(j) As used in this section, the following definitions apply:

(1) Development. – As defined in G.S. 143-755(e)(1).

(2) Development permit. – As defined in G.S. 143-755(e)(2).

(3) Land development regulation. – As defined in G.S. 143-755(e)(3).

(4) Multi-phased development. – A development containing 25 acres or more that is both of the following:

a. Submitted for development permit approval to occur in more than one phase.

b. Subject to a master development plan with committed elements showing the type and intensity of use of each phase."

SECTION 5.(b) Article 1 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§160D-108.1. Vested rights – site-specific vesting plans.**

(a) Site-Specific Vesting Plan. – A site-specific vesting plan consists of a plan submitted to a local government in which the applicant requests vesting pursuant to this section, describing

with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan, or any other land-use approval designation as may be utilized by a local government. Unless otherwise expressly provided by the local government, the plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific vesting plan under this section that would trigger a vested right shall be finally determined by the local government pursuant to a development regulation, and the document that triggers the vesting shall be so identified at the time of its approval. A variance does not constitute a site-specific vesting plan, and approval of a site-specific vesting plan with the condition that a variance be obtained does not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.

(b) Establishment of Vested Right. – A vested right is established with respect to any property upon the valid approval, or conditional approval, of a site-specific vesting plan as provided in this section. Such a vested right confers upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the site-specific vesting plan, including any amendments thereto.

(c) Approval and Amendment of Plans. – If a site-specific vesting plan is based on an approval required by a local development regulation, the local government shall provide whatever notice and hearing is required for that underlying approval. A duration of the underlying approval that is less than two years does not affect the duration of the site-specific vesting plan established under this section. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held.

A local government may approve a site-specific vesting plan upon any terms and conditions that may reasonably be necessary to protect the public health, safety, and welfare. Conditional approval results in a vested right, although failure to abide by the terms and conditions of the approval will result in a forfeiture of vested rights. A local government shall not require a landowner to waive the landowner's vested rights as a condition of developmental approval. A site-specific vesting plan is deemed approved upon the effective date of the local government's decision approving the plan or another date determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by staff, if such are defined and authorized by local regulation.

(d) Continuing Review. – Following approval or conditional approval of a site-specific vesting plan, a local government may make subsequent reviews and require subsequent approvals by the local government to ensure compliance with the terms and conditions of the original approval, provided that these reviews and approvals are not inconsistent with the original approval. The local government may, pursuant to G.S. 160D-403(f), revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations.

(e) Duration and Termination of Vested Right. –

(1) A vested right for a site-specific vesting plan remains vested for a period of two years. This vesting shall not be extended by any amendments or

modifications to a site-specific vesting plan unless expressly provided by the local government.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a local government may provide for rights to be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are in the sound discretion of the local government and shall be made following the process specified for the particular form of a site-specific vesting plan involved in accordance with subsection (a) of this section.

(3) Upon issuance of a building permit, the provisions of G.S. 160D-1111 and G.S. 160D-1115 apply, except that a permit does not expire and shall not be revoked because of the running of time while a vested right under this section is outstanding.

(4) A right vested as provided in this section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

(f) Subsequent Changes Prohibited; Exceptions. –

(1) A vested right, once established as provided for in this section, precludes any zoning action by a local government which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan, except under one or more of the following conditions:

a. With the written consent of the affected landowner.

b. Upon findings, by ordinance after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific vesting plan.

c. To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as provided under G.S. 160D-106. Compensation shall not include any diminution in the value of the property which is caused by the action.

d. Upon findings, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the site-specific vesting plan or the phased development plan.

e. Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

(2) The establishment of a vested right under this section does not preclude the application of overlay zoning or other development regulations which impose

additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation by a local government, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations become effective with respect to property which is subject to a site-specific vesting plan upon the expiration or termination of the vesting rights period provided for in this section.

(3) Notwithstanding any provision of this section, the establishment of a vested right does not preclude, change, or impair the authority of a local government to adopt and enforce development regulations governing nonconforming situations or uses.

(g) Miscellaneous Provisions. –

(1) A vested right obtained under this section is not a personal right, but attaches to and runs with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner are entitled to exercise these rights.

(2) Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

(3) In the event a local government fails to adopt a development regulation setting forth what constitutes a site-specific vesting plan triggering a vested right, a landowner may establish a vested right with respect to property upon the approval of a zoning permit, or otherwise may seek appropriate relief from the Superior Court Division of the General Court of Justice."

SECTION 6. G.S. 160D-111 reads as rewritten:

"**§ 160D-111. Effect on prior laws.**

(a) The enactment of this Chapter ~~shall~~ does not require the readoption of any local government ordinance enacted pursuant to laws that were in effect before January 1, 2021 and are restated or revised herein. The provisions of this Chapter ~~shall~~ do not affect any act heretofore done, any liability incurred, any right accrued or vested, or any suit or prosecution begun or cause of action accrued as of January 1, 2021. The enactment of this Chapter ~~shall not be deemed to~~ does not amend the geographic area within which local government development regulations adopted prior to January 1, ~~2019,~~ 2021, are effective.

(b) G.S. 153A-3 and G.S. 160A-3 are applicable to this Chapter. Nothing in this Chapter repeals or amends a charter or local act in effect as of January 1, 2021 unless this Chapter or a subsequent enactment of the General Assembly clearly shows a legislative intent to repeal or supersede that charter or local act.

(c) Whenever a reference is made in another section of the General Statutes or any local act, or any local government ordinance, resolution, or order, to a portion of Article 19 of Chapter 160A of the General Statutes or Article 18 of Chapter 153A of the General Statutes that is repealed or superseded by this Chapter, the reference ~~shall be~~ is deemed amended to refer to that portion of this Chapter that most nearly corresponds to the repealed or superseded portion of Article 19 of Chapter 160A or Article 18 of Chapter 153A of the General Statutes."

SECTION 7. G.S. 160D-201 reads as rewritten:

"**§ 160D-201. Planning and development regulation jurisdiction.**

(a) ~~Municipalities.~~ Cities. – All of the powers granted by this Chapter may be exercised by any city within its corporate limits and within any extraterritorial area established pursuant to ~~this Article.~~ G.S. 160D-202.

(b) Counties. – All of the powers granted by this Chapter may be exercised by any county throughout the county except in areas subject to municipal planning and development regulation jurisdiction.

(c) Partial Jurisdiction Regulation in Cities and Counties. – If a city elects to adopt zoning or subdivision regulations, each must be applied to the city's entire planning and development regulation jurisdiction. If a county elects to adopt zoning or subdivision regulations, each may be applied to all or part of the county's planning and development regulation jurisdiction. A local government's planning and development regulation jurisdiction does not include an area in which it has ceded jurisdiction pursuant to an agreement under G.S. 160D-203."

SECTION 8. G.S. 160D-307(b) reads as rewritten:

"(b) Appointment. – Membership of joint municipal-county planning agencies or boards of adjustment may be appointed as agreed by counties and ~~municipalities.~~ cities. The extraterritorial representatives on a city advisory board authorized by this Article shall be appointed by the board of county commissioners with jurisdiction over the area. The county shall make the appointments within 90 days following the ~~hearing.~~ receipt of a request from the city that the appointments be made. Once a city provides proportional representation, no power available to a city under this Chapter ~~shall be~~ is ineffective in its extraterritorial area solely because county appointments have not yet been made. If there is an insufficient number of qualified residents of the extraterritorial area to meet membership requirements, the board of county commissioners may appoint as many other residents of the county as necessary to make up the requisite number. When the extraterritorial area extends into two or more counties, each board of county commissioners concerned shall appoint representatives from its portion of the area, as specified in the ordinance. If a board of county commissioners fails to make these appointments within 90 days after receiving a resolution from the city council requesting that they be made, the city council may make them."

SECTION 9. G.S. 160D-403 reads as rewritten:

"**§ 160D-403. Administrative development approvals and determinations.**

(a) Development Approvals. – To the extent consistent with the scope of regulatory authority granted by this Chapter, no person shall commence or proceed with development without first securing any required development approval from the local government with jurisdiction over the site of the development. A development approval shall be in writing and may contain a provision ~~that~~ requiring the development ~~shall~~ to comply with all applicable State and local laws. A local government may issue development approvals in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

(b) Determinations and Notice of Determinations. – A development regulation enacted under the authority of this Chapter may designate the staff member or members charged with making determinations under the development regulation.

The officer making the determination shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

It ~~shall be~~ is conclusively presumed that all persons with standing to appeal have constructive notice of the determination from the date a sign providing notice that a determination has been made is prominently posted on the property that is the subject of the determination, provided the sign remains on the property for at least 10 days. The sign shall contain the words "Zoning

Decision" or "Subdivision Decision" or similar language for other determinations in letters at least 6 inches high and shall identify the means to contact a local government staff member for information about the determination. Posting of signs is not the only form of constructive notice. Any such posting ~~shall be~~ is the responsibility of the landowner, applicant, or person who sought the determination. Verification of the posting shall be provided to the staff member responsible for the determination. Absent an ordinance provision to the contrary, posting of signs shall not be required.

(c) Duration of Development Approval. – Unless a different period is specified by this Chapter or other specific applicable law, ~~or a different period is provided by a quasi-judicial development approval,~~ including for a development agreement, ~~or a local ordinance,~~ a development approval issued pursuant to this Chapter ~~shall expire~~ expires one year after the date of issuance if the work authorized by the development approval has not been substantially commenced. Local development regulations may provide for development approvals of shorter duration for temporary land uses, special events, temporary signs, and similar development. ~~Unless provided otherwise by this Chapter or other specific applicable law or a longer period is provided by local ordinance, if after commencement the work or activity is discontinued for a period of 12 months after commencement, the development approval shall immediately expire. The time periods set out in this subsection shall be tolled during the pendency of any appeal. No work or activity authorized by any development approval that has expired shall thereafter be performed until a new development approval has been secured.~~ Local development regulations may also provide for development approvals of longer duration for specified types of development approvals. Nothing in this subsection ~~shall be deemed to limit~~ limits any vested rights secured under ~~G.S. 160D-108.~~G.S. 160D-108 or G.S. 160D-108.1.

…

(f) Revocation of Development Approvals. – In addition to initiation of enforcement actions under G.S. 160D-404, development approvals may be revoked by the local government issuing the development approval by notifying the holder in writing stating the reason for the revocation. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed pursuant to G.S. 160D-405. If an appeal is filed regarding a development regulation adopted by a local government pursuant to this Chapter, the provisions of G.S. 160D-405(e) regarding stays ~~shall be applicable.~~apply.

…."

SECTION 10. G.S. 160D-405 reads as rewritten:

"**§ 160D-405. Appeals of administrative decisions.**

(a) Appeals. – Except as provided in ~~subsection (c) of this section,~~ G.S. 160D-1403.1, appeals of administrative decisions made by the staff under this Chapter shall be made to the board of adjustment unless a different board is provided or authorized otherwise by statute or an ordinance adopted pursuant to this Chapter. If this function of the board of adjustment is assigned to any other board pursuant to G.S. 160D-302(b), that board shall comply with all of the procedures and processes applicable to a board of adjustment hearing appeals. Appeal of a decision made pursuant to an erosion and sedimentation control regulation, a stormwater control regulation, or a provision of the housing code shall not be made to the board of adjustment unless required by a local government ordinance or code provision.

(b) Standing. – Any person who has standing under G.S. 160D-1402(c) or the local government may appeal an administrative decision to the board. An appeal is taken by filing a notice of appeal with the local government clerk or such other local government official as designated by ordinance. The notice of appeal shall state the grounds for the appeal.

~~(c) Judicial Challenge. – A person with standing may bring a separate and original civil action to challenge the constitutionality of an ordinance or development regulation, or whether the ordinance or development regulation is ultra vires, preempted, or otherwise in excess of statutory authority, without filing an appeal under subsection (a) of this section.~~

(d) Time to Appeal. – The owner or other party ~~shall have~~ has 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal ~~shall have~~ has 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first-class mail ~~shall be~~ is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

(e) Record of Decision. – The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(f) Stays. – An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the board of adjustment and any subsequent appeal in accordance with G.S. 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings ~~shall~~ are not ~~be~~ stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after ~~such a~~ the request is filed. ~~Notwithstanding the foregoing,~~

Notwithstanding any other provision of this section, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation ~~shall~~ does not stay the further review of an application for development approvals to use ~~such~~ the property; in these situations, the appellant or local government may request and the board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

(g) Alternative Dispute Resolution. – The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The development regulation may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

(h) No Estoppel. – G.S. 160D-1403.2, limiting a local government's use of the defense of estoppel, applies to proceedings under this section."

SECTION 11. G.S. 160D-501 reads as rewritten:

"**§ 160D-501. Plans.**

(a) ~~Preparation of Plans and Studies.~~ Requirements for Zoning. – As a condition of adopting and applying zoning regulations under this Chapter, a local government shall adopt and reasonably maintain a comprehensive plan ~~that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction.~~ or land-use plan.

(a1) Plans. – A comprehensive plan sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. A land-use plan uses text and maps to designate the future use or reuse of land. A comprehensive or land-use plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs.

Planning analysis may address inventories of existing conditions and assess future trends regarding demographics and economic, environmental, and cultural factors. The planning process shall include opportunities for citizen engagement in plan preparation and adoption.

~~In addition to a comprehensive plan, a~~ A local government may prepare and adopt ~~such~~ other plans as deemed appropriate. This may include, but is not limited to, ~~land-use plans,~~ small area plans, neighborhood plans, hazard mitigation plans, transportation plans, housing plans, and recreation and open space plans. ~~If adopted pursuant to the process set forth in this section, such plans shall be considered in review of proposed zoning amendments.~~

(b) Comprehensive Plan Contents. – A comprehensive plan may, among other topics, address any of the following as determined by the local government:

...

(c) Adoption and Effect of Plans. – Plans shall be adopted by the governing board with the advice and consultation of the planning board. Adoption and amendment of a comprehensive or land-use plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601. Plans adopted under this Chapter may be undertaken and adopted as part of or in conjunction with plans required under other statutes, including, but not limited to, the plans required by G.S. 113A-110. Plans adopted under this Chapter shall be advisory in nature without independent regulatory effect. Plans adopted under this Chapter do not expand, diminish, or alter the scope of authority for development regulations adopted under this Chapter. Plans adopted under this Chapter shall be considered by the planning board and governing board when considering proposed amendments to zoning regulations as required by G.S. 160D-604 and G.S. 160D-605.

If a plan is deemed amended by G.S. 160D-605 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed."

SECTION 12. G.S. 160D-601 reads as rewritten:

"**§ 160D-601. Procedure for adopting, amending, or repealing development regulations.**

(a) Hearing with Published Notice. – Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

...

(c) Ordinance Required. – A development regulation adopted pursuant to this Chapter shall be adopted by ordinance.

(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

(1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.

(2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage."

SECTION 13. G.S. 160D-602 reads as rewritten:

"**§ 160D-602. Notice of hearing on proposed zoning map amendments.**

(a) Mailed Notice. – ~~An~~ Subject to the limitations of this Chapter, an ordinance shall provide for the manner in which zoning regulations and the boundaries of zoning districts ~~shall be~~ are to be determined, established, and enforced, and from time to time amended, supplemented, or changed, in accordance with the provisions of this Chapter. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing.

(b) Optional Notice for Large-Scale Zoning Map Amendments. – The first-class mail notice required under subsection (a) of this section ~~shall~~ is not ~~be~~ required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the local government elects to use the expanded published notice provided for in this subsection. In this instance, a local government may elect to make the mailed notice provided for in subsection (a) of this section or, as an alternative, elect to publish notice of the hearing as required by G.S. 160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement ~~shall only be~~ is effective only for property owners who reside in the area of general circulation of the newspaper that 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.

(c) Posted Notice. – When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.

~~(d) Actual Notice. – Except for a government-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the landowner or authorized agent, the applicant shall certify to the local government 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 the hearing. Actual notice shall be provided in any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, 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). The person or persons required to provide notice shall certify to the local government that actual notice has been provided, and such certificate shall be deemed conclusive in the absence of fraud.~~

(e) Optional Communication Requirements. – When a zoning map amendment is proposed, a zoning regulation may require communication by the person proposing the map amendment to neighboring property owners and residents and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners and residents."

SECTION 14. G.S. 160D-603 reads as rewritten:

"**§ 160D-603. Citizen comments.**

Subject to the limitations of this Chapter, zoning regulations may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in the local government submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map ~~amendment,~~ amendment that has been properly initiated as provided in G.S. 160D-601, to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the governing board. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705 or any other statute, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting."

SECTION 15. G.S. 160D-702 reads as rewritten:

"**§ 160D-702. Grant of power.**

(a) ~~A Local Government May Adopt Zoning Regulations. A~~ A local government may adopt zoning regulations. Except as provided in subsections (b) and (c) of this section, a zoning regulation 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. A local government may regulate development, including floating homes, over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12. A zoning regulation 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. Where appropriate, a zoning regulation may include requirements that street and utility rights-of-way be dedicated to the public, that provision be made of recreational space and facilities, and that performance guarantees be provided, all to the same extent and with the same limitations as provided for in ~~G.S. 160D-804.~~G.S. 160D-804 and G.S. 160D-804.1.

(b) Any regulation relating to building design elements adopted under this Chapter may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under one or more of the following circumstances:

(1) The structures are located in an area designated as a local historic district pursuant to Part 4 of Article 9 of this Chapter.

(2) The structures are located in an area designated as a historic district on the National Register of Historic Places.

(3) The structures are individually designated as local, State, or national historic landmarks.

(4) The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.

(5) Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160D-908 and federal law.

(6) Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.

Regulations prohibited by this subsection may not be applied, directly or indirectly, in any zoning district or conditional district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval,

nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160D-604 or G.S. 160D-605 of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan.

For the purposes of this subsection, the phrase "building design elements" means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors, or (iii) regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

Nothing in this subsection ~~shall affect~~ affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements.

(c) A zoning regulation 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 16. G.S. 160D-703 reads as rewritten:

"**§ 160D-703. Zoning districts.**

(a) Types of Zoning Districts. – A local government may divide its territorial jurisdiction into zoning districts of any number, shape, and area deemed best suited to carry out the purposes of this Article. Within those districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Zoning districts may include, but ~~shall~~ are not be limited to, the following:

…

(b) Conditional Districts. – Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions ~~mutually~~ approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, a local government may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site. The zoning regulation may provide that defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments. If multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved ~~shall~~ apply only ~~be applicable~~ to those properties whose owners petition for the modification.

…."

SECTION 17. G.S. 160D-705 reads as rewritten:

"§ 160D-705. Quasi-judicial zoning decisions.

(a) Provisions of Ordinance. – The zoning or unified development ordinance may provide that the board of adjustment, planning board, or governing board hear and decide quasi-judicial zoning decisions. The board shall follow quasi-judicial procedures as specified in G.S. 160D-406 when making any quasi-judicial decision.

(b) Appeals. – Except as otherwise provided by this Chapter, the board of adjustment shall hear and decide appeals from administrative decisions regarding administration and enforcement of the zoning regulation or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development. The provisions of G.S. 160D-405 and G.S. 160D-406 are applicable to these appeals.

(c) Special Use Permits. – The regulations may provide that the board of adjustment, planning board, or governing board hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in the regulations. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local ~~government.~~government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

The regulations may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification or revocation of a special use permit shall follow the same process for approval as is applicable to the approval of a special use permit. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved ~~shall only be applicable~~ apply only to those properties whose owners apply for the modification. The regulation may require that special use permits be recorded with the register of deeds.

(d) Variances. – When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the regulation. It ~~shall not be~~ is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance ~~shall not be regarded as~~ is not a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection."

SECTION 18. G.S. 160D-706 reads as rewritten:

"**§ 160D-706. Zoning conflicts with other development standards.**

(a) When regulations made under authority of this Article require a greater width or size of yards or courts, or require a lower height of a building or fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under authority of this Article ~~shall~~ govern. When the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of a building or a fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Article, the provisions of that statute or local ordinance or regulation ~~shall~~ govern.

(b) When adopting regulations under this Article, a local government may not use a definition of building, dwelling, dwelling unit, bedroom, or sleeping unit that is ~~more expansive than~~ inconsistent with any definition of ~~the same~~ those terms in another statute or in a rule adopted by a State ~~agency.~~ agency, including the State Building Code Council."

SECTION 19. G.S. 160D-705(c) reads as rewritten:

"(c) Special Use Permits. – The regulations may provide that the board of adjustment, planning board, or governing board hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in the regulations. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government.

The ~~regulation[s]~~ regulations may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification or revocation of a special use permit shall follow the same process for approval as is applicable to the approval of a special use permit. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved ~~shall only be applicable~~ apply only to those properties whose owners apply for the modification. The regulation may require that special use permits be recorded with the register of deeds."

SECTION 20.(a) G.S. 160D-804 reads as rewritten:

"**§ 160D-804. Contents and requirements of regulation.**

...

(c) Transportation and Utilities. –

(1) The regulation may provide for the dedication 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.

(2) ~~The~~ A regulation adopted by a city may provide that in lieu of required street construction, a developer be required to provide funds for city use for the construction of roads to serve the occupants, residents, or invitees of the subdivision or development, and these funds may be used for roads which serve more than one subdivision or development within the area. All funds received by the city pursuant to this ~~subsection~~ subdivision shall be used only for development of roads, including design, land acquisition, and construction. However, a city may undertake these activities in conjunction with the Department of Transportation under an agreement between the city and the Department of Transportation.

(3) A regulation adopted by a county may provide that in lieu of required street construction, a developer may provide funds to a county to be used for the development of roads to serve the occupants, residents, or invitees of the subdivision or development. All funds received by the county under this subdivision shall be transferred to a city to be used solely for the development of roads, including design, land acquisition, and construction. Any city receiving funds from a county under this subdivision is authorized to expend the funds outside its corporate limits for the purposes specified in the agreement between the municipality and the county.

(4) Any formula adopted by a local government to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. The regulation may require a combination of partial payment of funds and partial dedication of constructed streets when the governing board ~~of the city~~ determines that a combination is in the best interests of the citizens of the area to be served.

(d) Recreation Areas and Open Space. – The regulation may provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or, alternatively, for payment of funds to be used to acquire or develop recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area. All funds received by ~~municipalities~~ cities pursuant to this subsection shall be used only for the acquisition or development of recreation, park, or open space sites. All funds received by counties pursuant to this subsection shall be used only for the acquisition of recreation, park, or open space sites. Any formula enacted to determine the amount of funds that are to be provided under this subsection shall be based on the value of the development or subdivision for property tax purposes. The regulation may allow a combination or partial payment of funds and partial dedication of land when the governing board determines that this combination is in the best interests of the citizens of the area to be served.

...."

SECTION 20.(b) G.S. 160D-804(g) is recodified as G.S. 160D-804.1. As recodified by this section, G.S. 160D-804.1 reads as rewritten:

"**§ 160D-804.1. Performance guarantees.**

~~(g) Performance Guarantees.~~ To assure compliance with ~~these~~ G.S. 160D-804 and other development regulation requirements, ~~the~~ a subdivision regulation may provide for performance guarantees to assure successful completion of required ~~improvements at the time the plat is recorded as provided in subsection (b) of this section. For any specific development, the type of performance guarantee shall be at the election of the person required to give the performance guarantee.~~improvements.

For purposes of this section, all of the following ~~shall apply~~ apply with respect to performance guarantees:

(1) Type. – The type of performance guarantee shall be at the election of the developer. The term "performance guarantee" ~~shall mean~~ means any of the following forms of guarantee:

a. Surety bond issued by any company authorized to do business in this State.

b. Letter of credit issued by any financial institution licensed to do business in this State.

c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

(1a) Duration. – The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

(1b) Extension. – A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (3) of this subsection and shall include the total cost of all incomplete improvements.

(2) Release. – The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the local government that the improvements for which the performance guarantee is being required are complete. ~~If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer.~~The local government shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to local government acceptance. When required improvements that are secured by a bond are completed to the specifications of the local government, or are accepted by the local government, if subject to its acceptance, upon request by the developer, the local government shall timely provide written acknowledgement that the required improvements have been completed.

(3) Amount. – The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. ~~Any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still~~

~~outstanding at the time the extension is obtained.~~The local government may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

(3a) Timing. – A local government, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.

(4) Coverage. – The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

(5) Legal responsibilities. – No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:

a. The local government to whom ~~such~~ the performance guarantee is provided.

b. The developer at whose request or for whose benefit ~~such~~ the performance guarantee is given.

c. The person or entity issuing or providing ~~such~~ the performance guarantee at the request of or for the benefit of the developer.

(6) Multiple guarantees. – The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (1) of this section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

(7) Exclusion. – Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section."

SECTION 20.(c) Subsection (b) of this section applies to performance guarantees issued on or after the effective date of this act.

SECTION 20.(d) G.S. 160D-804 is amended by adding two new subsections to read:

"(h) Power Lines Exemption. – The regulation 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 local government, 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.

(i) Minimum Square Footage Exemption. – The regulation 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 21. G.S. 160D-807 reads as rewritten:

"**§ 160D-807. Penalties for transferring lots in unapproved subdivisions.**

(a) If a local government adopts a subdivision regulation, any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of that local government, thereafter subdivides ~~his~~ the land in violation of the regulation or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under ~~such~~ the subdivision regulation and recorded in the office of the appropriate register of deeds, ~~shall be~~ is guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land ~~shall~~ does not exempt the transaction from this penalty. The local government may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. Building permits required pursuant to ~~G.S. 160D-1108~~ G.S. 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, a local government may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

(b) The provisions of this section ~~shall~~ do not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision regulation or recorded with the register of deeds, provided the contract does all of the following:

...

(c) The provisions of this section ~~shall~~ do not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision regulation or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision regulation and recorded with the register of deeds."

SECTION 22. G.S. 160D-903 reads as rewritten:

"**§ 160D-903. Agricultural uses.**

(a) Bona Fide Farming Exempt From County Zoning. – County zoning regulations may not affect property used for bona fide farm purposes; provided, however, that this section does not limit zoning regulation with respect to the use of farm property for nonfarm purposes. Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) ~~shall include~~ includes the farm within the jurisdiction of the county and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following ~~shall constitute~~ is sufficient evidence that the property is being used for bona fide farm purposes:

(1) A farm sales tax exemption certificate issued by the Department of Revenue.

(2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
(3) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
(4) A forest management plan.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farm sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide farm purpose pursuant to this subsection ~~shall subject~~ subjects the building or structure to applicable zoning and development regulation ordinances adopted by a county pursuant to subsection (a) of this section in effect on the date the property no longer meets the requirements of this subsection. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

(b) County Zoning of Residential Uses on Large Lots in Agricultural Districts. – A county zoning regulation shall not prohibit single-family detached residential uses constructed in accordance with the North Carolina State Building Code on lots greater than 10 acres in size and in zoning districts where more than fifty percent (50%) of the land is in use for agricultural or silvicultural purposes, except that this restriction ~~shall~~ does not apply to commercial or industrial districts where a broad variety of commercial or industrial uses are permissible. A zoning regulation shall not require that a lot greater than 10 acres in size have frontage on a public road or county-approved private road or be served by public water or sewer lines in order to be developed for single-family residential purposes.

(c) Agricultural Areas in Municipal Extraterritorial Jurisdiction. – Property that is located in a ~~municipality's~~ city's extraterritorial planning and development regulation jurisdiction and that is used for bona fide farm purposes is exempt from the ~~municipality's~~ city's zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to this section. As used in this subsection, "property" means a single tract of property or an identifiable portion of a single tract. Property that ceases to be used for bona fide farm purposes ~~shall become~~ becomes subject to exercise of the ~~municipality's~~ city's extraterritorial planning and development regulation jurisdiction under this Chapter. For purposes of complying with State or federal law, property that is exempt from ~~the exercise of municipal extraterritorial planning and development regulation jurisdiction~~ municipal zoning pursuant to this subsection ~~shall be~~ is subject to the county's floodplain regulation or all floodplain regulation provisions of the county's unified development ordinance.

(d) Accessory Farm Buildings. – A ~~municipality~~ city may provide in its zoning regulation that an accessory building of a "bona fide farm" has the same exemption from the building code as it would have under county zoning.

(e) City Regulations in Voluntary Agricultural Districts. – A city may amend the development regulations applicable within its planning and development regulation jurisdiction to provide flexibility to farming operations that are located within a city or county, voluntary agricultural district, or enhanced voluntary agricultural district adopted under Article 61 of Chapter 106 of the General Statutes. Amendments to applicable development regulations may

include provisions regarding on-farm sales, pick-your-own operations, road signs, agritourism, and other activities incident to farming."

SECTION 23. G.S. 160D-916(b) is repealed.

SECTION 24. G.S. 160D-947 reads as rewritten:

"**§ 160D-947. Certificate of appropriateness required.**

(a) Certificate Required. – ~~From and after~~ After the designation of a landmark or a historic district, no exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on ~~such~~ the landmark or within ~~such~~ the district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the preservation commission. The local government shall require such a certificate to be issued by the commission prior to the issuance of a building permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Part. A certificate of appropriateness ~~shall be~~ is required whether or not a building or other permit is required.

For purposes of this Part, "exterior features" ~~shall include~~ include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" ~~shall be construed to mean~~ mean the style, material, size, and location of all such signs. Such "exterior features" may, in the discretion of the local governing board, include historic signs, color, and significant landscape, archaeological, and natural features of the area.

Except as provided in subsection (b) of this section, the commission ~~shall have~~ has no jurisdiction over interior arrangement. The commission shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district that would be incongruous with the special character of the landmark or district. In making decisions on certificates of appropriateness, the commission shall apply the rules and standards adopted pursuant to subsection (c) of this section.

(b) Interior Spaces. – Notwithstanding subsection (a) of this section, jurisdiction of the commission over interior spaces ~~shall be~~ is limited to specific interior features of architectural, artistic, or historical significance in publicly owned landmarks and of privately owned historic landmarks for which consent for interior review has been given by the owner. ~~Said~~ The consent of an owner for interior review ~~shall bind~~ binds future owners and/or successors in ~~title, provided such~~ if the consent has been filed in the office of the register of deeds of the county in which the property is located and indexed according to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the commission's jurisdiction over the interior.

...

(e) Appeals. –

(1) Appeals of administrative decisions allowed by regulation may be made to the commission.

(2) All decisions of the commission in granting or denying a certificate of appropriateness may, if so provided in the regulation, be appealed to the board of adjustment in the nature of certiorari within times prescribed for appeals of administrative decisions in ~~G.S. 160D-405(c).~~ G.S. 160D-405(d). To the extent applicable, the provisions of G.S. 160D-1402 ~~shall~~ apply to appeals in the nature of certiorari to the board of adjustment.

(3) Appeals from the board of adjustment may be made pursuant to G.S. 160D-1402.

(4) If the regulation does not provide for an appeal to the board of adjustment, appeals of decisions on certificates of appropriateness may be made to the superior court as provided in G.S. 160D-1402.

(5) Petitions for judicial review shall be taken within times prescribed for appeal of quasi-judicial decisions in ~~G.S. 160D-1404.~~ G.S. 160D-1405. Appeals in any such case shall be heard by the superior court of the county in which the local government is located.

(f) Public Buildings. – All of the provisions of this Part are hereby made applicable to construction, alteration, moving, and demolition by the State of North Carolina, its political subdivisions, agencies, and instrumentalities, provided, however, they ~~shall~~ do not apply to interiors of buildings or structures owned by the State of North Carolina. The State and its agencies ~~shall have a right of~~ may appeal to the North Carolina Historical Commission or any successor agency assuming its responsibilities under G.S. 121-12(a) from any decision of a local preservation commission. The North Carolina Historical Commission shall render its decision within 30 days from the date that the notice of appeal by the State is received by it. The current edition of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be the sole principles and guidelines used in reviewing applications of the State for certificates of appropriateness. The decision of the North Carolina Historical Commission ~~shall be~~ is final and binding upon both the State and the preservation commission."

SECTION 25. G.S. 160D-1005 reads as rewritten:

"**§ 160D-1005. ~~Public hearing.~~Hearing.**

Before entering into a development agreement, a local government shall conduct a legislative hearing on the proposed agreement. The notice provisions of G.S. 160D-602 applicable to zoning map amendments shall be followed for this hearing. The notice for the ~~public~~ hearing must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained."

SECTION 26. G.S. 160D-1006 reads as rewritten:

"**§ 160D-1006. Content and modification.**

(a) A development agreement shall, at a minimum, include all of the following:

…

(b) A development agreement may also provide that the entire development or any phase of it be commenced or completed within a specified period of time. If required by ordinance or in the agreement, the development agreement shall provide a development schedule, including commencement dates and interim completion dates at no greater than five-year intervals; provided, however, the failure to meet a commencement or completion date ~~shall~~ does not, in and of itself, constitute a material breach of the development agreement pursuant to G.S. 160D-1008 but must be judged based upon the totality of the circumstances. The developer may request a modification in the dates as set forth in the agreement.

…

(d) The development agreement also may cover any other matter, including defined performance standards, not inconsistent with this Chapter. The development agreement may include mutually acceptable terms regarding provision of public facilities and other amenities and the allocation of financial responsibility for their provision, provided any impact mitigation measures offered by the developer beyond those that could be required by the local government ~~pursuant to G.S. 160D-804~~ shall be expressly enumerated within the agreement, and provided the agreement may not include a tax or impact fee not otherwise authorized by law.

…

(f) Any performance guarantees under the development agreement shall comply with ~~G.S. 160D-804(d).~~G.S. 160D-804.1."

SECTION 27. G.S. 160D-1007(b) reads as rewritten:

"(b) Except for grounds specified in ~~G.S. 160D-108(e),~~ G.S. 160D-108(c) or G.S. 160D-108.1(f), a local government may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement."

SECTION 28.(a) G.S. 160D-1104 reads as rewritten:

"**§ 160D-1104. Duties and responsibilities.**

(a) The duties and responsibilities of an inspection department and of the inspectors in it ~~shall be~~ are to enforce within their planning and development regulation jurisdiction State and local laws relating to the following:

(1) The construction of buildings and other structures.

(2) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air-conditioning systems.

(3) The maintenance of buildings and other structures in a safe, sanitary, and healthful condition.

(4) Other matters that may be specified by the governing board.

(b) The duties and responsibilities set forth in subsection (a) of this section ~~shall~~ include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections in a timely manner, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and any other actions that may be required in order adequately to enforce those laws. The ~~city council shall have~~ governing board has the authority to enact reasonable and appropriate provisions governing the enforcement of those laws.

(c) In performing the specific inspections required by the North Carolina Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected fails to meet the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings or the North Carolina Building Code.

(d) Except as provided in ~~G.S. 160D-1115~~ G.S. 160D-1117 and G.S. 160D-1207, a local government may not adopt or enforce a local ordinance or resolution or any other policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council. The North Carolina Building Code Council shall review all applications for additional inspections requested by a local government and shall, in a reasonable manner, approve or disapprove the additional inspections. This subsection does not limit the authority of the local government to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Residential Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings or the North Carolina Building Code.

(e) Each inspection department shall implement a process for an informal internal review of inspection decisions made by the department's inspectors. This process shall include, at a minimum, the following:

(1) Initial review by the supervisor of the inspector.

(2) The provision in or with each permit issued by the department of (i) the name, phone number, and e-mail address of the supervisor of each inspector and (ii) a notice of availability of the informal internal review process.

(3) Procedures the department must follow when a permit holder or applicant requests an internal review of an inspector's decision.

Nothing in this subsection ~~shall be deemed to limit or abrogate~~ limits or abrogates any rights available under Chapter 150B of the General Statutes to a permit holder or applicant.

(f) If a specific building framing inspection as required by the North Carolina Residential Code for One- and Two-Family Dwellings results in 15 or more separate violations of that Code, the inspector shall forward a copy of the inspection report to the Department of Insurance."

SECTION 28.(b) Notwithstanding Section 6(c) of S.L. 2018-29, as amended by Section 9 of S.L. 2019-174, G.S. 153A-352(g) and G.S. 160A-412(g) expire on the effective date of this act and not on October 1, 2021. G.S. 160D-1104(f) expires October 1, 2021.

SECTION 29. G.S. 160D-1106 reads as rewritten:

"**§ 160D-1106. Alternate inspection method for component or element.**

(a) Notwithstanding the requirements of this Article, a ~~city~~ local government shall accept and approve, without further responsibility to inspect, a design or other proposal for a component or element in the construction of buildings from an architect licensed under Chapter 83A of the General Statutes or professional engineer licensed under Chapter 89C of the General Statutes provided all of the following apply:

(1) The submission design or other proposal is completed under valid seal of the licensed architect or licensed professional engineer.

(2) Field inspection of the installation or completion of a component or element of the building is performed by a licensed architect or licensed professional engineer or a person under the direct supervisory control of the licensed architect or licensed professional engineer.

(3) The licensed architect or licensed professional engineer under subdivision (2) of this subsection provides the ~~city~~ local government with a signed written document ~~stating~~ certifying that the component or element of the building 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, and its receipt shall be promptly acknowledged by the ~~city~~ local government through reciprocal means. The certification 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 local government shall not require information other than that specified in this section.

(b) Upon the acceptance and approval receipt of a signed written document by the ~~city~~ local government as required under subsection (a) of this section, notwithstanding the issuance of a certificate of occupancy, the ~~city,~~ local government, its inspection department, and the inspectors ~~shall be~~ are discharged and released from any liabilities, duties, and responsibilities imposed by this Article with respect to or in common law from any claim arising out of or

attributed to the component or element in the construction of the building for which the signed written document was submitted.

(c) With the exception of the requirements contained in subsection (a) of this section, no further certification by a licensed architect or licensed professional engineer ~~shall be~~ is required for any component or element designed and sealed by a licensed architect or licensed professional engineer for the manufacturer of the component or element under the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings.

(d) As used in this section, the following definitions 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. The term does not include a system.

(2) Element. – A combination of products designed to be combined with other elements to form all or part of a building component. The term does not include a system."

SECTION 30. G.S. 160D-1110 reads as rewritten:

"**§ 160D-1110. Building permits.**

(a) Except as provided in subsection (c) of this section, no person shall commence or proceed with any of the following without first securing all permits required by the State Building Code and any other State or local laws applicable to any of the following activities:

(1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure.

(2) The installation, extension, or general repair of any plumbing system except that in any one- or two-family dwelling unit a permit ~~shall not be~~ is not required for the connection of a water heater that is being ~~replaced, provided that~~ replaced if (i) the work is performed by a person licensed under G.S. 87-21 who personally examines the work at completion and ensures that a leak test has been performed on the gas piping, and ~~provided~~ (ii) the energy use rate or thermal input is not greater than that of the water heater that is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code.

(3) The installation, extension, alteration, or general repair of any heating or cooling equipment system.

(4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, except that in any one- or two-family dwelling unit a permit ~~shall not be~~ is not required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being ~~replaced, provided that~~ replaced if all of the following requirements are met:

a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.

b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.

c. The work is performed by a person licensed under G.S. 87-43.

d. The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code.

However, a building permit is not required for the installation, maintenance, or replacement of any load control device or equipment by an electric power supplier, as defined in G.S. 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the work is subject to supervision by an electrical contractor licensed under Article 4 of Chapter 87 of the General Statutes. The electric power supplier shall provide such installation, maintenance, or replacement in accordance with (i) an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement is made before or after the point of delivery of electric service to the customer. The exemption under this subsection applies to all existing installations.

(b) A building 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~~ requires a local government to review and approve residential building plans submitted to the local government pursuant to the North Carolina Residential Code, provided that the local government may review and approve ~~such~~ the residential building plans as it deems necessary. If a local government 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 for the building permit must be performed within 15 business days of submission of the plans. A local government 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 building 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 building 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 or development or zoning regulation requires that work be done by a licensed specialty contractor of any kind, no building permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor.

(c) No permit issued under Article 9 or 9C of Chapter 143 of the General Statutes ~~shall be~~ is required for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code costing fifteen thousand dollars ($15,000) or less in any single-family residence or farm building unless the work involves any of the following:

(1) The addition, repair, or replacement of load-bearing structures. However, no permit is required for replacement of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior decks.

(2) The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.

(3) The addition, replacement, or change in the design of heating, air-conditioning, or electrical wiring, devices, appliances, or equipment, other than like-kind replacement of electrical devices and lighting fixtures.

(4) The use of materials not permitted by the North Carolina Residential Code for One- and Two-Family Dwellings.

(5) The addition (excluding replacement) of roofing.

...."

SECTION 31. G.S. 160D-1113 reads as rewritten:

"**§ 160D-1113. Inspections of work in progress.**

Subject to the limitation imposed by ~~G.S. 160D-1104(b),~~ G.S. 160D-1104(d), as the work pursuant to a building permit progresses, local inspectors shall make as many inspections thereof

as may be necessary to satisfy them that the work is being done according to the provisions of any applicable State and local laws and of the terms of the permit. In exercising this power, members of the inspection department ~~shall~~ have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. If a building permit has been obtained by an owner exempt from licensure under G.S. 87-1(b)(2), no inspection shall be conducted without the owner being present, unless the plans for the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes."

SECTION 32. G.S. 160D-1116 reads as rewritten:

"**§ 160D-1116. Certificates of ~~compliance.~~compliance; temporary certificates of occupancy.**

(a) At the conclusion of all work done under a building permit, the appropriate inspector shall make a final inspection, and, if ~~the inspector finds that~~ the completed work complies with all applicable State and local laws and with the terms of the permit, the inspector shall issue a certificate of compliance. ~~No~~ Except as provided by subsection (b) of this section, 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 moved may be occupied, until the inspection department has issued a certificate of compliance.

(b) A temporary certificate of occupancy ~~or compliance~~ may be issued permitting occupancy for a stated period of time of either the entire building ~~or property~~ or of specified portions of the building if the inspector finds that ~~such~~ the building ~~or property~~ may safely be occupied prior to its final completion. 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.

(c) ~~Violation of this section shall constitute a Class 1 misdemeanor. A local government may require the applicant for a temporary certificate of occupancy to post suitable security to ensure code compliance.~~ Any person who owns, leases, or controls a building and occupies or allows the occupancy of the building or a part of the building before a certificate of compliance or temporary certificate of occupancy has been issued pursuant to subsection (a) or (b) of this section is guilty of a Class 1 misdemeanor."

SECTION 33. G.S. 160D-1121 reads as rewritten:

"**§ 160D-1121. Action in event of failure to take corrective action.**

If the owner of a building or structure that has been condemned as unsafe pursuant to ~~G.S. 160D-1117 shall fail~~ G.S. 160D-1119 fails to take prompt corrective action, the local inspector shall give written notice, by certified mail to the owner's last known address or by personal service, of all of the following:

(1) That the building or structure is in a condition that appears to meet one or more of the following conditions:
   a. Constitutes a fire or safety hazard.
   b. Is dangerous to life, health, or other property.
   c. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.
   d. Has a tendency to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

(2) That an administrative hearing will be held before the inspector at a designated place and time, not later than 10 days after the date of the notice, at which time the owner ~~shall~~ will be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

(3) That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.

If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice shall be considered properly and adequately served if a copy is posted on the outside of the

building or structure in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the local government's area of jurisdiction at least once not later than one week prior to the hearing."

SECTION 34. G.S. 160D-1123 reads as rewritten:

"**§ 160D-1123. Appeal; finality of order if not appealed.**

Any owner who has received an order under ~~G.S. 160D-1120~~ G.S. 160D-1122 may appeal from the order to the governing board by giving notice of appeal in writing to the inspector and to the local government clerk within 10 days following issuance of the order. In the absence of an appeal, the order of the inspector ~~shall be~~ is final. The governing board shall hear an appeal in accordance with G.S. 160D-406 and render a decision ~~in an appeal~~ within a reasonable time. The governing board may affirm, modify and affirm, or revoke the order."

SECTION 35. G.S. 160D-1124 reads as rewritten:

"**§ 160D-1124. Failure to comply with order.**

If the owner of a building or structure fails to comply with an order issued pursuant to ~~G.S. 160D-1120~~ G.S. 160D-1122 from which no appeal has been taken or fails to comply with an order of the governing board following an appeal, the owner ~~shall be~~ is guilty of a Class 1 misdemeanor."

SECTION 36. G.S. 160D-1125 reads as rewritten:

"**§ 160D-1125. Enforcement.**

(a) Action Authorized. – Whenever any violation is denominated a misdemeanor under the provisions of this Article, the local government, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.

(b) Removal of Building. – In the case of a building or structure declared unsafe under ~~G.S. 160D-1117~~ G.S. 160D-1119 or an ordinance adopted pursuant to ~~G.S. 160D-1117,~~ G.S. 160D-1119, a local government may, in lieu of taking action under subsection (a) of this section, cause the building or structure to be removed or demolished. The amounts incurred by the local government in connection with the removal or demolition ~~shall be~~ are a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in Article 10 of Chapter 160A of the General Statutes. If the building or structure is removed or demolished by the local government, the local government shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The local government shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

(c) Additional Lien. – The amounts incurred by a local government in connection with the removal or demolition ~~shall also be~~ are also a lien against any other real property owned by the owner of the building or structure and located within the local government's planning and development regulation jurisdiction, and for ~~municipalities~~ cities without extraterritorial planning and development jurisdiction, within one mile of the city limits, except for the owner's primary residence. The provisions of subsection (b) of this section apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

(d) Nonexclusive Remedy. – Nothing in this section shall be construed to impair or limit the power of the local government to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise."

SECTION 37. G.S. 160D-1129 reads as rewritten:

"**§ 160D-1129. Regulation authorized as to repair, closing, and demolition of nonresidential buildings or structures; order of public officer.**

(a) Authority. – The governing board of the local government may adopt and enforce regulations relating to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety established by the governing board. The minimum standards shall address only conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings or structures. The ~~regulation~~ regulations shall provide for designation or appointment of a public officer to exercise the powers prescribed by the regulation, in accordance with the procedures specified in this section. ~~Such regulation~~ Regulations adopted under this section shall be applicable within the local government's entire planning and development regulation jurisdiction or limited to one or more designated zoning ~~districts or~~ districts, municipal service ~~districts.~~districts, or defined geographical areas designated for improvement and investment in an adopted comprehensive plan.

...

(c) Complaint and Hearing. – If the preliminary investigation discloses evidence of a violation of the minimum standards, the public officer shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that an administrative hearing will be held before the public officer, or his or her designated agent, at a place within the county scheduled not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity ~~shall not be~~ are not controlling in hearings before the public officer.

(d) Order. – If, after notice and hearing, the public officer determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by the governing board, the public officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order. The order may require the owner to take remedial action, within a reasonable time specified, subject to the procedures and limitations herein.

(e) Limitations on Orders. –

(1) An order may require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by the governing board or to vacate and close the nonresidential building or structure for any use.

(2) An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value. Notwithstanding any other provision of law, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the governing board determines, after ~~a public~~ an administrative hearing as provided by ordinance, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, the order may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by the governing board.

(3) An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to

preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

(f) Action by Governing Board Upon Failure to Comply With Order. –

(1) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the governing board may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The public officer may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted ~~shall be~~ is guilty of a Class 3 misdemeanor.

...

(i) Liens. –

(1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer ~~shall be~~ are a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.

...

(j) Ejectment. – If any occupant fails to comply with an order to vacate a nonresidential building or structure, the public officer may file a civil action in the name of the local government to remove the occupant. The action to vacate ~~shall be~~ is in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing board pursuant to subsection (f) of this section to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the governing board has ordered the public officer to proceed to exercise his or her duties under subsection (f) of this section to vacate and close or remove and demolish the nonresidential building or structure.

(k) Civil Penalty. – The governing board may impose civil penalties against any person or entity that fails to comply with an order entered pursuant to this section. However, the imposition of civil penalties ~~shall~~ does not limit the use of any other lawful remedies available to the governing board for the enforcement of any ordinances adopted pursuant to this section.

...

(m) Appeals. – The governing board may provide that appeals may be taken from any decision or order of the public officer to the local government's housing appeals board or board of adjustment. Any person aggrieved by a decision or order of the public officer ~~shall have~~ has the remedies provided in G.S. 160D-1208.

...."

SECTION 38.(a) Article 11 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§ 160D-1130. Vacant building receivership.**

(a) Petition to Appoint a Receiver. – The governing board of a local government or its delegated commission may petition the superior court for the appointment of a receiver to rehabilitate, demolish, or sell a vacant building, structure, or dwelling upon the occurrence of any of the following, each of which is deemed a nuisance per se:

(1) The owner fails to comply with an order issued pursuant to G.S. 160D-1122, related to building or structural conditions that constitute a fire or safety hazard or render the building or structure dangerous to life, health, or other property, from which no appeal has been taken.

(2) The owner fails to comply with an order of the local government following an appeal of an inspector's order issued pursuant to G.S. 160D-1122.

(3) The governing board of the local government adopts any ordinance pursuant to subdivision (f)(1) of G.S. 160D-1129, related to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety, and orders a public officer to continue enforcement actions prescribed by the ordinance with respect to the named nonresidential building or structure. The public officer may submit a petition on behalf of the governing board to the superior court for the appointment of a receiver, and if granted by the superior court, the petition shall be considered an appropriate means of complying with the ordinance. In the event the superior court does not grant the petition, the public officer and the governing board may take action pursuant to the ordinance in any manner authorized in G.S. 160D-1129.

(4) The owner fails to comply with an order to repair, alter, or improve, remove, or demolish a dwelling issued under G.S. 160D-1203, related to dwellings that are unfit for human habitation.

(5) Any owner or partial owner of a vacant building, structure, or dwelling, with or without the consent of other owners of the property, submits a request to the governing board in the form of a sworn affidavit requesting the governing board to petition the superior court for appointment of a receiver for the property pursuant to this section.

(b) Petition for Appointment of Receiver. – The petition for the appointment of a receiver shall include all of the following: (i) a copy of the original violation notice or order issued by the local government or, in the case of an owner request to the governing board for a petition for appointment of a receiver, a verified pleading that avers that at least one owner consents to the petition; (ii) a verified pleading that avers that the required rehabilitation or demolition has not been completed; and (iii) the names of the respondents, which shall include the owner of the property, as recorded with the register of deeds, any mortgagee with a recorded interest in the property, and all other parties in interest, as defined in G.S. 160D-1202(2). If the petition fails to name a respondent as required by this subsection, the proceeding may continue, but the receiver's

lien for expenses incurred in rehabilitating, demolishing, or selling the vacant building, structure, or dwelling, as authorized by subsection (f) of this section, does not have priority over the lien of that respondent.

(c) Notice of Proceeding. – Within 10 days after filing the petition, the local government shall give notice of the pendency and nature of the proceeding by regular and certified mail to the last known address of all owners of the property, as recorded with the register of deeds, any mortgagee with a recorded interest in the property, and all other parties in interest, as defined in G.S. 160D-1202(2). Within 30 days of the date on which the notice was mailed, an owner of the property, as recorded with the register of deeds, any mortgagee with a recorded interest in the property, and all other parties in interest, as defined in G.S. 160D-1202(2), may apply to intervene in the proceeding and to be appointed as receiver. If the local government fails to give notice to any owner of the property, as recorded with the register of deeds, any mortgagee with a recorded interest in the property, and all other parties in interest, as defined in G.S. 160D-1202(2), as required by this subsection, the proceeding may continue, but the receiver's lien for expenses incurred in rehabilitating, demolishing, or selling the vacant building, structure, or dwelling, as authorized by subsection (f) of this section, does not have priority over the lien of that owner, as recorded with the register of deeds, any mortgagee with a recorded interest in the property, and all other parties in interest, as defined in G.S. 160D-1202(2).

(d) Appointment of Receiver. – The court shall appoint a qualified receiver if the provisions of subsections (b) and (c) of this section have been satisfied. If the court does not appoint a person to rehabilitate or demolish the property pursuant to subsection (e) of this section, or if the court dismisses such an appointee, the court shall appoint a qualified receiver for the purpose of rehabilitating and managing the property, demolishing the property, or selling the property to a buyer. To be considered qualified, a receiver must demonstrate to the court (i) the financial ability to complete the purchase or rehabilitation of the property, (ii) the knowledge of, or experience in, the rehabilitation of vacant real property, (iii) the ability to obtain any necessary insurance, and (iv) the absence of any building code violations issued by the local government on other real property owned by the person or any member, principal, officer, major stockholder, parent, subsidiary, predecessor, or others affiliated with the person or the person's business. No member of the petitioning local government's governing board or a public officer of the petitioning local government is qualified to be appointed as a receiver in that action. If, at any time, the court determines that the receiver is no longer qualified, the court may appoint another qualified receiver.

(e) Rehabilitation Not by Receiver. – The court may, instead of appointing a qualified receiver to rehabilitate or sell a vacant building, structure, or dwelling, appoint an owner or other party in interest in the property, as defined in G.S. 160D-1202, to rehabilitate or demolish the property if that person (i) demonstrates the ability to complete the rehabilitation or demolition within a reasonable time, (ii) agrees to comply with a specified schedule for rehabilitation or demolition, and (iii) posts a bond in an amount determined by the court as security for the performance of the required work in compliance with the specified schedule. After the appointment, the court shall require the person to report to the court on the progress of the rehabilitation or demolition, according to a schedule determined by the court. If, at any time, it appears to the local government or its delegated commission that the owner, mortgagee, or other person appointed under this subsection is not proceeding with due diligence or in compliance with the court-ordered schedule, the local government or its delegated commission may apply to the court for immediate revocation of that person's appointment and for the appointment of a qualified receiver. If the court revokes the appointment and appoints a qualified receiver, the bond posted by the owner, mortgagee, or other person shall be applied to the receiver's expenses in rehabilitating, demolishing, or selling the vacant building, structure, or dwelling.

(f) Receiver Authority Exclusive. – Upon the appointment of a receiver under subsection (d) of this section and after the receiver records a notice of receivership in the county in which

the property is located that identifies the property, all other parties are divested of any authority to collect rents or other income from or to rehabilitate, demolish, or sell the building, structure, or dwelling subject to the receivership. Any party other than the appointed receiver who actively attempts to collect rents or other income from or to rehabilitate, demolish, or sell the property may be held in contempt of court and is subject to the penalties authorized by law for that offense. Any costs or fees incurred by a receiver appointed under this section and set by the court constitute a lien against the property, and the receiver's lien has priority over all other liens and encumbrances, except taxes or other government assessments.

(g) Receiver's Authority to Rehabilitate or Demolish. – In addition to all necessary and customary powers, a receiver appointed to rehabilitate or demolish a vacant building, structure, or dwelling has the right of possession with authority to do all of the following:

(1) Contract for necessary labor and supplies for rehabilitation or demolition.

(2) Borrow money for rehabilitation or demolition from an approved lending institution or through a governmental agency or program, using the receiver's lien against the property as security.

(3) Manage the property prior to rehabilitation or demolition and pay operational expenses of the property, including taxes, insurance, utilities, general maintenance, and debt secured by an interest in the property.

(4) Collect all rents and income from the property, which shall be used to pay for current operating expenses and repayment of outstanding rehabilitation or demolition expenses.

(5) Manage the property after rehabilitation, with all the powers of a landlord, for a period of up to two years and apply the rent received to current operating expenses and repayment of outstanding rehabilitation or demolition expenses.

(6) Foreclose on the receiver's lien or accept a deed in lieu of foreclosure.

(h) Receiver's Authority to Sell. – In addition to all necessary and customary powers, a receiver appointed to sell a vacant building, structure, or dwelling may do all of the following: (i) sell the property to the highest bidder at public sale, following the same presale notice provisions that apply to a mortgage foreclosure under Article 2A of Chapter 45 of the General Statutes, and (ii) sell the property privately for fair market value if no party to the receivership objects to the amount and procedure. In the notice of public sale authorized under this subsection, it is sufficient to describe the property by a street address and reference to the book and page or other location where the property deed is registered. Prior to any sale under this subsection, the applicants to bid in the public sale or the proposed buyer in the private sale shall demonstrate the ability and experience needed to rehabilitate the property within a reasonable time. After deducting the expenses of the sale, the amount of outstanding taxes and other government assessments, and the amount of the receiver's lien, the receiver shall apply any remaining proceeds of the sale first to the local government's costs and expenses, including reasonable attorneys' fees, and then to the liens against the property in order of priority. Any remaining proceeds shall be remitted to the property owner.

(i) Receiver Forecloses on Lien. – A receiver may foreclose on the lien authorized by subsection (f) of this section by selling the property subject to the lien at a public sale, following public notice and notice to interested parties in the manner as a mortgage foreclosure under Article 2A of Chapter 45 of the General Statutes. After deducting the expenses of the sale and the amount of any outstanding taxes and other government assessments, the receiver shall apply the proceeds of the sale to the liens against the property, in order of priority. In lieu of foreclosure, and only if the receiver has rehabilitated the property, an owner may pay the receiver's costs, fees, including reasonable attorneys' fees, and expenses or may transfer ownership in the property to either the receiver or an agreed upon third party for an amount agreed to by all parties to the receivership as being the property's fair market value.

(j) Deed After Sale. – Following the court's ratification of the sale of the property under this section, the receiver shall sign a deed conveying title to the property to the buyer, free and clear of all encumbrances, other than restrictions that run with the land. Upon the sale of the property, the receiver shall at the same time file with the court a final accounting and a motion to dismiss the action.

(k) Receiver's Tenure. – The tenure of a receiver appointed to rehabilitate, demolish, or sell a vacant building, structure, or dwelling shall extend no longer than two years after the rehabilitation, demolition, or sale of the property. Any time after the rehabilitation, demolition, or sale of the property, any party to the receivership may file a motion to dismiss the receiver upon the payment of the receiver's outstanding costs, fees, and expenses. Upon the expiration of the receiver's tenure, the receiver shall file a final accounting with the court that appointed the receiver.

(l) Administrative Fee Charged. – The local government may charge the owner of the building, structure, or dwelling subject to the receivership an administrative fee that is equal to five percent (5%) of the profits from the sale of the building, structure, or dwelling or one hundred dollars ($100.00), whichever is less."

SECTION 38.(b) This section applies to any nuisance per se described in G.S. 160A-439.1 or G.S. 160D-1130, as enacted by this section, that occurs on or after October 1, 2018, or any action listed in G.S. 160D-1130(a)(1) through (4) that was not complied with as of that date.

SECTION 39. G.S. 160D-1201(a) reads as rewritten:

"(a) ~~Occupied~~ Dwellings. – The existence and occupation of dwellings that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health and safety of the people of this State. A public necessity exists for the repair, closing, or demolition of such dwellings. Whenever any local government finds that there exists in the planning and development regulation jurisdiction dwellings that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the local government, power is conferred upon the local government to exercise its police powers to repair, close, or demolish the dwellings consistent with the provisions of this Article."

SECTION 40. G.S. 160D-1203(3) reads as rewritten:

"(3) Orders. – If, after notice and an administrative hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner one of the following orders, as appropriate:

a. If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified, to repair, alter, or improve the dwelling in order to render it fit for human habitation. The ordinance may fix a certain percentage of this value as being reasonable. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs

as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (4) of this section.

b. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish ~~such~~ the dwelling. The ordinance may fix a certain percentage of this value as being reasonable. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after ~~a public~~ an administrative hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949."

SECTION 41. G.S. 160D-1207(b) reads as rewritten:

"(b) A local government may require periodic inspections as part of a targeted effort to respond to blighted or potentially blighted conditions within a geographic area that has been designated by the governing board. However, the total aggregate of targeted areas in the local government jurisdiction at any one time shall not be greater than 1 square mile or five percent (5%) of the area within the local government jurisdiction, whichever is greater. A targeted area designated by the local government shall reflect the local government's stated neighborhood revitalization strategy and shall consist of property that meets the definition of a "blighted area" or "blighted parcel" as those terms are defined in G.S. 160A-503(2) and G.S. 160A-503(2a), respectively, except that for purposes of this subsection, the planning board is not required to make a determination as to the property. The local government shall not discriminate in its selection of areas or housing types to be targeted and shall (i) provide notice to all owners and residents of properties in the affected area about the periodic inspections plan and information regarding a ~~public~~ legislative hearing regarding the plan, (ii) hold a ~~public~~ legislative hearing regarding the plan, and (iii) establish a plan to address the ability of low-income residential property owners to comply with minimum housing code standards."

SECTION 42. G.S. 160D-1208 reads as rewritten:

"**§ 160D-1208. Remedies.**

(a) An ordinance adopted pursuant to this Article may provide for a housing appeals board as provided by ~~G.S. 160D-306.~~ G.S. 160D-305. An appeal from any decision or order of the public officer is a quasi-judicial matter and may be taken by any person aggrieved thereby or by any officer, board, or commission of the local government. Any appeal from the public officer shall be taken within 10 days from the rendering of the decision or service of the order by filing with the public officer and with the housing appeals board a notice of appeal that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the public officer shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the public officer refusing to allow the person aggrieved thereby to do any act, the decision ~~shall remain~~ remains in force until modified or reversed. When any appeal is from a decision of the public officer requiring the person aggrieved to do any act, the appeal ~~shall have~~ has the effect of suspending the requirement until the hearing by the board, unless the public officer certifies to the board, after the notice of appeal is filed with the officer, that because of facts stated in the certificate, a copy of which shall be furnished to the appellant, a suspension of the requirement would cause imminent peril to life or property. In that case the requirement ~~shall~~ is not ~~be~~ suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the public officer, by the board, or by a court of record upon petition made pursuant to subsection (f) of this section.

(b) The housing appeals board shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and, to that end, it ~~shall have~~ has all the powers of the public officer, but the concurring vote of four members of the board ~~shall be~~ is necessary to reverse or modify any decision or order of the public officer. The board ~~shall have~~ also has power ~~also~~ in passing upon appeals, when unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance ~~shall be~~ is observed, public safety and welfare secured, and substantial justice done.

(c) Every decision of the housing appeals board ~~shall be~~ is subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the board, but not otherwise.

(d) Any person aggrieved by an order issued by the public officer or a decision rendered by the housing appeals board may petition the superior court for an injunction restraining the public officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the public officer pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the court on a petition within 20 days and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It ~~shall not be~~ is not necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

(e) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this Article or of any ordinance or code adopted under authority of this Article or any valid order or decision of the public officer or board made pursuant to any ordinance or code adopted under authority of this Article, the public officer or board may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, or use; to restrain, correct, or abate the violation; to prevent the occupancy of the dwelling; or to prevent any illegal act, conduct, or use in or about the premises of the dwelling."

SECTION 43. G.S. 160D-1312 reads as rewritten:

"**§ 160D-1312. Acquisition and disposition of property for redevelopment.**

Any local government is authorized, either as a part of a community development program or independently thereof, and without the necessity of compliance with the Urban Redevelopment Law, to exercise the following powers:

...

(4) To sell, exchange, or otherwise transfer real property or any interest therein in a community development project area to any redeveloper at private sale for residential, recreational, commercial, industrial, or other uses or for public use in accordance with the community development plan, subject to such covenants, conditions, and restrictions as may be deemed to be in the public interest or to carry out the purposes of this Article, provided that ~~such~~ the sale, exchange, or other transfer, and any agreement relating thereto, may be made only after approval of the governing board and after a ~~public hearing; a~~ legislative hearing. A notice of the ~~public~~ hearing shall be given once a week for two successive weeks in a newspaper having general circulation in the local government's planning and development jurisdiction area, the notice shall be published the first time not less than 10 days nor more than 25 days preceding the ~~public~~ hearing, and the notice shall disclose the terms of the sale, exchange, or transfer. At the ~~public~~ hearing, the appraised value of the

property to be sold, exchanged, or transferred shall be disclosed, and the consideration for the conveyance shall not be less than the appraised value."

SECTION 44. G.S. 160D-1401 reads as rewritten:

"**§ 160D-1401. Declaratory judgments.**

Challenges of legislative decisions of governing boards, including the validity or constitutionality of development regulations adopted pursuant to this Chapter, and actions authorized by ~~G.S. 160D-108(c) or (g)~~ G.S. 160D-108(h) or (i) and ~~G.S. 160D-405(c),~~ G.S. 160D-1403.1 may be brought pursuant to Article 26 of Chapter 1 of the General Statutes. The governmental unit making the challenged decision shall be named a party to the action."

SECTION 45. G.S. 160D-1402 reads as rewritten:

"**§ 160D-1402. Appeals in the nature of certiorari.**

(a) Applicability. – This section applies to appeals of quasi-judicial decisions of decision-making boards when that appeal is in the nature of certiorari as required by this Chapter.

(b) Filing the Petition. – An appeal in the nature of certiorari shall be initiated by filing a petition for writ of certiorari with the superior court. The petition shall do all of the following:

...

(c) Standing. – A petition may be filed under this section only by a petitioner who has standing to challenge the decision being appealed. The following persons ~~shall have~~ have standing to file a petition under this section:

...

(e) Writ of Certiorari. – Upon filing the petition, the petitioner shall present the petition and a proposed writ of certiorari to the clerk of superior court of the county in which the matter arose. The writ shall direct the respondent local government or the respondent decision-making board, if the petitioner is a local government that has filed a petition pursuant to subdivision (4) of subsection (c) of this section, to prepare and certify to the court the record of proceedings below within a specified date. The writ shall also direct ~~that~~ the petitioner ~~shall~~ to serve the petition and the writ upon each respondent named therein in the manner provided for service of a complaint under Rule 4(j) of the Rules of Civil Procedure, except that, if the respondent is a decision-making board, the petition and the writ shall be served upon the chair of that decision-making board. Rule 4(j)(5)d. of the Rules of Civil Procedure ~~shall apply~~ applies in the event the chair of a decision-making board cannot be found. No summons shall be issued. The clerk shall issue the writ without notice to the respondent or respondents if the petition has been properly filed and the writ is in proper form. A copy of the executed writ shall be filed with the court.

Upon the filing of a petition for writ of certiorari, a party may request a stay of the execution or enforcement of the decision of the quasi-judicial board pending superior court review. The court may grant a stay in its discretion and on ~~such~~ conditions that properly provide for the security of the adverse party. A stay granted in favor of a city or county shall not require a bond or other security.

...

(g) Intervention. – Rule 24 of the Rules of Civil Procedure ~~shall govern~~ governs motions to intervene as a petitioner or respondent in an action initiated under this section with the following exceptions:

(1) Any person described in subdivision (1) of subsection (c) of this section ~~shall have~~ has standing to intervene and shall be allowed to intervene as a matter of right.

...

(i) Hearing on the Record. – The court shall hear and decide all issues raised by the petition by reviewing the record submitted in accordance with subsection (h) of this section. The court ~~may, in its discretion,~~ shall allow the record to be supplemented with affidavits, testimony of witnesses, or documentary or other evidence if, and to the extent that, the ~~record is not adequate~~

~~to allow an appropriate determination~~ petition raises any of the following ~~issues:~~issues, in which case the rules of discovery set forth in the North Carolina Rules of Civil Procedure apply to the supplementation of the record of these issues:

(1) Whether a petitioner or intervenor has standing.

(2) Whether, as a result of impermissible conflict as described in G.S. 160D-109 or locally adopted conflict rules, the decision-making body was not sufficiently impartial to comply with due process principles.

(3) Whether the decision-making body erred for the reasons set forth in sub-subdivisions a. and b. of subdivision (1) of subsection (j) of this section.

(j) Scope of Review. –

(1) When reviewing the decision under the provisions of this section, the court shall ensure that the rights of petitioners have not been prejudiced because the decision-making body's findings, inferences, conclusions, or decisions were:

...

b. In excess of the statutory authority conferred upon the local ~~government~~ government, including preemption, or the authority conferred upon the decision-making board by ordinance.

...

(2) When the issue before the court is one set forth in sub-subdivisions a. through d. of subdivision (1) of this subsection, including whether the decision-making board erred in interpreting an ordinance, the court shall review that issue de novo. The court shall consider the interpretation of the decision-making board, but is not bound by that interpretation, and may freely substitute its judgment as appropriate. Whether the record contains competent, material, and substantial evidence is a conclusion of law, reviewable de novo.

(3) The term "competent evidence," as used in this subsection, ~~shall~~ does not preclude reliance by the decision-making board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if (i) except for the items noted in sub-subdivisions a., b., and c. of this subdivision that are conclusively incompetent, the evidence was admitted without objection or (ii) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the decision-making board to rely upon it. The term "competent evidence," as used in this subsection, ~~shall~~ shall, regardless of the lack of a timely objection, not be deemed to include the opinion testimony of lay witnesses as to any of the following:

a. The use of property in a particular way affects the value of other property.

b. The increase in vehicular traffic resulting from a proposed development poses a danger to the public safety.

c. Matters about which only expert testimony would generally be admissible under the rules of evidence.

(j1) Action Not Rendered Moot by Loss of Property. – Subject to the limitations in the State and federal constitutions and State and federal case law, an action filed under this section is not rendered moot, if during the pendency of the action, the aggrieved person loses the applicable property interest as a result of the local government action being challenged and exhaustion of an appeal described herein is required for purposes of preserving a claim for damages under G.S. 160D-1403.1.

(k) Decision of the Court. – Following its review of the decision-making board in accordance with subsection (j) of this section, the court may affirm the decision, reverse the decision and remand the case with appropriate instructions, or remand the case for further

proceedings. If the court does not affirm the decision below in its entirety, then the court shall determine what relief should be granted to the petitioners:

...

(3) If the court concludes that the decision by the decision-making board is not supported by competent, material, and substantial evidence in the record or is based upon an error of law, then the court may remand the case with an order that directs the decision-making board to take whatever action should have been taken had the error not been committed or to take such other action as is necessary to correct the error. Specifically:

a. If the court concludes that a permit was wrongfully denied because the denial was not based on competent, material, and substantial evidence or was otherwise based on an error of law, the court ~~may~~ shall remand with instructions that the permit be issued, subject to ~~reasonable and appropriate conditions.~~any conditions expressly consented to by the permit applicant as part of the application or during the board of adjustment appeal or writ of certiorari appeal.

b. If the court concludes that a permit was wrongfully issued because the issuance was not based on competent, material, and substantial evidence or was otherwise based on an error of law, the court may remand with instructions that the permit be revoked.

c. If the court concludes that a zoning board decision upholding a zoning enforcement action was not supported by substantial competent evidence or was otherwise based on an error of law, the court shall reverse the decision.

...

(n) Stays. – An appeal under this section is stayed as provided in G.S. 160D-405."

SECTION 46. Article 14 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§ 160D-1403.1. Civil action for declaratory relief, injunctive relief, other remedies; joinder of complaint and petition for writ of certiorari in certain cases.**

(a) Civil Action. – Except as otherwise provided in this section for claims involving questions of interpretation, in lieu of any remedies available under G.S. 160D-405 or G.S. 160D-108(h), a person with standing, as defined in subsection (b) of this section, may bring an original civil action seeking declaratory relief, injunctive relief, damages, or any other remedies provided by law or equity, in superior court or federal court to challenge the enforceability, validity, or effect of a local land development regulation for any of the following claims:

(1) The ordinance, either on its face or as applied, is unconstitutional.

(2) The ordinance, either on its face or as applied, is ultra vires, preempted, or otherwise in excess of statutory authority.

(3) The ordinance, either on its face or as applied, constitutes a taking of property.

If the decision being challenged is from an administrative official charged with enforcement of a local land development regulation, the party with standing must first bring any claim that the ordinance was erroneously interpreted to the applicable board of adjustment pursuant to G.S. 160D-405. An adverse ruling from the board of adjustment may then be challenged in an action brought pursuant to this subsection with the court hearing the matter de novo together with any of the claims listed in this subsection.

(b) Standing. – Any of the following criteria provide standing to bring an action under this section:

(1) The person has an ownership, leasehold, or easement interest in, or possesses an option or contract to purchase the property that is the subject matter of a

final and binding decision made by an administrative official charged with applying or enforcing a land development regulation.

(2) The person was a development permit applicant before the decision-making board whose decision is being challenged.

(3) The person was a development permit applicant who is aggrieved by a final and binding decision of an administrative official charged with applying or enforcing a land development regulation.

(c) Time for Commencement of Action. – Any action brought pursuant to this section shall be commenced within one year after the date on which written notice of the final decision is delivered to the aggrieved party by personal delivery, electronic mail, or by first-class mail.

(d) Joinder. – An original civil action authorized by this section may, for convenience and economy, be joined with a petition for writ of certiorari and decided in the same proceedings. The Rules of Civil Procedure govern the parties for the claims raised in the original civil action. The record of proceedings in the appeal pursuant to G.S. 160D-1402 shall not be supplemented by discovery from the civil action unless supplementation is otherwise allowed under G.S. 160D-1402(i). The standard of review in the original civil action for the cause or causes of action pled as authorized by subsection (a) of this section is de novo. The standard of review of the petition for writ of certiorari is the standard established in G.S. 160D-1402(j).

(e) Action Not Rendered Moot by Loss of Property. – Subject to the limitations in the State and federal constitutions and State and federal case law, an action filed under this section is not rendered moot, if during the pendency of the action, the aggrieved person loses the applicable property interest as a result of the local government action being challenged and exhaustion of an appeal described herein is required for purposes of preserving a claim for damages under this section.

(f) Stays. – An appeal under this section is stayed as provided in G.S. 160D-405.

(g) Definitions. – The definitions in G.S. 143-755 apply in this section."

SECTION 47. Article 14 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§ 160D-1403.2. No estoppel effect when challenging development conditions.**

A local government may not assert before a board of adjustment or in any civil action the defense of estoppel as a result of actions by the landowner or permit applicant to proceed with development authorized by a development permit as defined in G.S. 143-755 if the landowner or permit applicant is challenging conditions that were imposed and not consented to in writing by a landowner or permit applicant."

SECTION 48. G.S. 160D-1405 reads as rewritten:

"**§ 160D-1405. Statutes of limitation.**

(a) Zoning Map Adoption or Amendments. – A cause of action as to the validity of any regulation adopting or amending a zoning map adopted under this Chapter or other applicable law or a development agreement adopted under Article 10 of this Chapter ~~shall accrue~~ accrues upon adoption of ~~such~~ the ordinance and shall be brought within 60 days as provided in G.S. 1-54.1.

(b) Text Adoption or Amendment. – Except as otherwise provided in subsection (a) of this section, an action challenging the validity of a development regulation adopted under this Chapter or other applicable law shall be brought within one year of the accrual of such action. Such an action accrues when the party bringing such action first has standing to challenge the ordinance. A challenge to an ordinance on the basis of an alleged defect in the adoption process shall be brought within three years after the adoption of the ordinance.

(c) Enforcement Defense. – Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 ~~shall bar~~ bars a party in an action involving the enforcement of a development regulation or in an action under G.S. 160D-1403.1 from raising as a claim or defense in ~~such~~ the proceedings the enforceability or the invalidity of the ordinance. Nothing in this section or in G.S. 1-54(10) or

G.S. 1-54.1 ~~shall bar~~ bars a party who files a timely appeal from an order, requirement, decision, or determination made by an administrative official contending that ~~such~~ the party is in violation of a development regulation from raising in the judicial appeal the invalidity of ~~such~~ the ordinance as a defense to ~~such~~ the order, requirement, decision, or determination. A party in an enforcement action or appeal may not assert the invalidity of the ordinance on the basis of an alleged defect in the adoption process unless the defense is formally raised within three years of the adoption of the challenged ordinance.

(c1) Termination of Grandfathered Status. – When a use constituting a violation of a zoning or unified development ordinance is in existence prior to adoption of the zoning or unified development ordinance creating the violation, and that use is grandfathered and subsequently terminated for any reason, a local government shall bring an enforcement action within 10 years of the date of the termination of the grandfathered status, unless the violation poses an imminent hazard to health or public safety.

(d) Quasi-Judicial Decisions. – Unless specifically provided otherwise, a petition for review of a quasi-judicial decision shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with G.S. 160D-406(j). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(e) Others. – Except as provided by this section, the statutes of limitations ~~shall be~~ are as provided in Subchapter II of Chapter 1 of the General Statutes."

SECTION 49.(a) Section 2.6(j) of S.L. 2019-111 is repealed.

SECTION 49.(b) G.S. 168-20, 168-21, and 168-22 are repealed.

SECTION 49.(c) G.S. 168-23 reads as rewritten:

"**§ 168-23. Certain private agreements void.**

Any restriction, reservation, condition, exception, or covenant in any subdivision plan, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property which would permit residential use of property but prohibit the use of ~~such~~ the property as a family care home ~~shall, to the extent of such prohibition, be void~~ as defined in G.S. 160D-907 is void as against public policy to the extent of the prohibition and shall be given no legal or equitable force or effect."

SECTION 50.(a) Sections 12 and 13 incorporate in Chapter 160D of the General Statutes the provisions of Sections 1.4 and 1.5 of S.L. 2019-111 and apply to applications for down-zoning amendments and for driveway improvements submitted on or after July 11, 2019, and to appeals from decisions related to such applications filed on or after that date.

SECTION 50.(b) Sections 5, 10, 14, 16, 17, 18, 45, 46, 47, 48, and the amendments to G.S. 160D-1405(c) in Section 46 incorporate in Chapter 160D of the General Statutes the provisions of Sections 1.2, 1.3, 1.6, 1.7, 1.8, 1.9, 1.10, 1.12, 1.13, 1.14, 1.15, and 1.17 of S.L. 2019-111, clarify and restate the intent of existing law, and apply to ordinances adopted before, on, and after the effective date of this act.

SECTION 51.(a) Section 3.2 of S.L. 2019-111 is repealed.

SECTION 51.(b) Part II of S.L. 2019-111 is effective when this act becomes law. Part II of S.L. 2019-111 clarifies and restates the intent of law existing on the effective date of this act and applies to ordinances adopted before, on, and after that date. Valid local government development regulations that are in effect at the time of the effective date of Part II of S.L. 2019-111 remain in effect but local governments shall amend those regulations to conform to the provisions of Part II of S.L. 2019-111 on or before July 1, 2021. Part II of S.L. 2019-111 applies to local government development regulation decisions made on or after the earlier of:

(1) The effective date of the amendments to local development regulations made to conform to the provisions of Part II of S.L. 2019-111 or

(2) July 1, 2021.

SECTION 51.(c) The Revisor of Statutes is authorized to substitute the effective date of this act for "January 1, 2021" throughout Chapter 160D of the General Statutes.

SECTION 51.(d) Section 4.33 of S.L. 2020-3 is repealed.

SECTION 52. Except as otherwise provided in this act, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, May 19, 2020

Senator Horner,
submits the following with recommendations as to passage:

FAVORABLE

SB **795** Laurinburg-Maxton Airport Commission.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Tom McInnis will handle SB 795

SENATE BILL 795:
Laurinburg-Maxton Airport Commission.

2019-2020 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 18, 2020
Introduced by:	Sen. McInnis	**Prepared by:**	Bill Patterson Committee Co-Counsel
Analysis of:	Filed Edition		

OVERVIEW: Senate Bill 795 would rename the Laurinburg/Maxton Airport Commission, increase its membership, and clarify its powers and duties.

CURRENT LAW:

G.S. 63-4 authorizes the governing body of any city, town, or county to jointly acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft, and to use for such purpose any suitable property owned or controlled by such city, town, and county.

The Laurinburg/Maxton Airport Commission was created by ordinance of the City of Laurinburg for the purpose of operating the Laurinburg/Maxton Airport, and is authorized to exercise on behalf of the Town of Maxton and the City of Laurinburg all powers granted to each municipality by Chapter 63 of the General Statutes.

The Commission consists of six members serving terms of three years, three of whom are residents of the Town of Maxton appointed by that town's governing body, and three of whom are residents of the City of Laurinburg appointed by its city council.

BILL ANALYSIS: Senate Bill 795 would rename the Laurinburg/Maxton Airport Commission as the Southeast Regional Airport Authority.

The Authority would be empowered 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 Scotland County, and for this purpose to purchase, improve, own, hold, lease, or operate real or personal property.

The Authority would have seven voting members: three registered voters of the City of Laurinburg appointed by the city's mayor; one registered voter of the Town of Maxton appointed by the town's mayor; and three registered voters of Scotland County appointed by the chair of the county's board of commissioners. The Scotland County Economic Development Director would serve as an ex-officio nonvoting member of the Authority.

Voting members would serve two-year staggered terms beginning on January 1, except that two of the three City of Laurinburg appointees and one of the three Scotland County appointees would serve initial terms of one year. The old Commission members' terms would expire on December 31, 2020, and the new Authority members' terms would begin on January 1, 2021.

The bill would also repeal prior acts of the General Assembly pertaining to the Commission.

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

Karen Cochrane-Brown
Director

S795-SMTG-121 FILED -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

FILED SENATE
May 18, 2020
S.B. 795
PRINCIPAL CLERK

S D

SENATE BILL DRS15516-LM-115A

Short Title:	Laurinburg-Maxton Airport Commission.	(Local)
Sponsors:	Senator McInnis (Primary Sponsor).	
Referred to:		

A BILL TO BE ENTITLED

AN ACT RENAMING THE LAURINBURG-MAXTON AIRPORT COMMISSION AS THE SOUTHEAST REGIONAL AIRPORT AUTHORITY, INCREASING THE MEMBERSHIP OF THE AUTHORITY'S BOARD, AND CLARIFYING THE AUTHORITY'S POWERS AND DUTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Commission Continued as Authority; Renamed. – The Laurinburg-Maxton Airport Commission is hereby renamed the Southeast Regional Airport Authority (hereinafter "Authority"). The Authority shall continue to 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. The name of the Laurinburg-Maxton Airport shall remain unchanged.

SECTION 2.(a) Members; Vacancies; Removal. – The Authority shall consist of the following members:

(1) Three registered voters of the City of Laurinburg appointed by the Mayor of the City of Laurinburg.

(2) One registered voter of the Town of Maxton appointed by the Mayor of the Town of Maxton.

(3) Three registered voters of Scotland County appointed by the Chair of the Board of Commissioners of Scotland County.

(4) The Scotland County Economic Development Director, who shall serve as an ex officio nonvoting member.

SECTION 2.(b) Except as provided in subsection (c) of this section, members shall serve for a term of two years, beginning on January 1, and the terms shall be staggered. Members may serve no more than two successive terms. An initial term described in subsection (c) of this section shall be counted when determining the number of successive terms served. A member who has served two successive terms may not be reappointed to the Authority except after a lapse of two years following the most recent term served. In the event a member is appointed to fill an unexpired term, and at least one year of the unexpired term remains to be served, the appointment shall be counted in determining the number of successive terms served. Upon the expiration of a member's term, the member may continue to serve until a successor has been appointed, but in no case shall the member serve for more than 60 days beyond the end of the member's term. Any vacancy occurring among the membership of the Authority shall be filled within 60 days after notice thereof by the appointment of a successor by the mayor or chair who made the original appointment. The successor member shall serve for the remainder of the unexpired term. Each member shall take and subscribe before the clerk of the town or county an oath of office, and the

oath shall be filed in the office of the clerk. The provisions of this subsection shall not apply to the Scotland County Economic Development Director who shall not be limited to the number of terms he or she may serve.

SECTION 2.(c) Initial member of the Authority shall be appointed as follows:

(1) Three registered voters of the City of Laurinburg appointed by the Mayor of the City, two of whom shall serve for a term of one year and one of whom shall serve for a term of two years.

(2) One registered voter of the Town of Maxton appointed by the Mayor of the Town, who shall serve for a term of two years.

(3) Three registered voters of Scotland County appointed by the Chair of the Board of Commissioners, one of whom shall serve for a term of one year and two of whom shall serve for a term of two years.

(4) The Scotland County Economic Development Director, who shall serve as an ex officio nonvoting member.

SECTION 2.(d) A member may be suspended or removed from office by the appointing mayor or chair for (i) cause affecting the member's duties and responsibilities as a member of the Authority, (ii) misfeasance, malfeasance, or nonfeasance in office, (iii) conduct tending to undermine any decisions of the Authority, or (iv) conduct exposing the Authority to liability for damages. Except for malfeasance, members shall not be personally liable, in any manner, for their acts or omissions as members of the Authority.

SECTION 2.(e) The members of the Authority shall elect annually from their membership a chair, vice-chair, and secretary, and may elect any other officers they deem appropriate to provide for the efficient administration of the Authority's affairs.

SECTION 3. Meetings; Compensation. – (a) Members shall constitute the governing board of the Authority and may, among other things and from time to time, adopt suitable bylaws not inconsistent with the provisions of this act. Each member, including the chair, shall have one vote. A majority of the members shall constitute a quorum and, unless otherwise provided in this act, all actions of the Authority shall be determined by a majority vote of the members present and voting in a duly called meeting at which a quorum is present. The Authority shall hold meetings at least monthly at such times and places as it, from time to time, may designate and at such other times on the call of the chair or a majority of the members of the Authority. All meetings and closed sessions of the Authority shall be conducted in accordance with Article 33C of Chapter 143 of the General Statutes.

(b) Members shall receive no compensation for serving on the Authority; however, members shall be reimbursed for their actual traveling expenses incurred when conducting business outside Scotland County on behalf of the Authority.

SECTION 4. Powers; Duties. – The Authority shall have the following powers and duties:

(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 Scotland County and for this purpose to purchase, improve, own, hold, lease, or operate real or personal property. The Authority may exercise these powers alone or in conjunction with the City of Laurinburg, Town of Maxton, or Scotland County.

(2) To make contracts and hold any personal property necessary for the exercise of the powers of the Authority, and to acquire by purchase, lease, or otherwise any existing lease, leasehold right, or other interest in any existing airport located in Scotland County.

(3) To sell, lease, or otherwise dispose of any property, real or personal, belonging to the Authority, according to the procedures provided in Article 12 of Chapter 160A of the General Statutes, but no sale of real property shall be made

without the approval of the City of Laurinburg City Council, Town of Maxton Town Council, and Scotland County Board of Commissioners.

(4) To make all reasonable rules and regulations it deems necessary for the proper maintenance, use, operation, and control of the airport and to provide penalties for the violation of these rules and regulations; provided, the rules and regulations and schedules of fees are not in conflict with the laws of North Carolina and the regulations of the Federal Aviation Administration. The Authority may administer and enforce any airport zoning regulations adopted by the City of Laurinburg, Town of Maxton, or Scotland County.

(5) To operate, own, lease, sublease, control, regulate, and/or grant to others the right to operate on any airport premises owned, operated, or controlled by the Authority, general aviation terminal and fixed base operations, aircraft deicing equipments and systems, restaurants, snack bars and vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandise outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service stations, garage service facilities, motion picture shows, personal service establishments, and/or all other types of facilities, activities, and enterprises as may be directly or indirectly related to the maintenance and/or furnishing of public commercial service and/or general aviation airport facilities.

(6) To charge and collect reasonable and adequate fees and rents for the use of airport property or for services rendered in the operation of the airport.

(7) To purchase any insurance that the Federal Aviation Administration or the Authority shall deem necessary. The Authority shall be responsible for any and all insurance claims or liabilities.

(8) To deposit or invest and reinvest any of its funds as provided by the Local Government Finance Act, as it may be amended from time to time, for the deposit or investment of Authority funds.

(9) Subject to the limitations set out in this act, to have all the same power and authority granted to cities and counties pursuant to Chapter 63 of the General Statutes.

(10) To contract with and accept grants from the Federal Aviation Administration, the State of North Carolina, or any of the agencies or representatives of either of said governmental bodies relating to the purchase of land and air easements and to the grading, constructing, equipping, improving, maintaining, or operating of an airport or its facilities or both.

(11) To acquire from the City of Laurinburg, Town of Maxton, and Scotland County, by agreement with the municipalities and county, and the municipalities and county may grant and convey, either by gift or for such consideration as the municipalities and county may deem wise, any real or personal property which it now owns or may hereafter acquire, including nontax monies, and which may be necessary for the construction, operation, and maintenance of any airport located in the county.

(12) To acquire private property needed by the Authority for any airport, landing field, or as facilities of an airport or landing field by gift or devise, by private purchase, or by the exercise of eminent domain pursuant to Chapter 40A of the General Statutes.

(13) To employ any agents, engineers, attorneys, and other persons whose services may be deemed by the Authority to be necessary and useful in carrying out the provisions of this act.

(14) To have a corporate seal, which may be altered at will.

(15) To purchase real and personal property.
(16) To sue and be sued in the name of the Authority.
(17) To issue bonds pursuant to Article 5 of Chapter 159 of the General Statutes.
(18) To purchase any of the Authority's outstanding bonds or notes.

SECTION 5. Taxes; License Fees. – The Authority shall possess the same exemptions in respect to payment of taxes and license fees and be eligible for sales and use tax refunds to the same extent as provided for municipal corporations by the laws of the State of North Carolina.

SECTION 6. Airport Property. – All right, title, and interest of the Laurinburg-Maxton Airport Commission in and to the Laurinburg-Maxton Airport property and facilities and all other property held or owned by the Laurinburg-Maxton Airport Commission, real or personal, tangible or intangible, including all cash and cash equivalents and checking, investment, and demand deposit bank accounts held by the Laurinburg-Maxton Airport Commission pertaining to or generated from revenues of the Laurinburg-Maxton Airport, shall hereby be vested in the Southeast Regional Airport Authority as a matter of law when this act becomes law, and no action by the Laurinburg-Maxton Airport Commission or the Southeast Regional Airport Authority shall be necessary to effect any change in any right, title, and interest in and to the Laurinburg-Maxton Airport property and facilities and other property described in this section. Any lands acquired, owned, controlled, or occupied by the Authority shall be, and are declared to be acquired, owned, controlled, and occupied for a public purpose.

SECTION 7. Annual Report. – The Authority shall make an annual report to the Laurinburg City Council, Maxton Town Council, and the Scotland County Board of Commissioners setting forth in detail the operations and transactions conducted by it pursuant to this act. The Authority shall not have the power to pledge the credit of the City of Laurinburg, Town of Maxton, or Scotland County, or any subdivision thereof, or to impose any obligation on the City of Laurinburg, Town of Maxton, or Scotland County, or any of their subdivisions, except when that power is expressly granted by general law.

SECTION 8. Authority to Operate Airports. – Subject to the limitations set out in this act, all rights and powers given and granted to counties or municipalities by general law, which may now be in effect or enacted in the future relating to the development, regulation, and control of municipal airports and the regulation of aircraft are vested in the Authority. The City of Laurinburg, Town of Maxton, or Scotland County may delegate their powers under these acts to the Authority, and the Authority shall have concurrent rights with the municipalities and county to control, regulate, and provide for the development of aviation in Scotland County.

SECTION 9. Funds. – The City of Laurinburg City Council, Town of Maxton Town Council, or Scotland County Board of Commissioners may appropriate funds derived from any source, including ad valorem taxes, to carry out the provisions of this act in any proportion or upon any basis as may be determined by the City of Laurinburg City Council, Town of Maxton Town Council, or Scotland County Board of Commissioners. The Authority may expend funds appropriated by the City of Laurinburg, Town of Maxton, or Scotland County for joint airport purposes and may pledge the credit of the Authority to the extent of the appropriated funds.

SECTION 10. Severability. – If any one or more sections, clauses, sentences, or parts of this act shall be adjudged invalid, such judgment shall not affect, impair, or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held invalid, and the inapplicability or invalidity of any section, clause, sentence, or part of this act in one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

SECTION 11. The terms of the current members of the Laurinburg-Maxton Airport Commission shall expire on December 31, 2020. Initial members of the Southeast Regional Airport Authority, as enacted in Section 1 of this act, shall be appointed as provided in Section 2(c) of this act, and the terms of the initial members shall begin January 1, 2021.

SECTION 12. The following acts are hereby repealed: Chapter 533 of the Session Laws of 1947, Chapter 641 of the Session Laws of 1953, Chapter 1210 of the Session Laws of 1957, Chapter 36 of the Session Laws of 1961, Chapter 1166 of the Session Laws of 1977, and Section 10 of Chapter 414 of the Session Laws of 1993.

SECTION 13. This act is effective when it becomes law.

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Senate and Local Government, Senate Committee

May 19, 2020 2:00 PM Rm. 1124/1224

Senate Sergeant-at-Arms

Terry Edmondson

Charles Marsalis

Sheree Hedrick

Dwight Green

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

Public Speaker Sign-in

State and Local Government, Senate Committee

05/18/2019

SPEAKER: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Mike Carpenter	NCCHA
Tim Minton	NCCMSA
David Owens	SOG - UNC-CH
Roger Yates	LA - Senator Gallimore
Steven Schlink	Sen. Burgin
Maggie Whittemore	SB 720
John Easterling	ICTS

Regina Irwin (Sen. Rick Horner)

From: Regina Irwin (Sen. Rick Horner)
Sent: Monday, June 01, 2020 05:05 PM
To: Rep. Keith Kidwell; Rep. Scott Brewer; Rep. John Bell; Rep. Larry Strickland; Rep. Donna White; Rep. Susan Fisher; Rep. John Ager; Rep. Brian Turner; Rep. Chuck McGrady
Cc: Joy Albright (Rep. Keith Kidwell); Dylan Frick (Rep. Scott Brewer); Susan West Horne (Rep. John Bell); Collin Miller (Rep. Larry Strickland); Susan Mullins (Rep. Donna White); Brittany Taylor (Rep. Susan Fisher); Meredith Graf (Rep. John Ager); Austen High (Rep. Brian Turner); Kimberly Neptune (Rep. Chuck McGrady)
Subject: <NCGA> Senate State and Local Government Committee Meeting Notice for Tuesday, June 2, 2020 at 2:00 PM - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Follow Up Flag: Follow up
Flag Status: Flagged

Principal Clerk
Reading Clerk

Updated #1: Bills Added

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 2, 2020	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1062	Beaufort County/Animal Services Records.	Representative Kidwell
HB 1157	Abolish Coroner in Various Counties.	Representative Brewer
HB 1159	Add Members/Johnston Cnty. Airport Authority.	Representative Strickland Representative Bell Representative White
HB 1151	Asheville-Buncombe Bd. of Trustees.	Representative B. Turner Representative Fisher Representative Ager

HB 1154	Greater Asheville Regional Airport Authority.	Representative McGrady Representative Fisher

Senator Horner will chair the meeting

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, June 2, 2020
2:00 pm
1124/1224 Legislative Building

AGENDA

I. CALL TO ORDER

Chairs: **Sen. Rick Horner, Co-Chair, presiding**
Senator John Alexander, Co-Chair

II. WELCOME AND OPENING REMARKS

III. AGENDA ITEMS

BILL NO.	SHORT TITLE	SPONSOR
HB 1062	Beaufort County/Animal Services Records.	Representative Kidwell
HB 1157	Abolish Coroner in Various Counties.	Representative Brewer
HB 1159	Add Members/Johnston Cnty. Airport Authority.	Representative Strickland Representative Bell Representative White
HB 1151	Asheville-Buncombe Bd. of Trustees.	Representative B. Turner Representative Fisher Representative Ager
HB 1154	Greater Asheville Regional Airport Authority.	Representative McGrady Representative Fisher

IV. ADJOURNMENT

Senate Committee on State and Local Government
Tuesday, June 2, 2020 at 2:00 pm
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 PM on June 2, 2020 in Room 1124/1224 of the Legislative Building. Eleven members were present.

A Visitor Registration log is attached and made part of these minutes.

Senator Horner, Presiding Chair, called the meeting to order at 2:00 pm. He welcomed the members of the Committee and introduced the Sergeant-at-Arms staff. The following bills were considered:

HB 1062; Beaufort County/Animal Services Records. (Representative Kidwell). Due to a scheduling conflict Representative Kidwell, bill sponsor, was not available to present the bill in committee. The Chair recognized Senator Perry to explain the bill. Senator Steinburg moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and committee report is attached.

HB 1157; Abolish Coroner in Various Counties. (Representative Brewer). The Chair recognized Representative Brewer to explain the bill. Senator Gallimore sent forth an amendment **H1157-ATG-72 [v.1].** See attachment. Senator T. Alexander moved for the adoption of the amendments for consideration. The motion passed. The Chair recognized Mr. Bill Patterson, Staff Attorney, to explain the amendment. Senator T. Alexander moved to roll the amendments into a PCS. The motion passed. Senator Perry moved for a favorable report as to the PCS, as amended; unfavorable to the original bill and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, the amendments, PCS and committee report is attached .

HB 1159; Add Members/Johnston Cnty. Airport Authority. (Representatives Strickland, Bell and White). The Chair recognized Representative Strickland, bill sponsor, to explain the bill. Senator Burgin moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and committee report is attached.

HB 1151; Asheville-Buncombe Bd. of Trustees. (Representatives B. Turner, Fisher and Ager). Due to a scheduling conflict Representative B. Turner, bill sponsor, was not available to present the bill in committee. The Chair recognized Senator Edwards to explain the bill. Senator Burgin moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and committee report is attached.

HB 1154; Greater Asheville Regional Airport Authority. (Representatives McGrady and Fisher). Due to a scheduling conflict Representative McGrady, bill sponsor, was not available to present the bill in committee. The Chair recognized Senator Edwards to explain the bill. Senator Steinburg moved for a favorable report and recommendation the bill be re-referred to the Senate Committee on Rules. The motion passed. A copy of the bill, the bill summary, and committee report is attached.

There being no further business, the Chair adjourned the meeting at 2:15 pm.

Senator Rick Horner, Chair
Presiding

Regina Irwin, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, June 02, 2020

Senator Horner,
submits the following with recommendations as to passage:

FAVORABLE

HB **1062** Beaufort County/Animal Services Records.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

HB **1151** Asheville-Buncombe Bd. of Trustees.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

HB **1154** Greater Asheville Regional Airport Authority.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

HB **1159 (CS#1)** Add Members/Johnston Cnty. Airport Authority.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **1157 (CS#1)** Abolish Coroner in Various Counties.

Draft Number:	H1157-PCS30591-TG-49
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 5

Senator Erica D. Smith will handle HB 1062
Senator Chuck Edwards will handle HB 1151
Senator Chuck Edwards will handle HB 1154
Senator Brent Jackson will handle HB 1159
Senator Eddie Gallimore will handle HB 1157

HOUSE BILL 1062:
Beaufort County/Animal Services Records.

2019-2020 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 1, 2020
Introduced by:	Rep. Kidwell	**Prepared by:**	Bill Patterson Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 1062 would add Beaufort County to the list of counties that are permitted, but not required, to disclose personally identifiable information held by animal services agencies.

CURRENT LAW: Under Chapter 132 of the General Statutes, all documents of a public entity are public records if not specifically excluded, and must be made available for inspection and copying, upon request.

In Burke, Guilford, and Pitt counties, personally identifiable information held by a county animal services agency relating to any of the following persons is not a public record:

- 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.

Although these counties are not required to disclose such information, they are authorized do so, in their discretion.

BILL ANALYSIS: House Bill 1062 would add Beaufort County to the list of counties that are permitted, but not required, to disclose personally identifiable information held by the county animal services agency.

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

Howard Marsilio, counsel to House State and Local Government, substantially contributed to this summary.

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 1157
Committee Substitute Favorable 5/26/20
PROPOSED SENATE COMMITTEE SUBSTITUTE H1157-PCS30591-TG-49

Short Title: Abolish Coroner in Various Counties. (Local)

Sponsors:

Referred to:

May 19, 2020

A BILL TO BE ENTITLED

AN ACT ABOLISHING THE OFFICE OF CORONER IN AVERY, BLADEN, HOKE, MONTGOMERY, AND YADKIN COUNTIES.

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.(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. Sections 2 and 3 of this act become effective January 1, 2021. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1157

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H1157-ATG-72 [v.1]

Amends Title [NO]
Second Edition

Date June 2 ,2020

Senator Gallimore

moves to amend the bill on page 1, line 15, by rewriting the line to read:

"**SECTION 4.** Sections 2 and 3 of this act become effective January 1, 2021. The remainder of this act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 1157:
Abolish Coroner in Various Counties.

2019-2020 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 1, 2020
Introduced by:	Rep. Brewer	**Prepared by:**	Bill Patterson
Analysis of:	Second Edition		Committee Co-Counsel

OVERVIEW: ***House Bill 1157 would abolish the office of coroner in Avery, Bladen, Hoke, Montgomery, and Yadkin Counties.***

CURRENT LAW: Chapter 152 of the General Statutes sets out the duties of elected county coroners in the State.

BILL ANALYSIS: Section 1 of House Bill 1157 would abolish the office of coroner in Montgomery County and would provide that Chapter 152 of the General Statutes does not apply to Montgomery County.

Section 2 of the bill would abolish the office of coroner in Avery, Bladen, Hoke, and Yadkin Counties, and would provide that Chapter 152 of the General Statutes does not apply to those counties.

Section 3 of the bill would provide that, notwithstanding Section 2 of the bill, any coroner elected in the 2018 or 2020 general election would serve the remainder of the coroner's term. Section 3 would further provide that the event a vacancy in the office occurs, a person could be appointed to serve the remainder of the unexpired term.

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 of the State.

Nicholas Giddings, counsel to House State and Local Government, substantially contributed to this summary.

Karen Cochrane-Brown
Director

H 1157-SMTG-123 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

H 2

HOUSE BILL 1157
Committee Substitute Favorable 5/26/20

Short Title: Abolish Coroner in Various Counties. (Local)

Sponsors:

Referred to:

May 19, 2020

A BILL TO BE ENTITLED

AN ACT ABOLISHING THE OFFICE OF CORONER IN AVERY, BLADEN, HOKE, MONTGOMERY, AND YADKIN COUNTIES.

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.(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.

HOUSE BILL 1159: Add Members/Johnston Cnty. Airport Authority.

2019-2020 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 2, 2020
Introduced by:	Reps. Strickland, Bell, White	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	Second 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.

Thereafter, the members would serve four-year terms.

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

*Jonathan Zator and Billy R. Godwin, Staff Attorneys for the Legislative Analysis Division, contributed substantially to the drafting of 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.

HOUSE BILL 1159
Committee Substitute Favorable 5/26/20

Short Title: Add Members/Johnston Cnty. Airport Authority. (Local)

Sponsors:

Referred to:

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. Thereafter, the terms shall be for four years.

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

HOUSE BILL 1151:
Asheville-Buncombe Bd. of Trustees.

2019-2020 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 2, 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. The remaining twelve members 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-108 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 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.

HOUSE BILL 1154:
Greater Asheville Regional Airport Authority.

2019-2020 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 2, 2020
Introduced by:	Reps. McGrady, Fisher	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Co-Counsel

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. Members may serve up to two successive 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. The initial one-year term would not count in applying the two-term limit.
- 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. The initial three-year term would count in applying the two-term limit.
- One member appointed by the Henderson County Board of Commissioners would serve a term of three years which would begin July 1, 2020, and the subsequent appointment term would continue as a four-year term. The initial three-year term would count in applying the two-term limit.

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.

*Howard Marsilio, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

Karen Cochrane-Brown
Director

H1154-SMRN-85 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 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.

SENATE SERGEANT-AT-ARMS

SENATE COMMITTEE ON STATE AND LOCAL GOVERNMENT

DATE: 06-02-2020 **ROOM**: 1124/1224 02:00 PM

BILLY FRITSCHER

DWIGHT GREEN

SHEREE HEDRICK

HAL ROACH

Senate Committee on State and Local Government

June 2, 2020 – Room 1124/1224 LB – 2:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Dylan Fricke	Rep. Brewer

Regina Irwin (Sen. Rick Horner)

From: Regina Irwin (Sen. Rick Horner)
Sent: Monday, June 15, 2020 04:40 PM
To: Rep. John Faircloth; Rep. Jon Hardister; Rep. Yvonne L. Holley; Rep. Stephen Ross; Rep. Graig Meyer
Cc: Becky Bauerband (Rep. John Faircloth); Jayne Nelson (Rep. Jon Hardister); Lee Lewis (Rep. Yvonne L. Holley); Tammy Ross (Rep. Stephen Ross); Daphne Quinn (Rep. Graig Meyer)
Subject: <NCGA> Senate State and Local Government Committee Meeting Notice for Tuesday, June 16, 2020 at 2:00 PM - UPDATED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Principal Clerk ____
Reading Clerk ____

Updated #1: HB 635 and HB 1156 have been added to the agenda

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on State and Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 16, 2020	2:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1163	Northwest Guilford Water and Sewer Funds.	Representative Faircloth Representative Hardister
HB 635	Purchase & Contracts Benchmarks/Property.	Representative Ross Representative Holley
HB 1156	Caswell Cty/Referendum on Countywide Zoning.	Representative Meyer

Senator Horner, Chair

Senator John M. Alexander, Jr., Co-Chair
Senator Rick Horner, Co-Chair

Senate Committee on State and Local Government
Tuesday, June 16, 2020
2:00 pm
1124/1224 Legislative Building

AGENDA

I. CALL TO ORDER

Chairs: **Sen. Rick Horner, Co-Chair, presiding**
Senator John Alexander, Co-Chair

II. WELCOME AND OPENING REMARKS

III. AGENDA ITEMS

BILL NO.	SHORT TITLE	SPONSOR
HB 1156	Caswell Cty/Referendum on Countywide Zoning.	Representative Meyer
HB 635	Purchase & Contracts Benchmarks/Property.	Representative Ross Representative Holley
HB 1163	Northwest Guilford Water and Sewer Funds.	Representative Faircloth Representative Hardister

IV. ADJOURNMENT

Senate Committee on State and Local Government
Tuesday, June 16, 2020 at 2:00 pm
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 2:00 pm on June 16, 2020 in Room 1124/1224 of the Legislative Building. Twelve members were present.

A Visitor Registration log is attached and made part of these minutes.

Senator Horner, Presiding Chair, called the meeting to order at 2:00 pm. He welcomed the members of the Committee and introduced the Sergeant-at-Arms staff. The following bills were considered:

HB 635 Purchase & Contracts Benchmarks/Property. (Representatives Ross, Holley). The Chair recognized Representative Ross, bill sponsor, to explain the bill (Agency Bill). Senator Perry sent forth an amendment **H635-ARN-30 [v.1]** and explained the amendment. See attachment. Senator Burgin moved for the adoption of the amendment for consideration. The motion passed. Senator Perry moved for a favorable report to the bill as amended, rolled into a Senate PCS, with a favorable report to the Senate Committee Substitute and an unfavorable report to the original bill with a re-referral to the Committee on Rules and Operations of the Senate. The motion passed. A copy of the bill, the bill summary, the amendment, Senate Committee Substitute and committee report is attached.

HB 1163 Northwest Guilford Water and Sewer Funds. (Representatives Faircloth, Hardister). Due to a scheduling conflict Representative Faircloth, bill sponsor, was not available to present the bill in committee. The Chair recognized Senator Gunn to explain the bill. Senator Ford sent forth an amendment **H1163-AST-127 [v.4]** and explained the amendment. See attachment. Senator Burgin moved for the adoption of the amendment for consideration. The motion passed. Senator Sanderson sent forth a second amendment **H1163-AMHf-63 [v.2]** and explained the amendment. See attachment. Senator Gallimore moved for the adoption of the amendment for consideration. The motion passed. Senator Smith inquired about any opposition to this bill by any member of the Senate and/or House of Representatives whose district includes the area to which the bill applies. Senator Gunn's response, no opposition. Senator Ford moved for a favorable report to the bill as amended, rolled into a Senate PCS, with a favorable report to the Senate Committee Substitute and an unfavorable report to the original bill with a re-referral to the Committee on Finance of the Senate. The motion passed. The motion approving the bill as amended authorized staff to conform the amendments together in the bill so they would properly engrossed in the Senate PCS. It is noted that Senator Ted Alexander abstained from voting on HB 1163 and it's Amendment(s) due to concerns of any potential conflict of interest. A copy of the bill, the bill summary, the amendments, Senate Committee Substitute and committee reports are attached.

HB 1156 Caswell Cty/Referendum on Countywide Zoning. (Representative Meyer). The Chair recognized Representative Meyer, bill sponsor, to explain the bill. Senator Perry moved for a favorable report with a re-referral to the Committee on Rules and Operations of the Senate. The motion passed. A copy of the bill, the bill summary, and committee report is attached.

There being no further business, the Chair adjourned the meeting at 2:15 pm.

Senator Rick Horner, Chair
Presiding

Regina Irwin, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, June 16, 2020

Senator Horner,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **635** Purchase & Contracts Benchmarks/Property.

Draft Number:	H635-PCS10857-RN-55
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator Jim Perry will handle HB 635

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 635
PROPOSED SENATE COMMITTEE SUBSTITUTE H635-PCS10857-RN-55

Short Title: Purchase & Contracts Benchmarks/Property. (Public)

Sponsors:

Referred to:

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 AND ELIMINATING OBSOLETE LANGUAGE RELATING TO FURNITURE CONTRACTS FROM THE GENERAL STATUTES.

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. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 635

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

H635-ARN-30 [v.1]

Amends Title [YES]
First Edition

Date 6-16 ,2020

Senator Perry

moves to amend the bill on page 1, lines 6-8, by rewriting those lines to read:

"BY THE SECRETARY OF ADMINISTRATION AND ELIMINATING OBSOLETE LANGUAGE RELATING TO FURNITURE CONTRACTS FROM THE GENERAL STATUTES.";

and on page 2, line 37, through page 3, line 3, by rewriting those lines to read:

"**SECTION 4.** This act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 635:
Purchase & Contracts Benchmarks/Property.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 16, 2020
Introduced by:	Reps. Ross, Holley	**Prepared by:**	Brad Krehely Committee Co-Counsel
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.

*Nicholas Giddings, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

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
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, June 16, 2020

Senator Horner,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **1163** Northwest Guilford Water and Sewer Funds.

Draft Number:	H1163-PCS40661-BDf-38
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator Rick Gunn will handle HB 1163

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H D

HOUSE BILL 1163
PROPOSED SENATE COMMITTEE SUBSTITUTE H1163-PCS40661-BDf-38

Short Title: Guilford Funds/Cabarrus Land/Brunsw Shellfish. (Public)

Sponsors:

Referred to:

May 19, 2020

A BILL TO BE ENTITLED

AN ACT TO REALLOCATE CERTAIN WATER AND SEWER FUNDING AND TO TRANSFER CERTAIN PARCELS OF THE STONEWALL JACKSON MANUAL TRAINING AND INDUSTRIAL SCHOOL PROPERTY TO THE COUNTY OF CABARRUS AND TO CREATE A PILOT PROGRAM FOR SHELLFISH CULTIVATION OR WATER COLUMN LEASES IN BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Funds allocated to Guilford County and the municipalities of Oak Ridge, Stokesdale, and Summerfield for water and wastewater system improvements by Section 14.20A of S.L. 2016-94, as amended by Section 1 of S.L. 2017-17 and Section 2 of S.L. 2019-75, that remain unspent and unencumbered shall, notwithstanding any provision of those acts to the contrary, be reallocated equally to the municipalities of Oak Ridge, Stokesdale, and Summerfield for each municipality's water infrastructure projects.

SECTION 2. Funds not spent or encumbered by June 30, 2022, shall be returned by the local governments funded by this act to the Office of State Budget and Management and revert to the General Fund.

SECTION 3.(a) The State of North Carolina shall convey to the Cabarrus County Board of Commissioners, for consideration of one dollar ($1.00), all its rights, titles, and interests in that portion of those areas of the Stonewall Jackson Manual Training and Industrial School campus identified in accordance with Section 4 of this act. The conveyance is subject to any historic preservation covenants and any easement reserved by the State for ingress and egress to the Stonewall Jackson Manual Training and Industrial School campus owned by the State after the conveyances in accordance with this act. The property conveyed to the Cabarrus County Board of Commissioners shall be used for a public purpose.

SECTION 3.(b) The State of North Carolina shall convey the real property identified in accordance with Section 4 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.

SECTION 3.(c) The conveyance of the State's rights, titles, and interests in the real property identified in accordance with Section 4 of this act shall be exempt from the provisions of Article 7 of Chapter 146 of the General Statutes except as provided in Section 4 of this act. 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 4. To identify the properties to be transferred in accordance with Section 3 of this act, the following shall occur:

(1) The Department of Administration shall, within 90 days of this act becoming law and in consultation with the Department of Public Safety, the State Historic Preservation Office, and Cabarrus County, survey and identify those portions of the Stonewall Jackson Manual Training and Industrial School property that meet any of the following descriptions:
   a. The Frank Liske Park.
   b. The Stonewall Jackson Manual Training and Industrial School historic campus.
   c. The property located at 4533 Stough Road, Concord, North Carolina and being further identified as Parcel 2 in Report Number 2020-03, the Final Report of the Program Evaluation Division of the North Carolina General Assembly to the Joint Legislative Program Evaluation Oversight Committee dated April 13, 2020.

(2) The surveys required by subdivision (1) of this section shall focus on optimizing the historic district for preservation and rehabilitation while minimizing impact on the current operations of the Stonewall Jackson Youth Development Center.

(3) Within 90 days of the completion of the surveys required by subdivision (1) of this section, the Department of Public Safety shall relocate the perimeter fence of the Stonewall Jackson Youth Development Center and undertake to make any other changes to the operations necessary to comply with this act.

(4) The State Historic Preservation Office shall coordinate with the County of Cabarrus to develop all historic preservation covenants to be included in the deed of transfer. The State Historic Preservation Office shall provide the County of Cabarrus with information regarding the National Register of Historic Places and any requirements under that Register for preservation and rehabilitation.

(5) The Council of State shall approve all deed descriptions, covenants, and restrictions of the property to be transferred in accordance with Section 3 of this act.

SECTION 5. The Department of Administration shall, within 30 days of the effective date of this act, place on the market for sale Cabarrus County Real Property ID #11-041-0015.50 and Cabarrus County Real Property ID #11-041-0015.10, as depicted in the Cabarrus County Tax Office records. All proceeds shall be used to offset expenses incurred under Sections 3 and 4(3) of this act.

SECTION 6.(a) Notwithstanding Section 2 of Chapter 876 of the 1967 Session Laws or any other provision of law to the contrary, the Secretary of Environmental Quality may grant shellfish cultivation leases or water column leases in Brunswick County as provided in the pilot project established by this section. In granting leases under the pilot program, the Division of Marine Fisheries of the Department of Environmental Quality shall comply with the requirements in Article 16 of Chapter 113 of the General Statutes and regulations adopted thereunder.

SECTION 6.(b) The Secretary of Environmental Quality shall grant shellfish cultivation leases or water column leases authorized by subsection (a) of this section only in the waters enclosed by a line beginning at a 1" PVC pipe located just south of the Atlantic Intracoastal Waterway channel and with NC Grid coordinates (NAD 83) of North=59,477.97' and East=2,190,370.42' and also located South 2°12'36" East, a distance of 765.76 feet from a flag pole across the Atlantic Intracoastal Waterway channel and being near the edge of the parking area of the Inlet View restaurant; this flag pole being located South 56°01'46" East, a distance of 524.45 feet from United States Coast and Geodetic Survey Monument M161, having NC Grid Coordinates North 60,536.21' and East 2,189,905.94'. Thence leaving the beginning

corner and running South 62°48'39" East, 745.22 feet to a 1" PVC pipe; thence running South 57°14'01" West, 766.57 feet to a 1" PVC pipe; thence running North 23°07'28" West, 420.73 feet to a 1" PVC pipe; thence running South 70°24'32" West, 742.96 feet to a 1" PVC pipe; thence running North 26°51'08" West, 241.36 feet to a 1" PVC pipe; thence running North 67°10'44" East, 1037.11 feet to the point of beginning.

SECTION 6.(c) The Division of Marine Fisheries shall study the advantages and disadvantages associated with leases authorized by this section. In conducting this study, the Division shall consult with shellfish growers, nearby riparian owners, and other users of the public bottoms and waters. The Division shall submit an interim report of its findings, including any recommendations, to the General Assembly no later than January 1, 2027, and a final report of its findings, including any recommendations, to the General Assembly no later than January 1, 2032. In its final report, the Division shall include a recommendation on whether the pilot project should be terminated, be made permanent, or be expanded.

SECTION 6.(d) This section becomes effective July 1, 2020, and shall expire July 1, 2032. Any leases granted pursuant to this section shall terminate no later than July 1, 2033.

SECTION 7. Except as otherwise specified, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1163

AMENDMENT NO. _____
(to be filled in by Principal Clerk)

H1163-AST-127 [v.4]

Amends Title [YES]
First Edition

Date 6-16- ,2020

Senator Ford

moves to amend the bill on page 1, line 2, by deleting "FUNDING." and substituting "FUNDING AND TO TRANSFER CERTAIN PARCELS OF THE STONEWALL JACKSON MANUAL TRAINING AND INDUSTRIAL SCHOOL PROPERTY TO THE COUNTY OF CABARRUS.";

and on page 1, lines 12-13, by inserting the following between those lines:

"**SECTION 2.5.(a).** The State of North Carolina shall convey to the Cabarrus County Board of Commissioners, for consideration of one dollar ($1.00), all its rights, titles, and interests in that portion of those areas of the Stonewall Jackson Manual Training and Industrial School campus identified in accordance with Section 2.6(1) of this act. The conveyance is subject to any historic preservation covenants and any easement reserved by the State for ingress and egress to the Stonewall Jackson Manual Training and Industrial School campus owned by the State after the conveyances in accordance with this act. The property conveyed to the Cabarrus County Board of Commissioners shall be used for a public purpose.

SECTION 2.5(b). The State of North Carolina shall convey the real property identified in accordance with Section 2.6 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.

SECTION 2.5.(c) The conveyance of the State's rights, titles, and interests in the real property identified in accordance with Section 2.6 of this act shall be exempt from the provisions of Article 7 of Chapter 146 of the General Statutes except as provided in Section 2.6 of this act. 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 2.6. To identify the properties to be transferred in accordance with Section 2.5 of this act, the following shall occur:

(1) The Department of Administration shall, within 90 days of this act becoming law and in consultation with the Department of Public Safety, the State Historic Preservation Office, and Cabarrus County, survey and identify those

portions of the Stonewall Jackson Manual Training and Industrial School property that meet any of the following descriptions:

a. The Frank Liske Park.

b. The Stonewall Jackson Manual Training and Industrial School Historic Campus.

c. The property located at 4533 Stough Road, Concord, North Carolina and being further identified as Parcel 2 in Report Number 2020-03, the Final Report of the Program Evaluation Division of the North Carolina General Assembly to the Joint Legislative Program Evaluation Oversight Committee dated April 13, 2020.

(2) The surveys required by subdivision (1) of this section shall focus on optimizing the historic district for preservation and rehabilitation while minimizing impact on the current operations of the Stonewall Jackson Youth Development Center.

(3) Within 90 days of the completion of the surveys required by subdivision (1) of this section, the Department of Public Safety shall relocate the perimeter fence of the Stonewall Jackson Youth Development Center and undertake to make any other changes to the operations necessary to comply with this act.

(4) The State Historic Preservation Office shall coordinate with the County of Cabarrus to develop all historic preservation covenants to be included in the deed of transfer. The State Historic Preservation Office shall provide the County of Cabarrus with information regarding the National Register of Historic Places and any requirements under that Register for preservation and rehabilitation.

(5) The Council of State shall approve all deed descriptions, covenants, and restrictions of the property to be transferred in accordance with Section 2.5 of this act.

SECTION 2.7. The Department of Administration shall, within 30 days of the effective date of this act, place on the market for sale Cabarrus County Real Property ID #11-041-0015.50 and Cabarrus County Real Property ID #11-041-0015.10, as depicted in the Cabarrus County Tax Office records. All proceeds shall be used to offset expenses incurred under Section 2.5 and 2.6(3) of this act.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1163

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H1163-AMHf-63 [v.2]

Amends Title [NO]
First Edition

Date 6-16- ,2020

Senator Sanderson

moves to amend the bill on page 1, line 2, by deleting "FUNDING." and substituting "FUNDING AND TO CREATE A PILOT PROGRAM FOR SHELLFISH CULTIVATION OR WATER COLUMN LEASES IN BRUNSWICK COUNTY.";

and on page 1, lines 12-13, by inserting the following between those lines:

"**SECTION 2.5.(a)** Notwithstanding Section 2 of Chapter 876 of the 1967 Session Laws or any other provision of law to the contrary, the Secretary of Environmental Quality may grant shellfish cultivation leases or water column leases in Brunswick County as provided in the pilot project established by this section. In granting leases under the pilot program, the Division of Marine Fisheries of the Department of Environmental Quality shall comply with the requirements in Article 16 of Chapter 113 of the General Statutes and regulations adopted thereunder.

SECTION 2.5.(b) The Secretary of Environmental Quality shall grant shellfish cultivation leases or water column leases authorized by subsection (a) of this section only in the waters enclosed by a line beginning at a 1" PVC pipe located just south of the Atlantic Intracoastal Waterway channel and with NC Grid coordinates (NAD 83) of North=59,477.97' and East=2,190,370.42' and also located South 2°12'36" East, a distance of 765.76 feet from a flag pole across the Atlantic Intracoastal Waterway channel and being near the edge of the parking area of the Inlet View restaurant; this flag pole being located South 56°01'46" East, a distance of 524.45 feet from United States Coast and Geodetic Survey Monument M161, having NC Grid Coordinates North 60,536.21' and East 2,189,905.94'. Thence leaving the beginning corner and running South 62°48'39" East, 745.22 feet to a 1" PVC pipe; thence running South 57°14'01" West, 766.57 feet to a 1" PVC pipe; thence running North 23°07'28" West, 420.73 feet to a 1" PVC pipe; thence running South 70°24'32" West, 742.96 feet to a 1" PVC pipe; thence running North 26°51'08" West, 241.36 feet to a 1" PVC pipe; thence running North 67°10'44" East, 1037.11 feet to the point of beginning.

SECTION 2.5.(c) The Division of Marine Fisheries shall study the advantages and disadvantages associated with leases authorized by this section. In conducting this study, the Division shall consult with shellfish growers, nearby riparian owners, and other users of the public bottoms and waters. The Division shall submit an interim report of its findings, including any recommendations, to the General Assembly no later than January 1, 2027, and a final report of its findings, including any recommendations, to the General Assembly no later than January

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1163

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H1163-AMHf-63 [v.2]

1, 2032. In its final report, the Division shall include a recommendation on whether the pilot project should be terminated, be made permanent, or be expanded.

SECTION 2.5.(d) This section becomes effective July 1, 2020 and shall expire July 1, 2032. Any leases granted pursuant to this section shall terminate no later than July 1, 2033.";

and on page 1, line 13, by rewriting the words "This act" to read "Except as otherwise specified, this act".

SIGNED Norman Sanderson
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 1163:
Northwest Guilford Water and Sewer Funds.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 16, 2020
Introduced by:	Reps. Faircloth, Hardister	**Prepared by:**	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 1163 would reallocate the unused portion of funds originally allocated to Guilford County and certain municipalities in northwest Guilford County for water and wastewater system improvements by dividing that unused portion equally among the municipalities of Oak Ridge, Stokesdale, and Summerfield to be used for water infrastructure projects.

CURRENT LAW: The Current Operations and Capital Improvements Appropriations Act of 2016 (S.L. 2016-94), allocated $14.5 million to the Counties of Rockingham and Guilford and to the municipalities in those counties to fund regionalization and interconnection of the water systems in those counties and municipalities. The act was amended by S.L. 2017-17 to apportion 25% of the funds to Guilford County and certain designated Guilford County municipalities, and 75% to Rockingham County and certain designated Rockingham County municipalities. S.L. 2019-75 expanded use of the funds to include sewer and wastewater projects and to provide that any funds not used or encumbered by June 30, 2021, shall revert to the General Fund.

BILL ANALYSIS: House Bill 1163 would provide that any unspent and unencumbered funds allocated by S.L. 2016-94, as amended, to Guilford County and the municipalities of Oak Ridge, Stokesdale, and Summerfield, for water and wastewater system improvements be reallocated equally to Oak Ridge, Stokesdale, and Summerfield for water infrastructure projects and would require that any funds unspent or unencumbered by June 30, 2022, revert to the General Fund.

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

Staff attorney Jeff Cherry of the Bill Drafting Division substantially contributed to this summary.

Karen Cochrane-Brown
Director

H1163-SMBD-110 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 1163

Short Title:	Northwest Guilford Water and Sewer Funds.	(Public)
Sponsors:	Representatives Faircloth and Hardister (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Appropriations, if favorable, Rules, Calendar, and Operations of the House	

May 19, 2020

A BILL TO BE ENTITLED

AN ACT TO REALLOCATE CERTAIN WATER AND SEWER FUNDING.

The General Assembly of North Carolina enacts:

SECTION 1. Funds allocated to Guilford County and the municipalities of Oak Ridge, Stokesdale, and Summerfield for water and wastewater system improvements by Section 14.20A of S.L. 2016-94, as amended by Section 1 of S.L. 2017-17 and Section 2 of S.L. 2019-75, that remain unspent and unencumbered shall, notwithstanding any provision of those acts to the contrary, be reallocated equally to the municipalities of Oak Ridge, Stokesdale, and Summerfield for each municipality's water infrastructure projects.

SECTION 2. Funds not spent or encumbered by June 30, 2022, shall be returned by the local governments funded by this act to the Office of State Budget and Management and revert to the General Fund.

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

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator J. Alexander, Co-Chair
Senator Horner, Co-Chair

Tuesday, June 16, 2020

Senator Horner,
submits the following with recommendations as to passage:

FAVORABLE

HB **1156 (CS#1)** Caswell Cty/Referendum on Countywide Zoning.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Phil Berger will handle HB 1156

HOUSE BILL 1156:
Caswell Cty/Referendum on Countywide Zoning.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 16, 2020
Introduced by:	Rep. Meyer	**Prepared by:**	Jonathan Zator and Brad Krehely, Staff Attorneys
Analysis of:	Second Edition		

OVERVIEW: House Bill 1156 would authorize the Caswell County Board of Commissioners to call for an advisory referendum regarding whether the county should implement countywide zoning regulations.

CURRENT LAW: Under North Carolina law, only those elections specifically authorized by the State's constitution or by statute may be held. In the absence of such authorization, any particular kind of referendum may not be placed upon a ballot in an election. There is no statute authorizing counties or cities to have an advisory referendum regarding the exercise of discretionary powers, such as land-use planning and zoning.

"There is no inherent power in any governmental body to hold an election for any purpose. In consequence, an election held without affirmative constitutional or statutory authority is a nullity, no matter how fairly and honestly it may be conducted." (State v. A.B.C. Board, 240 N.C. 177, 1954)

BILL ANALYSIS: House Bill 1156 would authorize Caswell County to conduct an advisory referendum on whether the county should implement countywide zoning regulations. The results of the advisory referendum would be used to determine residents' desires on zoning unincorporated areas of Caswell County, but not legally bind the Caswell County Board of Commissioners.

If the advisory referendum is called, the question would be on the November 2020 general election ballot, and the question on that ballot would be:

"Should the Caswell County Board of Commissioners adopt a countywide zoning ordinance to implement zoning regulations for all unincorporated areas of Caswell County?

[ ] YES [ ] NO"

Nothing in the bill would alter or amend Caswell County's zoning authority.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: Similar local legislation has been enacted previously, including:

- S.L. 1991-724, authorizing the Caswell County Commissioners to hold a referendum "for the purpose of submitting to the registered voters of Caswell County several options for satisfying the long term solid waste disposal needs" of the county.

- S.L. 1993-610, authorizing a referendum among the voters resident in the Duck Area Beautification District of Dare County to permit the county commissioners to impose a special property tax in their district.
- S.L. 2001-10, authorizing the City of Charlotte to conduct an advisory referendum on making capital investments in certain identified sports and cultural facilities, mainly a minor league baseball stadium.

**Staff Attorney Erika Churchill substantially contributed to this bill summary.*

H 2

HOUSE BILL 1156
Committee Substitute Favorable 6/10/20

Short Title: Caswell Cty/Referendum on Countywide Zoning. (Local)

Sponsors:

Referred to:

May 19, 2020

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CASWELL COUNTY BOARD OF COMMISSIONERS TO CONDUCT AN ADVISORY REFERENDUM ON THE ADOPTION OF A COUNTYWIDE ZONING ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. The Caswell County Board of Commissioners may call a special election in accordance with G.S. 163-287 to hold an advisory referendum on the question of whether to adopt a countywide zoning ordinance to implement zoning regulations for all unincorporated areas of Caswell County. The results of the referendum shall be used by the Caswell County Board of Commissioners to determine the desires of the residents of Caswell County regarding zoning but shall not be legally binding on the Board of County Commissioners.

SECTION 2. If the advisory referendum is called for in accordance with this act, the question on the referendum ballot shall read as follows: "Should the Caswell County Board of Commissioners adopt a countywide zoning ordinance to implement zoning regulations for all unincorporated areas of Caswell County?

[ ] YES [ ] NO"

SECTION 3. This act is effective when it becomes law and any advisory referendum called for under this act shall be conducted prior to December 1, 2020.

SENATE SERGEANT-AT-ARMS

SENATE COMMITTEE ON STATE AND LOCAL GOVERNMENT

DATE: 06-16-2020 **ROOM**: 1124/1224 02:00 PM

TERRY BARNHARDT

JOHN ENLOE

DWIGHT GREEN

SHEREE HEDRICK

FRANCES PATTERSON

Visitor Sign-in

Senate Committee On State and Local Government

JUNE 16, 2020 02:00 PM Room 1124/1224

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY / BILL No.
Parish Moffitt	Cabarrus County
[signature]	BCI
[signature]	[illegible]
Katie Hall	DOA

09-22-2016