

1997

**HOUSE
FINANCE –
LOCAL, REGIONAL &
STATE REVENUES**

MINUTES

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Membership - 1997-98 Session

Rep. Dewey L. Hill, Chairman	Room 1309 LB	733-5830
Rep. Cherie K. Berry	Room 1006 LB	733-5861
Rep. Charles F. Buchanan.....	Room 536 LOB	733-5825
Rep. J. Russell Capps.....	Room 419-B LOB	715-3005
Rep. William Pete Cunningham	Room 607 LOB	733-5755
Rep. Andrew T. Dedmon	Room 1211 LB	733-5654
Rep. Rick L. Eddins	Room 1219 LB	733-5776
Rep. Daniel F. McComas	Room 2123 LB	733-5758
Rep. Richard T. Morgan	Room 404 LOB	715-3028
Rep. Amelia A. H. Morris	Room 1315 LB	733-5741
Rep. Charles B. Neely, Jr.	Room 420 LOB	715-3001
Rep. John M. Rayfield	Room 418-C LOB	715-3009
Rep. Edgar V. Starnes	Room 418-A LOB	715-3012
EX OFFICIO MEMBERS:		
Rep. Stephen W. Wood	Room 2208 LB	733-5807
Speaker Pro Tem		
Rep. Namon Leo Daughtry	Room 2302 LB	715-0850
Majority Leader		
Rep. Julia C. Howard	Room 1021 LB	733--5904
Majority Whip		

House Subcommittee on Local, Regional, and State Revenues 1997-98 Session



Rep. Dewey L. Hill
Chairman

MEMBERS



Rep. Berry



Rep. Buchanan



Rep. Capps



Rep. Cunningham



Rep. Dedmon



Rep. Eddins



Rep. McComas



Rep. Morgan



Rep. Morris



Rep. Neely



Rep. Rayfield



Rep. Starnes

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(Name of Committee)

[illegible]

ATTENDANCE

SUBCOMMITTEE ON LOCAL, REGIONAL 7 STATE REVENUES

(Name of Committee)

[illegible]

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

1997-98 Regular Session		HOUSE: FINANCE--LOCAL, REGIONAL AND STATE REVENUE	Valid Through 9-SEP-1997		
BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 39	ALLRED	SWEPSONVILLE INCORPORATION	*R -CH. SL 97-0448	03-05-97	03-06-97
H 62=	IVES	HENDERSON CO. ANNEXATION AGREEMENTS	*S -RE-REF COM ON FINANCE	03-06-97	03-11-97
H 63	NICHOLS	RIVER BEND ZONING/ANNEXATION	*R -CH. SL 97-0363	03-17-97	03-19-97
H 65	BEALL	CANTON DEANNEXATION	R -CH. SL 97-0100	03-05-97	03-06-97
H 67	DECKER	SUMMERFIELD/LELAND AMENDMENTS	*R -CH. SL 97-0249	04-08-97	04-10-97
H 71	CRAWFORD	HALIFAX-ROANOKE RAPIDS AIRPORT	R -CH. SL 97-0275	03-06-97	03-11-97
H 72	DECKER	OAK RIDGE INCORPORATED	*H -RE-REF COM ON RULES	04-14-97	04-16-97
H 99=	HUNTER H	CAMDEN/BURKE SCHOOL AQUISITION	*R -CH. SL 97-0409	04-08-97	07-17-97
H 101	BAKER	EXTEND TRI-COUNTY ADMIN.	*R -CH. SL 97-0280	03-05-97	03-06-97
H 105	BEALL	JACKSON COUNTY AIRPORT AUTHORITY	*R -CH. SL 97-0022	03-05-97	03-06-97
H 283	CULPEPPER	PERQUIMANS SCHOOL ACQUISITION	R -CH. SL 97-0162	04-08-97	04-10-97
H 286	ARNOLD	DORTCHES/ROCKY MOUNT BOUNDARIES	*S -REF TO COM ON RULES &	03-17-97	03-19-97
H 319	CARPENTER J	HIGHLANDS OCCUPANCY TAX	H -ASSIGNED TO FIN-REV	04-22-97	
H 335	NICHOLS	GRANTSBORO INCORPORATED	*H -CAL PURSUANT RULE 36 (A)	05-28-97	06-04-97
H 337	CULP	RANDOLPH OCCUPANCY TAX	*R -CH. SL 97-0342	03-27-97	04-01-97
H 342	ALEXANDER	MECKLENBURG BID LIMIT INCREASED	*R -CH. SL 97-0184	03-27-97	04-01-97
H 373	STARNES	CALDWELL ANNEXATION RESTRICTED	*S -REF TO COM ON ST GVT	04-16-97	04-23-97
H 411	OWENS	CURRITUCK GAME COMM. CHANGES	R -CH. SL 97-0163	04-08-97	04-10-97
H 417	THOMPSON	MITCHELL/MADISON RIVER RAFTING	*H -RE-REF COM ON RULES	06-03-97	06-26-97
H 418	THOMPSON	MISCELLANEOUS LOCAL ACTS	*R -CH. SL 97-0410	07-17-97	07-21-97
H 420	THOMPSON	KINGS MT./MOSS LAKE AMENDMENTS	*S -REF TO COM ON ST GVT	07-17-97	07-21-97
H 457	WEATHERLY	AMEND FOREST DEVELOPMENT ACT	*R -CH. SL 97-0352	04-23-97	04-29-97
H 460	CULPEPPER	ABOLISH AQUARIUMS COMMISSION	*R -CH. SL 97-0286	04-29-97	04-30-97
H 476=	HURLEY	VITAL RECORDS ACCESS	*R -CH. SL 97-0242	04-29-97	04-30-97
H 506	HUNTER H	HERTFORD LOCAL ACT	*S -RE-REF COM ON FINANCE	05-01-97	05-06-97
H 542	DAVIS D	HARNETT COMM. COLL. ACQUISITION	H -ASSIGNED TO FIN-REV	04-08-97	
H 549	IVES	ASHEVILLE/BILTMORE BOUNDARY	R -CH. SL 97-0250	04-08-97	04-16-97
H 566	ELLIS	WAKE SCHOOLS DEVELOPMENT CHARGES	*R -CH. SL 97-0450	07-09-97	07-16-97
H 568	ELLIS	WAKE FOREST/BEAUFORT ANNEXATION	*R -CH. SL 97-0432	07-07-97	07-16-97
H 570	SAUNDERS	MECKLENBURG SPHERES OF INFLUENCE	H -ASSIGNED TO FIN-REV	05-01-97	

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BOLDLED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY

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<u>BILL</u>	<u>INTRODUCER</u>	<u>SHORT TITLE</u>	<u>LATEST ACTION ON BILL</u>	<u>IN DATE</u>	<u>OUT DATE</u>
H 590	CREECH	WILSON'S MILLS CHARTER	R -CH. SL 97-0413	04-08-97	04-10-97
H 595=	COLE	REIDSVILLE ANNEXATIONS	H -RE-REF COM ON RULES	04-24-97	04-30-97
H 600	HOLMES	FOXFIRE ASSESSMENT CLARIFICATION	*R -CH. SL 97-0451	07-10-97	07-16-97
H 604	SMITH	NEWPORT-MOREHEAD BOUNDARIES	*R -CH. SL 97-0185	05-01-97	05-06-97
H 614	ELLIS	SWIFT CREEK INCORPORATED	*HF-FAILED 2ND READING	05-20-97	06-04-97
H 631	DECKER	FORSYTH LOCAL ACT	*R -CH. SL 97-0408	07-08-97	07-10-97
H 643	RAYFIELD	BELMONT ANNEXATION AGREEMENT	R -CH. SL 97-0105	04-16-97	04-23-97
H 653	SEXTON	WENTWORTH CHARTER AMENDMENTS	*R -CH. SL 97-0322	04-24-97	04-30-97
H 653	SEXTON	WENTWORTH CHARTER AMENDMENTS	*R -CH. SL 97-0322	05-07-97	05-12-97
H 655	SEXTON	MADISON ANNEXATION	*R -CH. SL 97-0251	04-28-97	04-30-97
H 656	BRAWLEY	WATERSHED EXEMPTION/ANNEXATION	*S -REF TO COM ON ST GVT	04-17-97	04-23-97
H 681=	WILKINS	ROXBORO CHARTER	*R -CH. SL 97-0282	04-16-97	04-23-97
H 695	MORGAN	ABERDEEN ANNEXATION	R -CH. SL 97-0252	04-16-97	04-23-97
H 698	SMITH	MOREHEAD-NEWPORT/MOORESVILLE ANNEX.	*R -CH. SL 97-0219	05-01-97	05-06-97
H 722	HARDY	WASHINGTON ANNEXATION AGREEMENTS	*R -CH. SL 97-0323	05-01-97	05-06-97
H 748	GULLEY J	MATTHEWS/CHARLOTTE BOUNDARY	R -CH. SL 97-0220	04-22-97	04-29-97
H 750	BEALL	CHARTER OF FOREST HILLS	*R -CH. SL 97-0345	04-29-97	04-30-97
H 751	TALLENT	CABARRUS 3-YEAR SALES TAX/SCHOOLS	*H -RE-REF COM ON FINANCE	06-03-97	06-26-97
H 753	MORGAN	ABERDEEN/SOUTHERN PINES BOUNDARY	R -CH. SL 97-0253	04-16-97	04-23-97
H 773	REDWINE	BALD HEAD ISLAND CHARTER	*R -CH. SL 97-0324	04-24-97	04-30-97
H 777	WEATHERLY	KINGS MT. ANNEXATION/MOSS LAKE USE	*H -RE-REF COM ON RULES	04-23-97	04-29-97
H 777	WEATHERLY	KINGS MT. ANNEXATION/MOSS LAKE USE	*H -RE-REF COM ON RULES	07-01-97	07-03-97
H 778	WEATHERLY	KINGS MOUNTAIN ETJ	H -RE-REF COM ON RULES	04-23-97	04-29-97
H 779	WILKINS	PERSON OCCUPANCY TAX	HF-REPTD UNFAV	04-24-97	04-30-97
H 789	BARBEE	TOWN OF OAKBORO	*R -CH. SL 97-0254	05-01-97	05-06-97
H 804	KISER	LINCOLN LOCAL ROADS	*R -CH. SL 97-0169	05-01-97	05-07-97
H 810	TOLSON	NASH ROOM TAX/ROCKY MOUNT ANNEX	*R -CH. SL 97-0255	04-23-97	04-29-97
H 811	TOLSON	GOLD ROCK/ROCKY MOUNT ANNEXATION-2	*H -ASSIGNED TO FIN-REV	06-18-97	
H 816	WARNER	HOPE MILLS/WEAVERVILLE ANNEXATIONS	*H -ASSIGNED TO FIN-REV	05-13-97	
H 832	THOMPSON	COLLECT DELINQUENT PROPERTY TAX	*H -COM SUB RULED MATERIAL	04-23-97	04-29-97

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BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 836=	WRIGHT	NEW HANOVER AIRPORT DEVELOP ZONE	*R -CH. SL 97-0415	04-22-97	04-29-97
H 843	STARNES	CEDAR ROCK INCORPORATED	*R -CH. SL 97-0317	04-22-97	04-29-97
H 844	COLE	REIDSVILLE ANNEXATION RESTRICTED	*R -CH. SL 97-0360	04-28-97	04-30-97
H 859	REDWINE	ROOM TAX CHANGES	*R -CH. SL 97-0364	07-07-97	07-10-97
H 865=	PRESTON	SNEADS FERRY INCORPORATED	*H -RE-REF COM ON FINANCE	04-16-97	04-23-97
H 867	GULLEY J	MATTHEWS ANNEXATION/ZONING	*R -CH. SL 97-0283	05-13-97	05-21-97
H 893	HUNTER R	MCDOWELL/BURKE AIRPORT AUTHORITY	H -ASSIGNED TO FIN-REV	04-24-97	
H1044	ROGERS	COUNTY TAX INFORMATION RECIPIENT	*R -CH. SL 97-0340	04-23-97	04-29-97
H1082	SUTTON	NATIVE AMERICAN SPECIAL PLATES	*S -RE-REF COM ON FINANCE	05-15-97	05-21-97
H1137	CULP	SOIL AND WATER CONSERVATION PLATES	*R -CH. SL 97-0477	05-15-97	05-21-97
H1156	MORRIS	SPECIAL PLATES	*H -PRES. TO GOV. 08-29	05-15-97	05-21-97
S 69	FOXX	STOKES SCHOOL ACQUISITION	*R -CH. SL 97-0190	05-29-97	06-04-97
S 186	FOXX	ALLEGHANY/DELINQUENT PROP. TAX	H -RE-REF COM ON RULES	05-29-97	06-04-97
S 198=	JENKINS	HENDERSON CO. ANNEXATION AGREEMENTS	R -CH. SL 97-0188	05-29-97	06-04-97
S 262=	ODOM	HUNTERSVILLE ANNEXATION AGREEMENT	*R -CH. SL 97-0266	06-11-97	06-26-97
S 356=	FOXX	REIDSVILLE ANNEXATIONS	*R -CH. SL 97-0343	05-13-97	05-21-97
S 363	PAGE	HARNETT COMM. COLL. ACQUISITION	R -CH. SL 97-0042	04-15-97	04-23-97
S 390	ODOM	HUNTERSVILLE ANNEXATION	*R -CH. SL 97-0267	06-11-97	06-26-97
S 424	MILLER B	WAKE ANNEXATIONS	*SA-CONF REPORT ADOPTED	08-20-97	08-21-97
S 453=	BALLANTINE	AIRPORT ECON. DEVELOP. ZONE ACT	H -RE-REF COM ON FINANCE	05-13-97	
S 529	RAND	HOPE MILLS/WEAVERVILLE ANNEXATIONS	*R -CH. SL 97-0151	05-14-97	05-21-97
S 548	FOXX	STOKES/DELINQUENT PROP. TAXES	S -REF TO COM ON FINANCE	06-12-97	07-08-97
S 578	FOXX	MOUNT AIRY/AVERY OCCUPANCY TAX	*H -RE-REF COM ON RULES	07-14-97	07-16-97
S 585	WEINSTEIN	LUMBERTON/SHELBY ROOM TAX CHANGES	*R -CH. SL 97-0361	06-30-97	07-10-97
S 615	HORTON	KERNERSVILLE VEHICLE TAX	H -CAL PURSUANT RULE 36 (A)	06-12-97	06-30-97
S 711=	SOLES	GRANTSBORO INCORPORATED-2	*R -CH. SL 97-0446	06-30-97	07-14-97
S 719=	KERR	GOLDSBORO ROOM TAX USE	*R -CH. SL 97-0447	08-25-97	08-27-97

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BOLDLED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: February 27, 1997

The subcommittee met in Room 1425 of the Legislative Building at 4:00 P.M. Those members in attendance were: Rep. Dewey L. Hill, Chairman; Rep. Cherie Berry; Rep. Charles Buchanan; Rep. J. Russell Capps; Rep. Andrew Thomas Dedmon; Rep. Rick L. Eddins; Rep. Danny McComas; Rep. Richard T. Morgan; Rep. Mia Morris; Rep. Charles B. Neely; Rep. John M. Rayfield; and Rep. Edgar V. Starnes.

Chairman Hill called the meeting to order and asked for a motion to put the House Committee Substitute for HB 248 before the subcommittee and a motion was made. Chairman Hill called upon Rep. Debbie A. Clary to explain her bill. Rep. Clary asked Committee Counsel Cindy Avrette to explain the committee substitute (Attachment A).

Rep. Clary then stated that Rep. Nesbitt had some questions with regard to seat belt infractions and that this substitute now clarifies that issue. There were additional questions by the members of the subcommittee with regard to revenues, and a fiscal analysis of the bill was made available to the members.

Chairman Hill then called upon Rep. Richard Morgan who asked if the Department of Motor Vehicles wanted to make any comments at this time and Mr. Tony Spence, Assistant Director of the Drivers Licenses Section answered a question the members had with regard to a reporting time on infractions. Mr. Spence stated that the department had less than a forty-eight hour time period for infractions.

Rep. Hill called upon Rep. Dedmon who had a question with regard to earmarking some of these funds for driver education. Rep. Clary stated she would not be opposed to this, and Mr. Danny DeVane, Deputy Secretary of the Department of Transportation stated that the costs will come out of the highway fund. Rep. Rayfield had further question with regard to the cost to 16-18 year old teenagers, and staff stated that the total cost was \$30.00.

Rep. McComas had a question of Mr. Spence with regard to conviction information. Mr. Spence stated that only convictions are applicable. Rep. Capps had a question about total cost and Chairman Hill asked staff to clarify total cost. Staff stated that the total cost to persons under current law is \$20.00 and under this bill \$30.00. Rep. Clary stated that this increase was necessitated by the additional step required for teenagers to get their licenses under this bill - thus the increase in cost. Rep. Clary further stated that this increase was entirely at the discretion of the subcommittee. Mr. Danny DeVane of the DOT then stated that the department was not trying to make money, they are simply facilitating the process.

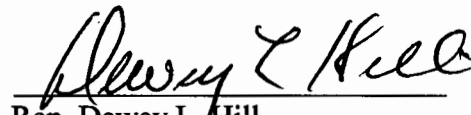
Chairman Hill called for a motion on the bill and Rep. Richard Morgan made the motion which was adopted.

Rep. Morgan asked the chair for permission to ask Mr. Joe M. Parker, Director of the Governor's Highway Safety Program with regard to funding for this program, and Mr. Parker stated that there were no state or federal monies used in the program.

There being no further questions, Chairman Hill adjourned the meeting at 4:30 P.M.

Respectfully submitted:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

EXPLANATION OF HOUSE BILL 248:
Graduated Drivers Licenses, PCS

TO: House Finance Sub-Committee
FROM: Cindy Avrette, Committee Counsel
DATE: February 26, 1997
SPONSOR: Representative Clary

House Bill 248 would change the way in which drivers licenses are issued to persons under 18 years of age. The bill is a recommendation of the Child Fatality Task Force. The Task Force found that safe driving requires instruction in driving and experience. To ensure that a person who is less than 18 years of age has both instruction and experience before obtaining a drivers license, the bill provides that driving privileges would be granted on a graduated basis as follows:

- 1) Driving for at least 12 months with a limited learners permit.
- 2) Driving for at least 6 months with a limited provisional license.
- 3) Driving until the age of 18 with a provisional license.

The act becomes effective December 1, 1997, but will not apply to persons who have a valid limited learner's permit, learner's permit, or provisional drivers license (16-18 years old) prior to the effective date.

The **Proposed Committee Substitute** makes the following changes to the bill:

- 1) It rewrites G.S. 20-11 to incorporate more fully the graduated drivers license process.
- 2) It clarifies that a limited learner's permit holder must not have been convicted of a moving violation or a seat belt infraction during the preceding 12 months before the holder may obtain a limited provisional license. It makes a corresponding change for the limited provisional license holder to obtain a full provisional license.
- 3) Provides that a person may obtain a full provisional license by mail.
- 4) Rewrites the out-of-state exceptions to provide for all possibilities.
- 5) Provides that a limited learner's permit and a limited provisional license is valid until the holder 18th birthday.
- 6) Provides that a full provisional license is valid until the date set under G.S. 20-7(f).
- 7) Adds a section to the bill on page 6, line 3, to clarify that a person who does not wear a seat belt as provided in G.S. 20-11 has committed an infraction. Without this section, the person could arguably be guilty of a Class 2 misdemeanor.
- 8) The original bill provided that drivers education must include 6 hours of actual driving experience. The PCS puts this provision into the statutes governing drivers education for schools and for licensed commercial driver training schools.

- 9) Adds a section to clarify that a person must have a Level 3, full provisional license, before the person can obtain a motorcycle endorsement.
- 10) Provides that this bill does not appropriate any funds for the implementation of this act, nor does it obligate the General Assembly to appropriate funds for this act.
- 11) Provides that the bill becomes effective on December 1, 1997, if the General Assembly appropriates funds for the implementation of the graduated drivers license program.

February 26, 1997

TO: Members of the House Subcommittee on Local, Regional, and State Revenues

FROM: Karl Knapp
Fiscal Research Division

SUBJECT: Fiscal Analysis of HB 248 (Proposed Committee Substitute H248-CSRB-2)

FISCAL IMPACT

Yes (X) No () No Estimate Available ()

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

HIGHWAY FUND

Expenditures

Examiners - Recurring	\$84,279	\$174,322	\$630,332	\$652,166	\$674,758
Examiners - Nonrecurring	20,865	21,446	110,333	0	0
Clerical Staff	0	496	6,126	6,309	6,509
Postage	0	136	1,632	1,632	1,632
Printing	0	34	8,161	8,161	8,161
Digitized Licenses	15,516	39,866	138,243	138,243	138,243
MIS Programming	<u>84,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total, Expenditures	\$204,660	\$236,947	\$894,826	\$806,510	\$829,303

Revenues

Learner's Permit Fees	\$147,770	\$253,320	\$253,320	\$253,320	\$253,320
Full Provisional License Fees	<u>0</u>	<u>85,010</u>	<u>1,020,150</u>	<u>1,020,150</u>	<u>1,020,150</u>
Total, Revenues	\$147,770	\$338,330	\$1,273,470	\$1,273,470	\$1,273,470

Highway Fund Availability	(\$56,890)	\$101,383	\$378,644	\$466,960	\$444,167

Positions:	3	6.02	21.24	21.24	21.24

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Division of Motor Vehicles

EFFECTIVE DATE: December 1, 1997, if the funds necessary to administer the provisional license program are appropriated from the Highway Fund to the Department of Transportation, Division of Motor Vehicles. Figure shown above show the amounts that would need to be appropriated and expected revenues.

BILL SUMMARY: The proposed act establishes a graduated process by which minor would acquire a driver's license. Two provisions of the proposed act differ from current law in a manner that will have fiscal impact:

1) The proposed act requires a minor to hold a learner's permit for one year without moving violations or seatbelt infractions before a limited provisional license can be issued, as opposed to current law which does not require applicants for a license to have a learner's permit. Minors who would otherwise have skipped getting a learner's permit would now be required to get one at a cost of \$10.00.

2) The proposed act requires that all minors acquire a limited provisional license before being acquiring a full provisional license. Current law allows minors age 16 and older to acquire a full provisional license without any intermediate steps. The limited provisional license restricts the hours during which a minor may drive unsupervised and requires that all occupants of the vehicle wear seatbelts. After holding a limited provisional license for six months without moving violations or seatbelt infractions, a minor can receive a full provisional license. The additional license would cost \$10.00. The full provisional license could be obtained at a DMV office or through a mail-in application.

The proposed act also contains a provision that makes the effective date of the legislation conditional upon the availability of the appropriations necessary to carry out the provisions of the proposed act.

ASSUMPTIONS AND METHODOLOGY:

Workload

Additional workload is generated for DMV because all minors will be required to acquire a learner's permit before acquiring a limited provisional license. The total number of additional learner's permits issued is as a result of the mandatory learner's permit provision is based on the number of 16 and 17 year olds acquiring driver's licenses in 1996 minus the number of permits issued in 1996. Because the proposed act is not effective until December 1, 1997, the first year figures represent 7/12 of the permit figure.

Additional workload is also generated for DMV because minors are required to acquire an additional provisional license. While the additional step is at the limited provisional license level, the workload for this step is the same as the current workload for issuing provisional licenses because this is the step at which the license examination would be given. The additional workload for DMV is generated by applications for full provisional licenses, which are issued without an examination if the applicant has held the limited license for six months and has no violations. The additional applications are equal to the number of current license applications for minors. The total number of 16 and 17 year olds acquiring full provisional licenses during each fiscal year is based on the number of 16 and 17 year olds acquiring driver's licenses in 1996. It is assumed that 95 percent of full provisional license applicants will apply at DMV

offices in order to acquire the license more quickly than would occur through a mail-in application.

Because the proposed act contains a grandfather clause that applies its provisions only to those minors seeking a license or permit after the proposed act becomes effective, no applications for full provisional licenses are assumed to be processed until 18 months after the implementation date. As a result, only one month of provisional license workload occurs during the second fiscal year. The following workload assumptions are used for each year:

Number of 16 and 17 year olds
acquiring full provisional
licenses during fiscal year

Walk-in at field offices (95%)	0	8,176	96,914	96,914	96,914
Mail-in to headquarters (5%)	0	425	5,101	5,101	5,101

Additional learners permits
applied for at field offices

14,777	25,332	25,332	25,332	25,332

Expenditures

Examiners - Additional examiners are required at field offices to process the additional application workload generated by additional applicants for learner's permits and applicants for full provisional licenses. A 1996 study by the Department of Transportation's Productivity Management Section concluded that each driver license examiner could perform an average of 5,760 transactions per year (accounting for leave and other factors that limit time available). The number of transactions required for the year is divided by the number of field transactions per examiner to determine the number of examiners required ($1998-99 - 33,408/5760 = 5.6$). This number is rounded and multiplied by the salary and benefits cost of an examiner (\$28,093 in 1997-98 and adjusted for inflation in other years) to determine the recurring cost of examiners. The nonrecurring cost is based on the number of new examiners in each year multiplied by the cost of providing uniforms, equipment, and training for each new examiner (\$6,955 in 1997-98 and adjusted for inflation in other years).

Clerical Staff - Clerical staff are required to process full provisional license applications sent by mail. Clerical staff open the application, query the driver's license system to determine if the applicant is eligible for the license, generate the license from the digitized system, and mail the license to the applicant. The total number of headquarters transactions is divided by the number of non-holiday workdays per year ($1999-00 - 5,101/250 = 20.4$) to arrive at the number of transactions per day. DMV estimates that each transaction requires five minutes to process. The total number of minutes required to process transactions each day is divided by the number of minutes each day to determine the number of clerical staff required. The number of staff required is multiplied by the average salary and benefit cost of \$24,134.

Postage - The number of mail-in transactions is multiplied by \$0.32 to determine the amount of postage needed to mail full provisional licenses to applicants.

Printing - The number of full provisional license transactions is multiplied by \$0.08 to determine the cost of printing information brochures for limited provisional license applicants to inform them how to acquire their full provisional license.

Digitized Transaction Costs - DMV leases digitized license equipment to produce driver's licenses. The lease cost is based upon the total number of transactions processed by the machines multiplied by a set rate. The current rate is \$1.05. For 1997-98, each additional learner's permit transaction adds \$1.05 in costs. Each new machine acquired by DMV causes the rate to increase by \$0.002. DMV will require one new machine starting in 1998-99 to implement the provisions of the bill option. As a result, each new license or permit issuance caused by the provisions of the proposed act costs DMV an additional \$1.052 (1998-99 - $33,933 \times \$1.052 = \$39,866$). In addition, the extra \$0.002 applies to each of the 2,136,891 transactions not related to the additional workload created by the proposed act ($2,136,891 \times \$0.002 = \$4,274$)

MIS Programming - The DMV computer system must be reprogrammed to accept the additional license level and restrictions placed on provisional licensees. Reprogramming will require 1,200 hours of work at \$60.00 per hour, the rental of two personal computers for four months at \$1,000 per month, and \$2,000 per month in additional SIPS charges for the four month period.

Revenues

Each additional learner's permit transaction and each limited provisional license transaction produce \$10.00 in revenue.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 248*
Committee Substitute Favorable 2/19/97
PROPOSED FINANCE COMMITTEE SUBSTITUTE
DO NOT USE FOR FLOOR AMENDMENTS, LINE NUMBERS MAY CHANGE
H248-CSR-2

Short Title: Graduated Drivers Licenses.

(Public)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 20-11 reads as rewritten:
5 "§ 20-11. Application of minors. Issuance of limited learner's
6 permit and provisional drivers license to person who is less than
7 18 years old.
8 ~~(a) The Division shall not grant the application of any minor~~
9 ~~between the ages of 16 and 18 years for a driver's license or a~~
10 ~~learner's permit unless such application is signed both by the~~
11 ~~applicant and by the parent, guardian, husband, wife or employer~~
12 ~~of the applicant, or, if the applicant has no parent, guardian,~~
13 ~~husband, wife or employer residing in this State, by some other~~
14 ~~responsible adult person. It shall be unlawful for any person to~~
15 ~~sign the application of a minor under the provisions of this~~
16 ~~section when such application misstates the age of the minor and~~
17 ~~any person knowingly violating this provision shall be guilty of~~
18 ~~a Class 2 misdemeanor.~~
19 ~~The Division shall not grant the application of any minor~~
20 ~~between the ages of 16 and 18 years for a driver's license unless~~

~~1 such minor presents evidence of having satisfactorily completed
2 the driver training and safety education courses offered at the
3 public high schools as provided in G.S. 20-88.1 or upon having
4 satisfactorily completed a course of driving instruction offered
5 at a licensed commercial driver training school or an approved
6 nonpublic secondary school, provided instruction offered in such
7 schools shall be approved by the State Commissioner of Motor
8 Vehicles and the State Superintendent of Public Instruction and
9 all expenses for such instruction shall be paid by the persons
10 enrolling in such courses and/or by the schools offering them.~~

~~11 (b) The Division may issue a limited learner's permit to a
12 minor who is at least 15 years old but is less than 16 years old
13 and who otherwise meets the requirements of this section. An
14 application for a limited learner's permit must be signed by both
15 the applicant and the applicant's parent or guardian or some
16 other responsible adult with whom the applicant resides and who
17 is approved by the Division. A limited learner's permit
18 authorizes the permit holder to drive a specified type or class
19 of motor vehicle while in possession of the permit and
20 accompanied by a parent, guardian, or other person approved by
21 the Division who is licensed to operate the motor vehicle being
22 driven and is seated beside the permit holder. A limited
23 learner's permit is valid for a period of 18 months. The fee for
24 a limited learner's permit is ten dollars (\$10.00). In the event
25 a minor who holds a limited learner's permit drives a motor
26 vehicle in violation of law, the permit shall be canceled.~~

~~27 A driver who holds a limited learner's permit only shall not be
28 deemed a licensed driver for the purpose of determining the
29 inexperienced operator premium surcharge under automobile
30 insurance policies.~~

~~31 (c) The Division may, upon satisfactory proof that a minor
32 between the ages of 16 and 18 years has become a resident of
33 North Carolina and holds a valid motor vehicle driver's drivers
34 license from his prior state of residence but has not completed a
35 course in driver education which meets the requirements of this
36 State, grant to such minor a temporary driver's permit under such
37 terms and conditions as shall be deemed necessary by the Division
38 to allow the minor to operate a motor vehicle of a specified type
39 or class in this State in order to obtain the driver education
40 courses necessary for license in North Carolina.~~

~~41 Every application for a temporary driver's permit shall be made
42 upon the approved form furnished by the Division. A temporary
43 driver's permit issued pursuant to this section shall be subject
44 to all provisions of law relating to a driver's license.~~

1 (a) Process. -- Safe driving requires instruction in driving
2 and experience. To ensure that a person who is less than 18
3 years old has both instruction and experience before obtaining a
4 drivers license, driving privileges are granted first on a
5 limited basis and are then expanded in accordance with the
6 following process:

- 7 (1) Level 1: Driving with a limited learner's permit.
8 (2) Level 2: Driving with a limited provisional
9 license.
10 (3) Level 3: Driving with a full provisional license.
11 The permits and licenses will bear a distinctive color
12 photographic background or border indicating the level of
13 driving experience of the permit holder or licensee.

14 (b) Level 1. -- A person who is at least 15 years old but less
15 than 18 years old may obtain a limited learner's permit if the
16 person meets all of the following requirements:

- 17 (1) Passes a course of driver education prescribed in
18 G.S. 20-88.1 or a course of driver instruction at a
19 licensed commercial driver training school
20 (2) Passes a written test administered by the Division.
21 (c) Level 1 Restrictions. -- A limited learner's permit
22 authorizes the permit holder to drive a specified type or class
23 of motor vehicle only under the following conditions:

- 24 (1) The holder of the permit must be in possession of
25 the permit.
26 (2) A supervising driver must be seated beside the
27 permit holder in the front seat of the vehicle when
28 it is in motion. No person other than the
29 supervising driver can be in the front seat.
30 (3) For the first six months after issuance, the permit
31 holder may drive only between the hours of 5:00
32 a.m. and 9:00 p.m.
33 (4) After the first six months after issuance, the
34 permit holder may drive at any time.
35 (5) Every person occupying the vehicle being driven by
36 the permit holder must have a safety belt properly
37 fastened about his or her body, or be restrained by
38 a child passenger restraint system as provided in
39 G.S. 20-137.1(a), when the vehicle is in motion.

40 (d) Level 2. -- A person who is at least 16 years old but less
41 than 18 years old may obtain a limited provisional license if the
42 person meets all of the following requirements:

- 43 (1) Has held a limited learner's permit issued by the
44 Division for at least 12 months.

1 (2) Has not been convicted of a motor vehicle moving
2 violation or seat belt infraction during the
3 preceding 12 months.

4 (3) Passes a road test administered by the Division.

5 (e) Level 2 Restrictions.-- A limited provisional license
6 authorizes the license holder to drive a specified type or class
7 of motor vehicle only under the following conditions:

8 (1) The license holder must be in possession of the
9 license.

10 (2) The license holder may drive without supervision
11 from 5:00 a.m. to 9:00 p.m. and when driving to or
12 from work.

13 (3) The license holder may drive with supervision at
14 any time. When the license holder is driving with
15 supervision, the supervising driver must be seated
16 beside the license holder in the front seat of the
17 vehicle when it is in motion. The supervising
18 driver need not be the only other occupant of the
19 front seat, but must be the person seated next to
20 the license holder.

21 (4) Every person occupying the vehicle being driven by
22 the license holder must have a safety belt properly
23 fastened about his or her body, or be restrained by
24 a child passenger restraint system as provided in
25 G.S. 20-137.1(a), when the vehicle is in motion.

26 (f) Level 3. -- A person who is at least 16 years old but less
27 than 18 years old may obtain a full provisional license if the
28 person meets all of the following requirements:

29 (1) Has held a limited provisional license issued by
30 the Division for at least six months.

31 (2) Has not been convicted of a motor vehicle moving
32 violation or seat belt infraction during the
33 preceding six months.

34 A person who meets these requirements may obtain a full
35 provisional license by mail.

36 (g) Level 3 Restrictions. -- The restrictions on Level 1 and
37 Level 2 drivers concerning time of driving, supervision, and
38 passenger limitations do not apply to a full provisional license.

39 (h) Out-of-State Exceptions. -- A person who is at least 16
40 years old but less than 18 years old, who was a resident of
41 another state and has an unrestricted drivers license issued by
42 that state, and who becomes a resident of this State may obtain
43 one of the following:

- 1 (1) A temporary permit, if the person has not completed
2 a drivers education program that meets the
3 requirements of the State Superintendent of Public
4 Instruction but is currently enrolled in a drivers
5 education program that meets these requirements. A
6 temporary permit is valid for the period specified
7 in the permit. The period must end within 10 days
8 after the expected completion date of the drivers
9 education program in which the applicant is
10 enrolled.
- 11 (2) A full provisional license, if the person has
12 completed a drivers education program that meets
13 the requirements of the State Superintendent of
14 Public Instruction, has held the license issued by
15 the other state for at least 12 months, and has not
16 been convicted of an offense for which points are
17 assessed under G.S. 20-16 during the preceding 12
18 months.
- 19 (3) A limited provisional license, if the person has
20 completed a drivers education program that meets
21 the requirements of the State Superintendent of
22 Public Instruction, but either did not hold the
23 license issued by the other state for at least 12
24 months or was convicted of an offense for which
25 points are assessed under G.S. 201-6 during the
26 preceding 12 months.
- 27 (i) Application. -- An application for a permit or license
28 authorized by this section must be signed by both the applicant
29 and by the applicant's parent or guardian or, if a parent or
30 guardian is not available, by an adult approved by the Division.
- 31 (j) Duration and Fee. -- A limited learner's permit expires on
32 the 18th birthday of the permit holder. A limited provisional
33 license expires on the 18th birthday of the license holder. A
34 full provisional license expires on the date set under G.S. 20-
35 7(f). The fee for a permit or license issued under this section
36 is ten dollars (\$10.00).
- 37 (k) Supervising Driver. -- The supervising driver must be the
38 parent or guardian of the permit holder or the license holder or,
39 if a parent or guardian is not available, by an adult approved by
40 the Division. The supervising driver must be a licensed driver
41 who has been licensed to drive for at least five years.
- 42 (l) Insurance Status. -- The holder of a limited learner's
43 permit is not considered a licensed driver for the purpose of

1 determining the inexperienced operator premium surcharge under
2 automobile insurance policies."

3 Section 2. G.S. 20-135.2A(a) reads as rewritten:

4 "(a) Each front seat occupant who is 16 years of age or older
5 and each driver of a passenger motor vehicle manufactured with
6 seat safety belts in compliance with Federal Motor Vehicle Safety
7 Standard No. 208 shall have such a safety belt properly fastened
8 about his body at all times when the vehicle is in forward motion
9 on a street or highway in this State. Each driver of a passenger
10 motor vehicle manufactured with seat safety belts in compliance
11 with Federal Motor Vehicle Safety Standard No. 208, who is
12 transporting in the front seat a person who is (1) under 16 years
13 of age and (2) not required to be restrained in accordance with
14 G.S. 20-137.1, shall have the person secured by such a safety
15 belt at all times when the vehicle is operated in forward motion
16 on a street or highway in this State. Persons required to be
17 restrained in accordance with ~~G.S. 20-137.1~~ G.S. 20-11 and G.S.
18 20-137.1 shall be secured as required by ~~that section.~~ those
19 sections."

20 Section 3. G.S. 20-88.1(a) reads as rewritten:

21 "(a) In accordance with criteria and standards approved by the
22 State Board of Education, the State Superintendent of Public
23 Instruction shall organize and administer a program of driver
24 education to be offered at the public high schools of this State
25 for all physically and mentally qualified persons who (i) are
26 older than 14 years and six months, (ii) are approved by the
27 principal of the school, pursuant to rules adopted by the State
28 Board of Education, (iii) are enrolled in a public or private
29 high school within the State, and (iv) have not previously
30 enrolled in the program. The State Board of Education shall use
31 for such purpose all funds appropriated to it for said purpose,
32 and may use all other funds that become available for its use for
33 said purpose. ~~The~~

34 The driver education program established pursuant to this
35 section shall include instructions the following:

- 36 (1) Instruction on the rights and privileges of the
37 handicapped and the signs and symbols used to
38 assist the handicapped relative to motor vehicles,
39 including the "international symbol of
40 accessibility" and other symbols and devices as
41 provided in Article 2A of this Chapter. In
42 addition, this program shall include at
43 (2) At least six hours of instruction on the offense of
44 driving while impaired and related subjects.

1 (3) At least six hours of actual driving experience."

2 Section 4. G.S. 20-322(b) reads as rewritten:

3 "(b) Regulations adopted by the Commissioner shall state the
4 requirements for a school license, including requirements
5 concerning location, equipment, courses of instruction,
6 instructors, financial statements, schedule of fees and charges,
7 character and reputation of the operators, insurance, bond or
8 other security in such sum and with such provisions as the
9 Commissioner deems necessary to protect adequately the interests
10 of the public, and such other matters as the Commissioner may
11 prescribe. All driver training and safety education courses and
12 courses of driving instruction must include at least six hours of
13 actual driving experience."

14 Section 5. G.S. 20-7(a1) reads as rewritten:

15 "(a1) Motorcycles and Mopeds. -- To drive a motorcycle, a
16 person must have a either a full provisional license issued under
17 G.S. 20-11 or a regular drivers license issued under this section
18 and a motorcycle endorsement. To obtain a motorcycle endorsement,
19 a person must demonstrate competence to drive a motorcycle by
20 passing a road test and a written or oral test concerning a
21 motorcycle and must pay the fee for a motorcycle endorsement.
22 Neither a drivers license nor a motorcycle endorsement is
23 required to drive a moped."

24 Section 6. This act does not appropriate funds to the
25 Division to implement this act nor does it obligate the General
26 Assembly to appropriate funds to implement this act.

27 Section 7. This act becomes effective December 1, 1997,
28 if the General Assembly appropriates the necessary funds from the
29 Highway Fund to the Department of Transportation, Division of
30 Motor Vehicles, to administer the provisional license program.
31 The act does not apply to any person who holds a valid North
32 Carolina limited learner's permit issued before the effective
33 date of this act, a valid North Carolina learner's permit issued
34 before the effective date of this act, or who is a provisional
35 licensee holding a valid North Carolina drivers license issued
36 before the effective date of this act.

VISITOR REGISTRATION SHEET

Subcommittee on Local, Regional and State Revenues Feb. 26, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

[illegible]

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional and State Revenues
of the Standing Committee on FINANCE.

- ☒ Committee Substitute for
H.B. 248 ☐ A BILL TO BE ENTITLED AN ACT TO IMPLEMENT
GRADUATED DRIVERS LICENSES.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray, Wilson, Dixon and Brawley for the Standing Committee on FINANCE.

s/ Lyons Gray

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill #2 which changes the title, unfavorable as to original bill. Committee Sub #1
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 248*
Committee Substitute Favorable 2/19/97
Proposed Committee Substitute H248-PCS8042

Short Title: Graduated Drivers Licenses.

(Public)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 20-11 reads as rewritten:

5 "**§ 20-11. Application of minors. Issuance of limited learner's permit and provisional**
6 **drivers license to person who is less than 18 years old.**

7 ~~(a) The Division shall not grant the application of any minor between the ages of~~
8 ~~16 and 18 years for a driver's license or a learner's permit unless such application is~~
9 ~~signed both by the applicant and by the parent, guardian, husband, wife or employer~~
10 ~~of the applicant, or, if the applicant has no parent, guardian, husband, wife or~~
11 ~~employer residing in this State, by some other responsible adult person. It shall be~~
12 ~~unlawful for any person to sign the application of a minor under the provisions of~~
13 ~~this section when such application misstates the age of the minor and any person~~
14 ~~knowingly violating this provision shall be guilty of a Class 2 misdemeanor.~~

15 ~~The Division shall not grant the application of any minor between the ages of 16~~
16 ~~and 18 years for a driver's license unless such minor presents evidence of having~~
17 ~~satisfactorily completed the driver training and safety education courses offered at the~~
18 ~~public high schools as provided in G.S. 20-88.1 or upon having satisfactorily~~
19 ~~completed a course of driving instruction offered at a licensed commercial driver~~
20 ~~training school or an approved nonpublic secondary school, provided instruction~~
21 ~~offered in such schools shall be approved by the State Commissioner of Motor~~
22 ~~Vehicles and the State Superintendent of Public Instruction and all expenses for such~~

1 ~~instruction shall be paid by the persons enrolling in such courses and/or by the~~
2 ~~schools offering them.~~

3 ~~(b) The Division may issue a limited learner's permit to a minor who is at least 15~~
4 ~~years old but is less than 16 years old and who otherwise meets the requirements of~~
5 ~~this section. An application for a limited learner's permit must be signed by both the~~
6 ~~applicant and the applicant's parent or guardian or some other responsible adult with~~
7 ~~whom the applicant resides and who is approved by the Division. A limited learner's~~
8 ~~permit authorizes the permit holder to drive a specified type or class of motor vehicle~~
9 ~~while in possession of the permit and accompanied by a parent, guardian, or other~~
10 ~~person approved by the Division who is licensed to operate the motor vehicle being~~
11 ~~driven and is seated beside the permit holder. A limited learner's permit is valid for~~
12 ~~a period of 18 months. The fee for a limited learner's permit is ten dollars (\$10.00).~~
13 ~~In the event a minor who holds a limited learner's permit drives a motor vehicle in~~
14 ~~violation of law, the permit shall be canceled.~~

15 ~~A driver who holds a limited learner's permit only shall not be deemed a licensed~~
16 ~~driver for the purpose of determining the inexperienced operator premium surcharge~~
17 ~~under automobile insurance policies.~~

18 ~~(c) The Division may, upon satisfactory proof that a minor between the ages of 16~~
19 ~~and 18 years has become a resident of North Carolina and holds a valid motor~~
20 ~~vehicle driver's license from his prior state of residence but has not completed~~
21 ~~a course in driver education which meets the requirements of this State, grant to such~~
22 ~~minor a temporary driver's permit under such terms and conditions as shall be~~
23 ~~deemed necessary by the Division to allow the minor to operate a motor vehicle of a~~
24 ~~specified type or class in this State in order to obtain the driver education courses~~
25 ~~necessary for license in North Carolina. Every application for a temporary driver's~~
26 ~~permit shall be made upon the approved form furnished by the Division. A~~
27 ~~temporary driver's permit issued pursuant to this section shall be subject to all~~
28 ~~provisions of law relating to a driver's license.~~

29 (a) Process. -- Safe driving requires instruction in driving and experience. To
30 ensure that a person who is less than 18 years old has both instruction and experience
31 before obtaining a drivers license, driving privileges are granted first on a limited
32 basis and are then expanded in accordance with the following process:

- 33 (1) Level 1: Driving with a limited learner's permit.
34 (2) Level 2: Driving with a limited provisional license.
35 (3) Level 3: Driving with a full provisional license.

36 The permits and licenses will bear a distinctive color photographic background or
37 border indicating the level of driving experience of the permit holder or licensee.

38 (b) Level 1. -- A person who is at least 15 years old but less than 18 years old may
39 obtain a limited learner's permit if the person meets all of the following
40 requirements:

- 41 (1) Passes a course of driver education prescribed in G.S. 20-88.1 or a
42 course of driver instruction at a licensed commercial driver
43 training school.
44 (2) Passes a written test administered by the Division.

1 (c) Level 1 Restrictions. -- A limited learner's permit authorizes the permit holder
2 to drive a specified type or class of motor vehicle only under the following
3 conditions:

- 4 (1) The holder of the permit must be in possession of the permit.
- 5 (2) A supervising driver must be seated beside the permit holder in
6 the front seat of the vehicle when it is in motion. No person other
7 than the supervising driver can be in the front seat.
- 8 (3) For the first six months after issuance, the permit holder may drive
9 only between the hours of 5:00 a.m. and 9:00 p.m.
- 10 (4) After the first six months after issuance, the permit holder may
11 drive at any time.
- 12 (5) Every person occupying the vehicle being driven by the permit
13 holder must have a safety belt properly fastened about his or her
14 body, or be restrained by a child passenger restraint system as
15 provided in G.S. 20-137.1(a), when the vehicle is in motion.

16 (d) Level 2. -- A person who is at least 16 years old but less than 18 years old may
17 obtain a limited provisional license if the person meets all of the following
18 requirements:

- 19 (1) Has held a limited learner's permit issued by the Division for at
20 least 12 months.
- 21 (2) Has not been convicted of a motor vehicle moving violation or seat
22 belt infraction during the preceding 12 months.
- 23 (3) Passes a road test administered by the Division.

24 (e) Level 2 Restrictions. -- A limited provisional license authorizes the license
25 holder to drive a specified type or class of motor vehicle only under the following
26 conditions:

- 27 (1) The license holder must be in possession of the license.
- 28 (2) The license holder may drive without supervision from 5:00 a.m. to
29 9:00 p.m. and when driving to or from work.
- 30 (3) The license holder may drive with supervision at any time. When
31 the license holder is driving with supervision, the supervising
32 driver must be seated beside the license holder in the front seat of
33 the vehicle when it is in motion. The supervising driver need not
34 be the only other occupant of the front seat, but must be the
35 person seated next to the license holder.
- 36 (4) Every person occupying the vehicle being driven by the license
37 holder must have a safety belt properly fastened about his or her
38 body, or be restrained by a child passenger restraint system as
39 provided in G.S. 20-137.1(a), when the vehicle is in motion.

40 (f) Level 3. -- A person who is at least 16 years old but less than 18 years old may
41 obtain a full provisional license if the person meets all of the following requirements:

- 42 (1) Has held a limited provisional license issued by the Division for at
43 least six months.

- 1 (2) Has not been convicted of a motor vehicle moving violation or seat
2 belt infraction during the preceding six months.

3 A person who meets these requirements may obtain a full provisional license by mail.

4 (g) Level 3 Restrictions. -- The restrictions on Level 1 and Level 2 drivers
5 concerning time of driving, supervision, and passenger limitations do not apply to a
6 full provisional license.

7 (h) Out-of-State Exceptions. -- A person who is at least 16 years old but less than
8 18 years old, who was a resident of another state and has an unrestricted drivers
9 license issued by that state, and who becomes a resident of this State may obtain one
10 of the following:

- 11 (1) A temporary permit, if the person has not completed a drivers
12 education program that meets the requirements of the State
13 Superintendent of Public Instruction but is currently enrolled in a
14 drivers education program that meets these requirements. A
15 temporary permit is valid for the period specified in the permit.
16 The period must end within 10 days after the expected completion
17 date of the drivers education program in which the applicant is
18 enrolled.

- 19 (2) A full provisional license, if the person has completed a drivers
20 education program that meets the requirements of the State
21 Superintendent of Public Instruction, has held the license issued by
22 the other state for at least 12 months, and has not been convicted
23 of an offense for which points are assessed under G.S. 20-16 during
24 the preceding 12 months.

- 25 (3) A limited provisional license, if the person has completed a drivers
26 education program that meets the requirements of the State
27 Superintendent of Public Instruction, but either did not hold the
28 license issued by the other state for at least 12 months or was
29 convicted of an offense for which points are assessed under G.S.
30 20-16 during the preceding 12 months.

31 (i) Application. -- An application for a permit or license authorized by this section
32 must be signed by both the applicant and by the applicant's parent or guardian or, if
33 a parent or guardian is not available, by an adult approved by the Division.

34 (j) Duration and Fee. -- A limited learner's permit expires on the eighteenth
35 birthday of the permit holder. A limited provisional license expires on the eighteenth
36 birthday of the license holder. A full provisional license expires on the date set under
37 G.S. 20-7(f). The fee for a permit or license issued under this section is ten dollars
38 (\$10.00).

39 (k) Supervising Driver. -- The supervising driver must be the parent or guardian
40 of the permit holder or the license holder or, if a parent or guardian is not available,
41 an adult approved by the Division. The supervising driver must be a licensed driver
42 who has been licensed to drive for at least five years.

1 (1) Insurance Status. -- The holder of a limited learner's permit is not considered a
2 licensed driver for the purpose of determining the inexperienced operator premium
3 surcharge under automobile insurance policies."

4 Section 2. G.S. 20-135.2A(a) reads as rewritten:

5 "(a) Each front seat occupant who is 16 years of age or older and each driver of a
6 passenger motor vehicle manufactured with seat safety belts in compliance with
7 Federal Motor Vehicle Safety Standard No. 208 shall have such a safety belt properly
8 fastened about his body at all times when the vehicle is in forward motion on a street
9 or highway in this State. Each driver of a passenger motor vehicle manufactured with
10 seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208,
11 who is transporting in the front seat a person who is (1) under 16 years of age and (2)
12 not required to be restrained in accordance with G.S. 20-137.1, shall have the person
13 secured by such a safety belt at all times when the vehicle is operated in forward
14 motion on a street or highway in this State. Persons required to be restrained in
15 accordance with ~~G.S. 20-137.1~~ G.S. 20-11 and G.S. 20-137.1 shall be secured as
16 required by ~~that section.~~ those sections."

17 Section 3. G.S. 20-88.1(a) reads as rewritten:

18 "(a) In accordance with criteria and standards approved by the State Board of
19 Education, the State Superintendent of Public Instruction shall organize and
20 administer a program of driver education to be offered at the public high schools of
21 this State for all physically and mentally qualified persons who (i) are older than 14
22 years and six months, (ii) are approved by the principal of the school, pursuant to
23 rules adopted by the State Board of Education, (iii) are enrolled in a public or
24 private high school within the State, and (iv) have not previously enrolled in the
25 program. The State Board of Education shall use for such purpose all funds
26 appropriated to it for said purpose, and may use all other funds that become available
27 for its use for said purpose. ~~The~~

28 The driver education program established pursuant to this section shall include
29 instructions the following:

30 (1) Instruction on the rights and privileges of the handicapped and the
31 signs and symbols used to assist the handicapped relative to motor
32 vehicles, including the "international symbol of accessibility" and
33 other symbols and devices as provided in Article 2A of this
34 Chapter. ~~In addition, this program shall include at~~

35 (2) At least six hours of instruction on the offense of driving while
36 impaired and related subjects.

37 (3) At least six hours of actual driving experience."

38 Section 4. G.S. 20-322(b) reads as rewritten:

39 "(b) Regulations adopted by the Commissioner shall state the requirements for a
40 school license, including requirements concerning location, equipment, courses of
41 instruction, instructors, financial statements, schedule of fees and charges, character
42 and reputation of the operators, insurance, bond or other security in such sum and
43 with such provisions as the Commissioner deems necessary to protect adequately the
44 interests of the public, and such other matters as the Commissioner may prescribe.

1 All driver training and safety education courses and courses of driving instruction
2 must include at least six hours of actual driving experience."

3 Section 5. G.S. 20-7(a1) reads as rewritten:

4 "(a1) Motorcycles and Mopeds. -- To drive a motorcycle, a person must have a
5 either a full provisional license issued under G.S. 20-11 or a regular drivers license
6 issued under this section and a motorcycle endorsement. To obtain a motorcycle
7 endorsement, a person must demonstrate competence to drive a motorcycle by
8 passing a road test and a written or oral test concerning a motorcycle and must pay
9 the fee for a motorcycle endorsement. Neither a drivers license nor a motorcycle
10 endorsement is required to drive a moped."

11 Section 6. This act does not appropriate funds to the Division to
12 implement this act nor does it obligate the General Assembly to appropriate funds to
13 implement this act.

14 Section 7. This act becomes effective December 1, 1997, if the General
15 Assembly appropriates the necessary funds from the Highway Fund to the
16 Department of Transportation, Division of Motor Vehicles, to administer the
17 provisional license program. The act does not apply to any person who holds a valid
18 North Carolina limited learner's permit issued before the effective date of this act, a
19 valid North Carolina learner's permit issued before the effective date of this act, or
20 who is a provisional licensee holding a valid North Carolina drivers license issued
21 before the effective date of this act.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 248*
Committee Substitute Favorable 2/19/97

Short Title: Graduated Drivers Licenses.

(Public)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 20-11 reads as rewritten:

5 "§ 20-11. Application of minors.

6 (a) The Division shall not grant the application of any minor between the ages of
7 16 and 18 years for a ~~driver's~~ drivers license or a learner's permit unless such
8 application is signed both by the applicant and by the parent, guardian, husband, wife
9 or employer of the applicant, or, if the applicant has no parent, guardian, husband,
10 wife or employer residing in this State, by some other responsible adult person. It
11 shall be unlawful for any person to sign the application of a minor under the
12 provisions of this section when such application misstates the age of the minor and
13 any person knowingly violating this provision shall be guilty of a Class 2
14 misdemeanor.

15 The Division shall not grant the application of any minor between the ages of 16
16 and 18 years for a ~~driver's~~ drivers license unless such minor presents evidence of
17 having satisfactorily completed the driver training and safety education courses
18 offered at the public high schools as provided in G.S. 20-88.1 or upon having
19 satisfactorily completed a course of driving instruction offered at a licensed
20 commercial driver training school or an approved nonpublic secondary school,
21 provided instruction offered in such schools shall be approved by the State
22 Commissioner of Motor Vehicles and the State Superintendent of Public Instruction
23 and all expenses for such instruction shall be paid by the persons enrolling in such

1 courses and/or by the schools offering them. All approved driver training and safety
2 education courses and courses of driving instruction shall include at least six hours of
3 actual driving experience.

4 (b) The Division may issue a Level 1 limited learner's permit to a minor who is at
5 least 15 years old ~~but is less than 16 years old~~ and who otherwise meets the
6 requirements of this section. An application for a Level 1 limited learner's permit
7 ~~must~~ shall be signed by both the applicant and the applicant's parent or guardian or
8 some other responsible adult with whom the applicant resides and who is approved
9 by the Division. A Level 1 limited learner's permit authorizes the permit holder to
10 drive a specified type or class of motor vehicle under the conditions specified in
11 subdivision (d)(1) of this section while in possession of the permit and accompanied
12 by a parent, guardian, or other person approved by the Division who is licensed to
13 operate the motor vehicle being driven and is seated beside the permit holder. A
14 Level 1 limited learner's permit is valid for a period of 18 months. The fee for a
15 Level 1 limited learner's permit is ten dollars (\$10.00). In the event a minor who
16 holds a Level 1 limited learner's permit drives a motor vehicle in violation of law,
17 the permit shall be canceled.

18 A driver who holds a Level 1 limited learner's permit only shall not be deemed a
19 licensed driver for the purpose of determining the inexperienced operator premium
20 surcharge under automobile insurance policies.

21 (c) The Division may, upon satisfactory proof that a minor between the ages of 16
22 and 18 years has become a resident of North Carolina and holds a valid unrestricted
23 motor vehicle ~~driver's~~ drivers license from his prior state of residence ~~but has not~~
24 ~~completed a course in driver education which meets the requirements of this State,~~
25 grant to such residence:

26 (1) Issue to the minor a temporary driver's permit under such with any
27 necessary terms and conditions as shall be deemed necessary by the
28 Division to allow the minor to operate a motor vehicle of a
29 specified type or class in this State in order to obtain the driver
30 education courses or a course of driving instruction necessary for a
31 drivers license in North Carolina. Carolina;

32 (2) Issue to the minor the graduated license appropriate to his age and
33 experience as provided by this section; or

34 (3) Issue to the minor an unrestricted drivers license if the minor has
35 possessed a valid unrestricted drivers license in his previous state
36 of residence for the 12-month period immediately preceding the
37 date of the application and has not been convicted of a traffic
38 violation for which points may be assessed under this Article.

39 Every application for a temporary driver's permit shall be made upon the approved
40 form furnished by the Division. A temporary driver's permit issued pursuant to this
41 section shall be subject to all provisions of law relating to a ~~driver's~~ drivers license.

42 (d) Graduated Drivers Licenses. -- Provisional licensees shall be issued the
43 graduated provisional drivers licenses appropriate to their driving experience with the
44 following experience-based restrictions:

(1) Level 1. -- Limited learner's permit.

a. An applicant for this level provisional license shall have:

1. Passed a course of driver education prescribed in G.S. 20-88.1 or a course of driver instruction at a licensed commercial driver training school or an approved nonpublic secondary school;
2. Passed a written test administered by the Division; and
3. Obtained a limited learner's permit pursuant to subsection (b) of this section.

b. For the first six months, a Level 1 limited learner's permit allows only supervised driving between the hours of 5:00 a.m. and 9:00 p.m.

c. The supervisor shall be a parent, guardian, or other person approved by the Division, who is a licensed driver, and who has been licensed to drive for at least five years. The supervisor shall be the only other occupant allowed in the front seat with the driver.

d. After the first six months of issuance, a holder of this level provisional license may drive under supervision at any time.

e. Every person occupying the vehicle being driven by the Level 1 provisional licensee shall have a safety belt properly fastened about his or her body, or be restrained by a child passenger restraint system as provided in G.S. 20-137.1(a), when the vehicle is in motion.

(2) Level 2. -- Limited provisional license.

a. An applicant for this level provisional license shall have:

1. Possessed a Level 1 provisional license for a period of not less than 12 months with no moving violations or seat belt infractions;
2. Passed a road test administered by the Division; and
3. Paid a fee of ten dollars (\$10.00).

b. A Level 2 provisional license allows unsupervised driving from 5:00 a.m. to 9:00 p.m. and when going to and coming from work.

c. A Level 2 provisional licensee may drive under supervision at any time. The supervisor shall be a parent, guardian, or other person approved by the Division, who is a licensed driver, and who has been licensed to drive for at least five years.

d. When a Level 2 provisional licensee is driving under supervision, the supervisor shall be the occupant of the next occupied seat to the right of the driver, but need not be the only other occupant of the front seat.

1 e. Every person occupying the vehicle being driven by the
2 Level 2 provisional licensee shall have a safety belt properly
3 fastened about his or her body, or be restrained by a child
4 passenger restraint system as provided in G.S. 20-137.1(a),
5 when the vehicle is in motion.

6 (3) Level 3. -- Full provisional license.

7 a. An applicant for this level provisional license shall have:

8 1. Possessed a Level 2 provisional license for a period of
9 not less than six months with no moving violations or
10 seat belt infractions; and

11 2. Paid a fee of ten dollars (\$10.00).

12 b. A Level 3 provisional licensee may drive unsupervised at
13 any time.

14 (e) The provisional licenses shall bear a distinctive color photographic
15 background or border indicating the level of driving experience of the licensee.

16 (f) After deducting the costs of administering the provisional license program
17 pursuant to this section, the Division shall transfer, quarterly, any balance of the
18 funds received as fees to the Highway Fund."

19 Section 2. This act becomes effective December 1, 1997, but shall not
20 apply to any person who holds a valid North Carolina limited learner's permit issued
21 before the effective date of this act, a valid North Carolina learner's permit issued
22 before the effective date of this act, or who is a provisional licensee holding a valid
23 North Carolina drivers license issued before the effective date of this act.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 248*
Committee Substitute Favorable 2/19/97
PROPOSED FINANCE COMMITTEE SUBSTITUTE
DO NOT USE FOR FLOOR AMENDMENTS, LINE NUMBERS MAY CHANGE
H248-CSRB-2

Short Title: Graduated Drivers Licenses.

(Public)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 20-11 reads as rewritten:
5 "§ 20-11. Application of minors. Issuance of limited learner's
6 permit and provisional drivers license to person who is less than
7 18 years old.
8 ~~(a) The Division shall not grant the application of any minor~~
9 ~~between the ages of 16 and 18 years for a driver's license or a~~
10 ~~learner's permit unless such application is signed both by the~~
11 ~~applicant and by the parent, guardian, husband, wife or employer~~
12 ~~of the applicant, or, if the applicant has no parent, guardian,~~
13 ~~husband, wife or employer residing in this State, by some other~~
14 ~~responsible adult person. It shall be unlawful for any person to~~
15 ~~sign the application of a minor under the provisions of this~~
16 ~~section when such application misstates the age of the minor and~~
17 ~~any person knowingly violating this provision shall be guilty of~~
18 ~~a Class 2 misdemeanor.~~
19 ~~The Division shall not grant the application of any minor~~
20 ~~between the ages of 16 and 18 years for a driver's license unless~~

~~1 such minor presents evidence of having satisfactorily completed
2 the driver training and safety education courses offered at the
3 public high schools as provided in G.S. 20-88.1 or upon having
4 satisfactorily completed a course of driving instruction offered
5 at a licensed commercial driver training school or an approved
6 nonpublic secondary school, provided instruction offered in such
7 schools shall be approved by the State Commissioner of Motor
8 Vehicles and the State Superintendent of Public Instruction and
9 all expenses for such instruction shall be paid by the persons
10 enrolling in such courses and/or by the schools offering them.~~

~~11 (b) The Division may issue a limited learner's permit to a
12 minor who is at least 15 years old but is less than 16 years old
13 and who otherwise meets the requirements of this section. An
14 application for a limited learner's permit must be signed by both
15 the applicant and the applicant's parent or guardian or some
16 other responsible adult with whom the applicant resides and who
17 is approved by the Division. A limited learner's permit
18 authorizes the permit holder to drive a specified type or class
19 of motor vehicle while in possession of the permit and
20 accompanied by a parent, guardian, or other person approved by
21 the Division who is licensed to operate the motor vehicle being
22 driven and is seated beside the permit holder. A limited
23 learner's permit is valid for a period of 18 months. The fee for
24 a limited learner's permit is ten dollars (\$10.00). In the event
25 a minor who holds a limited learner's permit drives a motor
26 vehicle in violation of law, the permit shall be canceled.~~

~~27 A driver who holds a limited learner's permit only shall not be
28 deemed a licensed driver for the purpose of determining the
29 inexperienced operator premium surcharge under automobile
30 insurance policies.~~

~~31 (c) The Division may, upon satisfactory proof that a minor
32 between the ages of 16 and 18 years has become a resident of
33 North Carolina and holds a valid motor vehicle driver's license
34 from his prior state of residence but has not completed a
35 course in driver education which meets the requirements of this
36 State, grant to such minor a temporary driver's permit under such
37 terms and conditions as shall be deemed necessary by the Division
38 to allow the minor to operate a motor vehicle of a specified type
39 or class in this State in order to obtain the driver education
40 courses necessary for license in North Carolina.~~

~~41 Every application for a temporary driver's permit shall be made
42 upon the approved form furnished by the Division. A temporary
43 driver's permit issued pursuant to this section shall be subject
44 to all provisions of law relating to a driver's license.~~

1 (a) Process. -- Safe driving requires instruction in driving
2 and experience. To ensure that a person who is less than 18
3 years old has both instruction and experience before obtaining a
4 drivers license, driving privileges are granted first on a
5 limited basis and are then expanded in accordance with the
6 following process:

- 7 (1) Level 1: Driving with a limited learner's permit.
8 (2) Level 2: Driving with a limited provisional
9 license.
10 (3) Level 3: Driving with a full provisional license.

11 The permits and licenses will bear a distinctive color
12 photographic background or border indicating the level of
13 driving experience of the permit holder or licensee.

14 (b) Level 1. -- A person who is at least 15 years old but less
15 than 18 years old may obtain a limited learner's permit if the
16 person meets all of the following requirements:

- 17 (1) Passes a course of driver education prescribed in
18 G.S. 20-88.1 or a course of driver instruction at a
19 licensed commercial driver training school

- 20 (2) Passes a written test administered by the Division.

21 (c) Level 1 Restrictions. -- A limited learner's permit
22 authorizes the permit holder to drive a specified type or class
23 of motor vehicle only under the following conditions:

- 24 (1) The holder of the permit must be in possession of
25 the permit.

- 26 (2) A supervising driver must be seated beside the
27 permit holder in the front seat of the vehicle when
28 it is in motion. No person other than the
29 supervising driver can be in the front seat.

- 30 (3) For the first six months after issuance, the permit
31 holder may drive only between the hours of 5:00
32 a.m. and 9:00 p.m.

- 33 (4) After the first six months after issuance, the
34 permit holder may drive at any time.

- 35 (5) Every person occupying the vehicle being driven by
36 the permit holder must have a safety belt properly
37 fastened about his or her body, or be restrained by
38 a child passenger restraint system as provided in
39 G.S. 20-137.1(a), when the vehicle is in motion.

40 (d) Level 2. -- A person who is at least 16 years old but less
41 than 18 years old may obtain a limited provisional license if the
42 person meets all of the following requirements:

- 43 (1) Has held a limited learner's permit issued by the
44 Division for at least 12 months.

- 1 (2) Has not been convicted of a motor vehicle moving
2 violation or seat belt infraction during the
3 preceding 12 months.
- 4 (3) Passes a road test administered by the Division.
- 5 (e) Level 2 Restrictions.-- A limited provisional license
6 authorizes the license holder to drive a specified type or class
7 of motor vehicle only under the following conditions:
- 8 (1) The license holder must be in possession of the
9 license.
- 10 (2) The license holder may drive without supervision
11 from 5:00 a.m. to 9:00 p.m. and when driving to or
12 from work.
- 13 (3) The license holder may drive with supervision at
14 any time. When the license holder is driving with
15 supervision, the supervising driver must be seated
16 beside the license holder in the front seat of the
17 vehicle when it is in motion. The supervising
18 driver need not be the only other occupant of the
19 front seat, but must be the person seated next to
20 the license holder.
- 21 (4) Every person occupying the vehicle being driven by
22 the license holder must have a safety belt properly
23 fastened about his or her body, or be restrained by
24 a child passenger restraint system as provided in
25 G.S. 20-137.1(a), when the vehicle is in motion.
- 26 (f) Level 3. -- A person who is at least 16 years old but less
27 than 18 years old may obtain a full provisional license if the
28 person meets all of the following requirements:
- 29 (1) Has held a limited provisional license issued by
30 the Division for at least six months.
- 31 (2) Has not been convicted of a motor vehicle moving
32 violation or seat belt infraction during the
33 preceding six months.
- 34 A person who meets these requirements may obtain a full
35 provisional license by mail.
- 36 (g) Level 3 Restrictions. -- The restrictions on Level 1 and
37 Level 2 drivers concerning time of driving, supervision, and
38 passenger limitations do not apply to a full provisional license.
- 39 (h) Out-of-State Exceptions. -- A person who is at least 16
40 years old but less than 18 years old, who was a resident of
41 another state and has an unrestricted drivers license issued by
42 that state, and who becomes a resident of this State may obtain
43 one of the following:

- 1 (1) A temporary permit, if the person has not completed
2 a drivers education program that meets the
3 requirements of the State Superintendent of Public
4 Instruction but is currently enrolled in a drivers
5 education program that meets these requirements. A
6 temporary permit is valid for the period specified
7 in the permit. The period must end within 10 days
8 after the expected completion date of the drivers
9 education program in which the applicant is
10 enrolled.
- 11 (2) A full provisional license, if the person has
12 completed a drivers education program that meets
13 the requirements of the State Superintendent of
14 Public Instruction, has held the license issued by
15 the other state for at least 12 months, and has not
16 been convicted of an offense for which points are
17 assessed under G.S. 20-16 during the preceding 12
18 months.
- 19 (3) A limited provisional license, if the person has
20 completed a drivers education program that meets
21 the requirements of the State Superintendent of
22 Public Instruction, but either did not hold the
23 license issued by the other state for at least 12
24 months or was convicted of an offense for which
25 points are assessed under G.S. 201-6 during the
26 preceding 12 months.
- 27 (i) Application. -- An application for a permit or license
28 authorized by this section must be signed by both the applicant
29 and by the applicant's parent or guardian or, if a parent or
30 guardian is not available, by an adult approved by the Division.
- 31 (j) Duration and Fee. -- A limited learner's permit expires on
32 the 18th birthday of the permit holder. A limited provisional
33 license expires on the 18th birthday of the license holder. A
34 full provisional license expires on the date set under G.S. 20-
35 7(f). The fee for a permit or license issued under this section
36 is ten dollars (\$10.00).
- 37 (k) Supervising Driver. -- The supervising driver must be the
38 parent or guardian of the permit holder or the license holder or,
39 if a parent or guardian is not available, by an adult approved by
40 the Division. The supervising driver must be a licensed driver
41 who has been licensed to drive for at least five years.
- 42 (l) Insurance Status. -- The holder of a limited learner's
43 permit is not considered a licensed driver for the purpose of

1 determining the inexperienced operator premium surcharge under
2 automobile insurance policies."

3 Section 2. G.S. 20-135.2A(a) reads as rewritten:

4 "(a) Each front seat occupant who is 16 years of age or older
5 and each driver of a passenger motor vehicle manufactured with
6 seat safety belts in compliance with Federal Motor Vehicle Safety
7 Standard No. 208 shall have such a safety belt properly fastened
8 about his body at all times when the vehicle is in forward motion
9 on a street or highway in this State. Each driver of a passenger
10 motor vehicle manufactured with seat safety belts in compliance
11 with Federal Motor Vehicle Safety Standard No. 208, who is
12 transporting in the front seat a person who is (1) under 16 years
13 of age and (2) not required to be restrained in accordance with
14 G.S. 20-137.1, shall have the person secured by such a safety
15 belt at all times when the vehicle is operated in forward motion
16 on a street or highway in this State. Persons required to be
17 restrained in accordance with ~~G.S. 20-137.1~~ G.S. 20-11 and G.S.
18 20-137.1 shall be secured as required by ~~that section~~, those
19 sections."

20 Section 3. G.S. 20-88.1(a) reads as rewritten:

21 "(a) In accordance with criteria and standards approved by the
22 State Board of Education, the State Superintendent of Public
23 Instruction shall organize and administer a program of driver
24 education to be offered at the public high schools of this State
25 for all physically and mentally qualified persons who (i) are
26 older than 14 years and six months, (ii) are approved by the
27 principal of the school, pursuant to rules adopted by the State
28 Board of Education, (iii) are enrolled in a public or private
29 high school within the State, and (iv) have not previously
30 enrolled in the program. The State Board of Education shall use
31 for such purpose all funds appropriated to it for said purpose,
32 and may use all other funds that become available for its use for
33 said purpose. ~~The~~

34 The driver education program established pursuant to this
35 section shall include ~~instructions~~ the following:

- 36 (1) Instruction on the rights and privileges of the
37 handicapped and the signs and symbols used to
38 assist the handicapped relative to motor vehicles,
39 including the "international symbol of
40 accessibility" and other symbols and devices as
41 provided in Article 2A of this Chapter. ~~In~~
42 ~~addition, this program shall include at~~
43 (2) At least six hours of instruction on the offense of
44 driving while impaired and related subjects.

1 (3) At least six hours of actual driving experience."

2 Section 4. G.S. 20-322(b) reads as rewritten:

3 "(b) Regulations adopted by the Commissioner shall state the
4 requirements for a school license, including requirements
5 concerning location, equipment, courses of instruction,
6 instructors, financial statements, schedule of fees and charges,
7 character and reputation of the operators, insurance, bond or
8 other security in such sum and with such provisions as the
9 Commissioner deems necessary to protect adequately the interests
10 of the public, and such other matters as the Commissioner may
11 prescribe. All driver training and safety education courses and
12 courses of driving instruction must include at least six hours of
13 actual driving experience."

14 Section 5. G.S. 20-7(a1) reads as rewritten:

15 "(a1) Motorcycles and Mopeds. -- To drive a motorcycle, a
16 person must have a either a full provisional license issued under
17 G.S. 20-11 or a regular drivers license issued under this section
18 and a motorcycle endorsement. To obtain a motorcycle endorsement,
19 a person must demonstrate competence to drive a motorcycle by
20 passing a road test and a written or oral test concerning a
21 motorcycle and must pay the fee for a motorcycle endorsement.
22 Neither a drivers license nor a motorcycle endorsement is
23 required to drive a moped."

24 Section 6. This act does not appropriate funds to the
25 Division to implement this act nor does it obligate the General
26 Assembly to appropriate funds to implement this act.

27 Section 7. This act becomes effective December 1, 1997,
28 if the General Assembly appropriates the necessary funds from the
29 Highway Fund to the Department of Transportation, Division of
30 Motor Vehicles, to administer the provisional license program.
31 The act does not apply to any person who holds a valid North
32 Carolina limited learner's permit issued before the effective
33 date of this act, a valid North Carolina learner's permit issued
34 before the effective date of this act, or who is a provisional
35 licensee holding a valid North Carolina drivers license issued
36 before the effective date of this act.

SUBCOMMITTEE ON LOCAL, REGIONAL AND STATE REVENUES

Minutes: March 4, 1997

The subcommittee met in Room 415 of the Legislative Office Building at 12:00. Those members in attendance were: Rep. Dewey L. Hill, Chairman; Rep. Cherie Berry; Rep. Charles Buchanan; Rep. J. Russell Capps; Rep. Andrew Thomas Dedmon; Rep. Rick L. Eddins; Rep. Danny McComas; Rep. Mia Morris; Rep. John M. Rayfield; and Rep. Edgar V. Starnes.

Chairman Hill called the meeting to order at 12:05 and asked Rep. Rex Baker to come forward in support of his bill, HB101, Stokes School Acquisition. Rep. Baker stated that his bill was a simple local bill which adds Stokes County to the list of 53 other counties which are permitted to have the flexibility to plan and finance their school buildings in a more efficient manner. Rep. Buchanan moved for a favorable report and Chairman Hill asked if further discussion was necessary. Rep. Capps stated that he could not vote for the bill. Chairman Hill called for the vote, and the bill received a favorable report.

Chairman Hill asked Rep. Beall to come forward in support of his bill, HB 65, Canton Deannexation. Rep. Beall stated that the town and the property owners petitioned the deannexation. Rep. Rayfield made the motion and the bill received a favorable report.

Rep. Beall proceeded to speak in behalf of HB 105, Jackson County Airport Authority. The members were given a copy of a proposed committee substitute, and Rep. Buchanan called for the motion to adopt the proposed committee substitute which was approved by the subcommittee. Subcommittee counsel, Cindy Avrette explained the committee substitute to the members. Chairman Hill called for further discussion. Rep. Buchanan made the motion for an unfavorable report on the original bill, and favorable on the substitute. The committee substitute received a favorable report.

Chairman Hill called upon Rep. Cary Allred to speak on behalf of his bill, HB 39, Swepsonville Incorporation. Rep. Allred stated that the bill was requested by the Swepsonville Sanitary District. Rep. Allred stated that the area of incorporation would have the same boundaries as the existing sanitary district, and that approximately 40% of the people who live in this area are senior citizens or those living on fixed income. He stated that the additional revenues were needed for the town to be able to maintain their water and sewer lines, and that the bill would give the town approximately \$40,000 a year in sales tax revenues.

Chairman Hill asked the subcommittee if they had further questions on the bill, and Rep. Starnes made a motion for a favorable report. Rep. Buchanan offered an amendment to the bill and the subcommittee voted to adopt the amendment. Chairman Hill stated that the subcommittee now had the amended bill before them for further discussion. Rep. Cunningham had a question with regard to the Honda Manufacturing

Plant in Swepsonville and whether there was any opposition to the bill. Rep. Allred stated that some members of the Graham City Council had requested that Alexander Wilson School and the Honda Manufacturing Plant be removed and he further stated that the request from the City of Graham was not a fair request.

Chairman Hill asked if there was anyone who wanted to speak on the bill. Mayor Victor E. Euliss of the City of Graham came forward. Mayor Euliss stated that he would like to see some type of amendment be offered now or in the future on this bill. He stated that the town is asking to be incorporated which does not have its own water system. He stated that the City of Graham has an excellent working relationship with the town of Swepsonville. There was further discussion and questions from the members. One question in particular was whether the Honda plant was planning to expand, and Rep. Allred stated that he was not aware of any plans for expansion. He further stated that the bill includes the current existing boundaries including the Honda plant. Rep. Allred stated that he had no plans to offer a future amendment. Rep. Capps had a question as to where the Honda plant wanted to be and Rep. Allred stated that he felt the plant wanted to be in Swepsonville.

Chairman Hill recognized Rep. Eddins who made a motion for a favorable report as amended, and the bill received a favorable report.

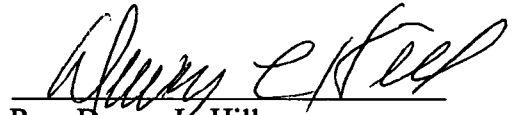
Chairman Hill called upon Rep. Nichols to speak on behalf of HB63, River Bend Zoning/Annexation (Committee Substitute Favorable /18/97 FINANCE). Rep. Nichols came forward to support his bill and stated that his bill would restore extraterritorial jurisdiction to the town of River Bend which was taken away from it. Rep. Nichols stated that the bill has the support of the entire delegation.

Rep. Cunningham made the motion and the bill received a favorable report.

There being no further business, Chairman Hill adjourned the meeting.

Respectfully submitted:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

Ginny McCann (Rep. Hill)

From: Cindy Avrette (Research)
Sent: Friday, March 07, 1997 10:23 PM
To: Ginny McCann (Rep. Hill)
Subject: RE: Minutes

The minutes look fine to me. You don't have to send them to me unless you just want to do so. You do a great job

Have a good weekend.

Cindy Avrette
Research Division
North Carolina General Assembly
PH#919-733-2578/FAX#919-715-5460
CindyA@MS.NCGA.State.NC.US

From: Ginny McCann (Rep. Hill)
Sent: Friday, March 07, 1997 4:17 PM
To: Cindy Avrette (Research)
Subject: Minutes
Importance: High

<<File: Subcommittee Minutes 3-4-97.doc>>

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mqqqqqqqqqj

HISTORY OF HOUSE BILL H 63
RIVER BEND ZONING/ANNEXATION
by: NICHOLS

Date: 3/ 7/97
Time: 3:42 p.m.
Page: 1 of 1
Leg. day: H-022/S-022

roduced 2- 6-97 by: NICHOLS, WAINWRIGHT
Counties : CRAVEN

Date		Action
2- 6-97	H	REF TO COM ON LOC&RGI
2-18-97	HA	REPTD FAV COM SUBSTITUTE
2-18-97	H	RE-REF COM ON FINANCE

Press NEXT or PREV SCREEN, EXIT (F10), P, M, H(HISTORY) or enter page number:

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on Subcommittee on Local, Regional and State Revenues will meet as follows:

DAY & DATE: Tuesday, March 4, 1997

TIME: 12:00

LOCATION: 415 LOB

The following bills will be considered (Bill # & Short Title):

HB Swepsonville Incorporation

HB 65 Canton Deannexation

HB 101 Stokes School Acquisition

HB 105 Jackson County Airport Authority

Respectfully,

Representative Dewey L. Hill
Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at 3:00 on Thursday, February 27, 1997.

____ Principal Clerk
____ Reading Clerk - House Chamber

Ginny McCann (Committee Clerk)

VISITOR REGISTRATION SHEET

FINANCE/Subcommittee on Local, Regional & State Revenues

March 4, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEECOMMITTEE: **Finance**CHAIRMAN: **Representative Gray, Brawley, Dickson, & C. Wilson**DATE: **3-4-97**

Bill Number (Indicate **H** or **S**): **HB-39**Short Title: **Swepsonville Incorporation**Assigned to Subcommittee on: **Finance**Re-Assigned to Subcommittee on: **Finance - Local, Regional & State Revenues**

Bill Number (Indicate **H** or **S**): **HB-65**Short Title: **Canton Deannexation**Assigned to Subcommittee on: **Finance**Re-Assigned to Subcommittee on: **Finance - Local, Regional & State Revenues**

Bill Number (Indicate **H** or **S**): **HB-101**Short Title: **Stokes School Acquisition**Assigned to Subcommittee on: **Finance**Re-Assigned to Subcommittee on: **Finance - Local, Regional & State Revenues**

Bill Number (Indicate **H** or **S**): **HB-105**Short Title: **Jackson Co. Airport Authority**Assigned to Subcommittee on: **Finance**Re-Assigned to Subcommittee on: **Finance - Local, Regional & State Revenues**

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

office file

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional and State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 39

☐ A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE
INCORPORATION OF THE TOWN OF SWEPSONVILLE AND THE SIMULTANEOUS
DISSOLUTION OF THE SWEPSONVILLE SANITARY DISTRICT.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE

Rep. Dixon

Rep. Brawley

Rep. C. Wilson

s/ Constance K. Wilson

- ☐ With a favorable report.
- ☒ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 39

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H39-ARB-1

Date 3-4, 1997

Comm. Sub. ☒
Amends Title ☐

Representative Buchanan

1 moves to amend the bill on page 8, line 31, by adding a sentence at
2 the end of that line to read:
3 "From the effective date of this Charter until the organizational
4 meeting of the Town Council after the 1997 municipal election, the
5 members of the Town Council shall be the members of the board of the
6 Swepsonville Sanitary District.".

SIGNED Charles M. Buchanan
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional and State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 65

☐ A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN
DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CANTON.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____.

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE

Rep. Dixon

Rep. Brawley

Rep. C. Wilson

s/ Constance K. Wilson

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional and State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 101

☐ A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES
COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION..

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep Gray for the Standing Committee on FINANCE

Rep. Dixon

Rep. Brawley

Rep. C. Wilson

s/ Constance H. Wilson

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional and State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 105

☐ A BILL TO BE ENTITLED AN ACT TO ENABLE THE
COUNTY OF JACKSON TO ESTABLISH AN AIRPORT AUTHORITY FOR THE
MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE

Rep. Dixon

Rep. Brawley

Rep. Wilson

s/ Constance K. Hill

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

FOR JOURNAL USE ONLY

____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.

____ The (committee substitute) bill/resolution (as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(a), the (House) committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/ resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____,) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

EXPLANATION OF HOUSE BILL 105:
Jackson County Airport Authority

TO: House Finance Subcommittee
FROM: Cindy Avrette, Committee Counsel
DATE: March 4, 1997
SPONSOR: Representative Beall

House Bill 105 enables the Jackson County Board of Commissioners the authority to appoint members to the Jackson County Airport Authority. The Authority does not exist until, and if, the Board appoints the members. The bill provides for the Authority's powers, duties, and existence upon its creation by the Board of Commissioners.

The Authority, should it be created, will consist of six members appointed by the Jackson County Board of Commissioners. The members will serve staggered six-year terms. The bill gives the Authority the customary powers and duties typical of other Airport Authorities. The Authority must report annually to the Board of County Commissioners on its operations and transactions. If an airport created pursuant to this act ever ceases to be operated by the Authority, then the title to the Authority's property and its rights under any existing leases will revert to and vest in the County of Jackson.

The act is effective when it becomes law.

Technical Considerations:

1. The legislation fails to say who appoints the Airport Authority members. Since the Board of County Commissioners appoints the initial members and has the authority to fill vacancies, I assume the Board has the authority to appoint the members.
2. The word "the" is missing on page 1, line 20.
3. Page 2, lines 4 through 7 concern the compensation and expenses of the Authority's members. This language could be clarified to distinguish between the expenses upon which the Board of County Commissioners has discretion and those that it does not.

EXPLANATION OF HOUSE BILL 101:
Stokes School Acquisition

TO: House Finance Committee
FROM: Cindy Avrette, Committee Counsel
DATE: March 4, 1997
SPONSOR: Representative Baker

House Bill 101 is a local bill that applies only to Stokes County and the local boards of education for school administrative units in that county. The substance of the bill is that same as that enacted in past legislative sessions for 52 other counties.

The bill makes the following changes concerning the acquisition and financing of public school facilities:

- (1) It authorizes Stokes County to acquire real or personal property for use by a school administrative unit located in the county when requested to do so by the unit. Under current law, only those counties listed in G.S. 153A-158.1(a), have this authority. Under general law, a county is authorized to acquire real or personal property only on behalf of the county or an agency of the county and a school administrative unit is not an agency of the county.
- (2) It authorizes the local boards of education to contract with Stokes county for the erection or repair of a public school building that is located on a site owned by the county. Under current general law, local boards of education are required to hold title to all school property and therefore have no authority to make contracts concerning the construction or repair of school buildings located on sites not owned by them.
- (3) It authorizes the local boards of education to transfer to the county property on which a school building in need of renovation or repair is located for any price agreed to by the board of education and the county. Current law requires transfers from a local board of education to a county to be at fair market value and allows a local board of education to transfer property to a county only if the board does not believe the property is necessary or desirable for a school.

The effect of these changes is to allow certain installment financing to be used for public school construction or renovation. The installment financing that can be used is an installment contract secured by a security interest in the building constructed or renovated. This type of financing is available to counties

but is not generally available to school administrative units. Under G.S. 160A-20, only a school administrative unit located in a county whose population exceeds 90,000 and whose local board of education can levy a school tax is authorized to use this type of financing.

One type of installment financing is the issuance of certificates of participation. A certificate of participation is a document setting out the share of a local unit's debt that is owed to that person. In practice, the holder of the certificate receives interest and principal payments in a manner similar to interest and principal payments on a bond issued by the borrowing unit. Unlike the issuance of a bond, however, the issuance of a certificate of participation is not subject to a vote of the people.

If a county builds and equips a school on behalf of a local school administrative unit, the county can receive a refund of sales and use taxes paid on the project. In contrast, the local school administrative unit could not receive a refund of these taxes if it built and equipped the school itself. This is because a local school administrative unit is not one of the governmental entities that are allowed refunds of sales and use taxes under G.S. 105-164.14(c).

SUBCOMMITTEE ON LOCAL, REGIONAL AND STATE REVENUES

Minutes: March 11, 1997

The subcommittee met in Room 415 of the Legislative Office Building at 12:00. Those members in attendance were: Rep. Dewey L. Hill, Chairman; Rep. Charles Buchanan; Rep. Russell Capps; Rep. Andrew Thomas Dedmon; Rep. Rick Eddins and Rep. John M. Rayfield.

Chairman Hill called the meeting to order at 12:05 P.M. and asked Rep. William Ives to come forward and speak on behalf of his bill, HB 62, (Committee Substitute Favorable 2/20/97), Henderson County Annexation Agreements.

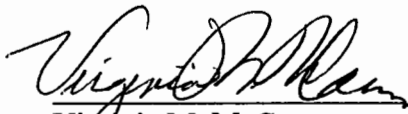
Rep. Ives asked if committee counsel Cindy Avrette would explain the bill (See Attachment A). Chairman Hill called upon Rep. Capps who made the motion and the bill received a favorable report.

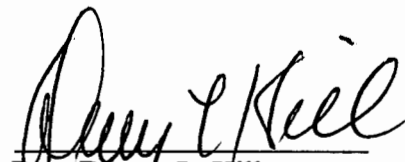
Chairman Hill called on Rep. Michael Wilkins to speak on behalf of Rep. William Ives bill, HB 71, Halifax-Roanoke Rapids Airport. Rep. Wilkins stated that this bill was an enabling piece of legislation which would the county of Halifax and the city of Roanoke Rapids to establish an airport authority for the maintenance of airport facilities in the county.

Chairman Hill called upon Rep. Capps who asked if there was any taxing authority in the bill and Rep. Wilkins stated that there was no taxing authority. Subcommittee Counsel stated that the bill did not contain a taxing authority, but they were allowed to charge and collect fees and issue bonds.

Chairman Hill called on Rep. Buchanan who made the motion and the bill received a favorable report.

Respectfully submitted:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

EXPLANATION OF HOUSE BILL 62:
Henderson County Annexation Agreements (2nd Edition)

TO: House Finance Subcommittee
FROM: Cindy Avrette, Committee Counsel
DATE: March 11, 1997
SPONSOR: Representative Ives

House Bill 62 is a local bill affecting the City of Hendersonville and the Town of Laurel Park. The bill is effective when it becomes law.

The bill authorizes these two municipalities to enter into a contract with certain manufacturing industrial property owners to accept annual payments in lieu of taxes in an amount agreed to in the contract and, as part of the contract, to agree not to annex the property described in the contract for a period not to exceed 20 years from the effective date of the contract. In determining the amount of the annual payments in lieu of taxes, the parties to the contract may consider the economic benefits to the city that are derived from the industry, the number of people employed by the industry, and the industry's potential for future growth and expansion.

The Town of Eden set the precedent for this type of local legislation in 1993. (Chapter 418 of the 1993 Session Laws) That legislation authorized the City of Eden to accept payments in lieu of taxes on certain property and to agree not to annex the property before December 30, 2003. The City of Washington in Beaufort County and the Town of Stanley in Gaston County have similar local legislation. (Chapter 713 of the 1993 Session Laws)

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional and State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 62

☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY
OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO
NONANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS
OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES.

REPORTED TO THE STANDING COMMITTEE ON

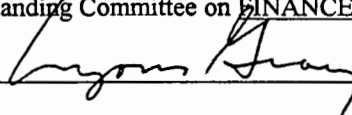
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray, C. Wilson, Dickson & Brawley for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional and State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 71

☐ A BILL TO BE ENTITLED AN ACT TO ENABLE THE
COUNTY OF HALIFAX AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT
AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY.

REPORTED TO THE STANDING COMMITTEE ON

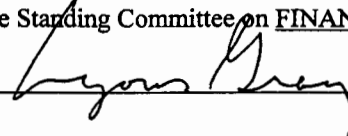
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____.

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray, C. Wilson, Dickson & Brawley for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

VISITOR REGISTRATION SHEET

Subcommittee on Local, Regional & State Revenues

March 11 , 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: March 18, 1997

The subcommittee met in Room 415 of the Legislative Office Building at 12:00 noon. Those members in attendance were: Rep. Dewey L. Hill, Chairman; Rep. Charles Buchanan; Rep. Russell Capps; Rep. W. Pete Cunningham; Rep. Andrew Dedmon; Rep. Rick Eddins; Rep. Danny McComas; Rep. Richard Morgan; Rep. Mia Morris; Rep. John M. Rayfield and Rep. Edgar V. Starnes.

Chairman Hill called the meeting to order and asked for a motion to adopt House Committee Substitute for HB 286 which was made by Rep. Buchanan and the motion was adopted. Chairman Hill recognized Rep. Norris Tolson to explain the bill to the subcommittee. Rep. Tolson stated that the substitute bill was simply an add on bill, which gave the authority for another property owner to add their property to the annexation in this bill - property in Dortches to be annexed into the City of Rocky Mount. Rep. Tolson stated that the chief sponsor of the bill, Rep. Gene Arnold, was in agreement.

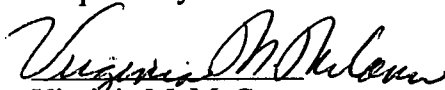
Chairman Hill recognized Rep. Starnes who made a motion that the subcommittee give a favorable report to the committee substitute and unfavorable as to the original bill. The motion carried.

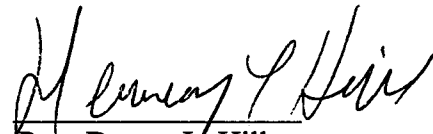
Chairman Hill called upon Rep. Nichols to explain his bill, HB 63, River Bend Zoning/Annexation. Chairman Hill stated that the subcommittee must move to reconsider the vote by which the subcommittee previously gave this bill a favorable report. Chairman Hill recognized Rep. Buchanan who made the motion, and the motion carried. Chairman Hill recognized Rep. Capps who offered an amendment. Rep. Capps asked subcommittee counsel Cindy Avrette for an explanation (attachments "A" and "B"). Chairman Hill recognized Rep. Buchanan who made the motion to incorporate the amendment into the proposed committee substitute and the motion carried.

Chairman Hill recognized Rep. Nichols who stated that the Capps amendment was merely a perfecting amendment. The subcommittee members were satisfied with the explanation and recognized Rep. Buchanan who made the motion to move to incorporate the amendment into the committee substitute and the motion carried.

There being no further business, Chairman Hill adjourned the meeting.

Respectfully submitted:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 286

☐ A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN
DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES
AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROCKY
MOUNT.

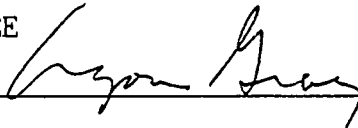
REPORTED TO THE STANDING COMMITTEE ON _____

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on _____
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on _____
- ☐ With an unfavorable recommendation.
- ☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep Gray for the Standing Committee on FINANCE

s/ 

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 286
Proposed Committee Substitute H286-PCS1153

Short Title: Dortches/Rocky Mount Boundaries.

(Local)

Sponsors:

Referred to:

February 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE
3 CORPORATE LIMITS OF THE TOWN OF DORTCHES AND TO ADD THE
4 PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROCKY
5 MOUNT.

6 The General Assembly of North Carolina enacts:

7 Section 1. The following described property is removed from the
8 corporate limits of the Town of Dortches and is added to the corporate limits of the
9 City of Rocky Mount:

10

11

THARRINGTON TRACT

12 Beginning at a point in the center line of Halifax Road (N.C.S.R. 1527)
13 675 feet northerly from the intersection of the center line of Halifax Road with the
14 center line of Hunters Hill Road (N.C.S.R. 1604) corner of the property of W.M.
15 Daniels in Tract No. 7 of the John Eason Farm shown on map of survey hereinafter
16 referred to; thence N. 9° 59' E. along said center line 102.40 feet to a point, a corner
17 of said Tract 7; thence S. 80° 01' E. 339.40 feet to an iron, a corner between said
18 Tract 7 and the Property of Morris J. Hurt; thence N. 9° 59' E. 185.08 feet to an iron,
19 common corner between the Property of Morris J. Hurt, Guy Bunn and said Tract 7;
20 thence S. 77° 30' E. 69.57 feet to an iron, a corner; thence N. 52° 50' E. 75 feet to an
21 iron; thence N. 58° 30' E. 173 feet to an iron; thence N. 38° 30' E. 63 feet to an iron;
22 thence N. 16° 00' E. 407 feet to an iron, a corner between Tract 7 and the land of
23 Guy Bunn; thence S. 82° 16' E. 782 feet to an iron axle found in the line of Guy

1 Bunn, a corner; thence S. 7° 40' W. 1328.50 feet to an iron, a corner with Guy Bunn
2 property; thence N. 82° 20' W. 115.5 feet to a point, a corner with the Guy Bunn
3 property; thence S. 6° 34' W. 243.1 feet to a point in the center line of N.C.S.R.
4 1604, a corner; thence N. 75° 40' W. 133 feet to a point in said center line; thence N.
5 78° 41' W. 108.70 feet to a point in said center line, corner between the Eason
6 Property and said Tract 7; thence N. 10° 27' E. 428.60 feet to an iron, a corner;
7 thence N. 79° 30' W. 209.22 feet to an axle, a corner between the Eason Property
8 and said Tract 7; thence N. 10° 50' E. 122.60 feet to a red oak, a corner between the
9 Eason Property and said Tract 7; thence N. 75° 08' W. 637.22 feet to an iron; thence
10 N. 78° 36' W. 130 feet to an iron, corner of the W. M. Daniels Property; thence N.
11 78° 13' W. 185 feet to a point in the center line of N.C.S.R. 1527, the point of
12 beginning, containing 26.6 acres, more or less, and being all of Tract No. 7 as shown
13 on map of a survey of L. D. Harper entitled "Map of John Eason Farm, Nash County,
14 North Carolina," dated March 27, 1918, and recorded in Book 247, Page 143, Nash
15 County Registry, less and except from the aforesaid Tract 7 those lands described in
16 Deeds recorded in Book 871, Page 513, Book 886, Page 71, and Book 902, Page 276,
17 Nash County Registry; and being the property conveyed by Deed of February 24,
18 1981, from Minnie M. Tharrington, widow, by attorney-in-fact, et als, to Richard Y.
19 Tharrington, recorded in Book 1080, Page 120, Nash County Registry.

20 The aforesaid description was taken from map entitled "Property of
21 Richard Y. Tharrington," dated September 18, 1981, prepared by McIntyre Surveying,
22 Nashville, N.C.

23

24

BOSEMAN TRACT

25 Beginning at a point in the center of a culvert across Kirby Creek and in
26 the center of the County Road; thence with the center of said road N. 2° 30' W. 191
27 feet to a point in a slight bend in said road; thence, continuing with the center of said
28 road, N. 2° 15' E. 1900 feet to a point where the center of said road intersects with
29 the center of the old Hilliardston and Rocky Mount Road; thence, with the center of
30 said old Hilliardston and Rocky Mount, N. 67° W. 158 feet; thence, continuing with
31 the center of said road N. 58° W. 2388 feet to a point, iron axle on the side of said
32 road, Mrs. Brake's corner; thence S. 4° 10' W. 1390 feet to a gum on Kirby Creek;
33 thence, down Kirby Creek with its various courses and meanders to the beginning,
34 containing 85.8 acres, by survey made by W.F. Beal, C.E., in January, 1933, and being
35 all that part of the tract of land which was conveyed to J.J. Woodruff by Jacob Battle,
36 Commissioner, by deed recorded in Book 83, Page 345, Nash County Registry, which
37 lies west of the center line of the County Road running through said land. The
38 graveyard, with the right of way thereto is excepted from this deed. And, being the
39 same, identical property conveyed to E. L. Boseman by deed dated January 5, 1934
40 and recorded in Book 376 at Page 274 of the Nash County Public Registry, to which
41 deed reference is hereby made for a more full and perfect description of said
42 property.

43 The above described tract or parcel of land is the same identical property
44 shown on that certain forest type map entitled "BOSEMAN TRACT, STONEY

1 CREEK TWP., NASH COUNTY, N.C.," dated August 30, 1990 and prepared by
2 J.W. Baum, consulting forester of Nashville, North Carolina, a copy of which map is
3 attached hereto and incorporated herein and made a part hereof by this reference for
4 a more full and perfect description of said property.

5

6

COLEY TRACT

7

BEGINNING at an iron stake said iron stake being the Northeast corner
8 of Lot No. 13 Block C of Hunters Point as recorded in Plat Book 13 at Page 145 and
9 being the Southeast corner of the herein described tract; thence from said Beginning
10 point along the North line of Lot No. 13, Block C North 78 deg. 01' 42" W. 154.9 feet
11 to an iron stake in the East right of way line of Sportsman's Trail; thence S. 72 deg.
12 11' 54" W. 71.56 feet to an iron stake in the West right of way line of Sportsman's
13 Trail, the Northeast corner of Lot No. 3, Block D; thence with the North line of Lot
14 No. 3 N. 57 deg. 00' 00" W. 106.93 feet an iron stake; thence with the North line of
15 Lot No. 2, Block D, N. 70 deg. 00' 00" W. 100.0 feet to an iron stake; thence with the
16 North line of Lot 1, Block D, N. 78 deg. 00' 00" W. 110.0 feet to an iron stake in W.
17 D. Woodruff's East line; thence with Woodruff's East line N. 6 deg. 12' 00" East
18 2473.88 feet to an iron stake at Kirby Creek; thence along Kirby Creek the following
19 nine courses and distances: N. 57 deg. 24' E. 61.35 feet, N. 86 deg. 09' E. 56.0 feet,
20 N. 39 deg. 39' E. 54.0 feet, S. 39 deg. 51' E. 74.0 feet, S. 84 deg. 21' E. 95.0 feet, N.
21 33 deg. 09' E. 95.0 feet, S. 86 deg. 21' E. 55.0 feet, S. 51 deg. 21' E. 111.0 feet, N. 46
22 deg. 39' E. 58.0 feet to an axle; thence with the West line of the William W. Ricks
23 Estate South 5 deg. 58' W. 2628.08 feet to an iron stake the point of BEGINNING,
24 containing approximately 30.45 acres, more or less, and being contiguous with the
25 Hunter's Point Subdivision as recorded in Plat Book 13, at Page 145. This being a
26 part of the land described in Deed Book 1015, at Page 49.

27 Being the identical tract or parcel of land conveyed to Herman H. Fryar,
28 Jr. and John T. Coley, III, recorded in Book 1218, Page 613, Nash Registry.

29

30

BRAKE TRACT 1

31

BEGINNING a point in State Road No. 1527, a corner with D.L. Melton
32 and Tract 5 as shown on the map hereinafter referred to; thence with the D. L.
33 Melton line, S. 84° 44' E. 1947.39 feet to an iron found in the J. I. Brake line; thence
34 with the Brake line, S. 7° 01' W. 437 feet to a stake, a corner for Tracts 5 and 6;
35 thence with the dividing line between Tracts 5 and 6, N. 84° 00' W. 1636.28 feet to a
36 stake in the line of Lot B; thence along the dividing line between Lot B and Tract 5,
37 N. 5° 09' W. 132.86 feet to a stake; thence S. 84° 51' W. 217.8 feet to a point in the
38 center of State Road No. 1527; thence along the center of State Road No. 1527, N. 5°
39 09' W. 330 feet to the beginning, containing 18.00 Acres.

40

The above-described parcel of land is designated as Lot or Tract 5 of the
41 Division of C. N. Vick Estate according to map thereof by William B. McIntyre, C.
42 E., dated January 29, 1970, and recorded in Map Book 9, Page 63, Nash County
43 Registry.

The above described property was conveyed to the Grantor by Deed recorded in Book 877, Page 559, Nash County Registry.

BRAKE TRACT 2

BEGINNING at a point in the center of State Road No. 1527, a corner for Lots D and E as shown on the map herein after referred to; thence along the center of State Road No. 1527, S. 27° 17' W. 234 feet to a point, a corner for Lot E, and the cemetery (Eason) lot; thence along the cemetery lot line and continuing along the Bunn line, S. 80° 34' E. 230 feet to a stake in the Bunn line, a corner for Lot E and Tract 7; thence along the dividing line between Lot E and Tract 7, N. 27° 42' E. 163.5 feet to a stake, a corner for Lots D and E in the line of Tract 7; thence along the dividing line between Lots D and E, N. 62° 43' W. 220.12 feet to the beginning, containing 1.0 Acre.

The above-described parcel of land is designated as Lot or Tract E of the Division of the C. N. Vick Estate according to map thereof by William B. McIntyre, C. E., dated January 29, 1970, and recorded in Map Book 9, Page 63, Nash County Registry.

The above described real property was conveyed to Grantor by deed recorded in Book 877, Page 556, Nash County Registry.

BRAKE TRACT 3

Being the land which John I. Brake inherited from his Grandfather, B. C. Brake, and his Mother Tempie B. Brake, the said two Tracts containing approximately 162 Acres, and bounded on the North by lands R. H. May, Joanna Williams and G. W. Winters and the old road from Rocky Mount to Red Oak, on the East by E. L. Boseman, on the south by the Bunn Land and the West by the lands of C. N. Vick and J. B. Vick. See also deeds to John I. Brake recorded in Book 477, Page 507, Book 488, Page 466, Book 515, Page 499, and Book 573, Page 380, all of the Nash County Public Registry.

The above described property was devised by Annie V. Brake by Will of John I. Brake recorded in the office of the Clerk of Superior Court of Nash County.

There is expressly accepted from the above described Tract 3 the following Lots or parcels of land:

1. That lot or parcel of land conveyed to Joseph T. Fuller and wife, Barbara W. Fuller, recorded in Book 969, Page 305, Nash County Registry, to which reference is hereby made.

2. That lot or parcel of land conveyed to Jack J. Leonard and wife, Sherry P. Leonard, recorded in Book 1003, Page 532, Nash County Registry, to which reference is hereby made.

3. That lot or parcel of land conveyed to Daniel A. Williams and wife, Cynthia L. Williams, recorded in Book 1005, Page 458, Nash County Registry, to which reference is hereby made.

1 4. That lot or parcel of land conveyed to Dunbar Hilliard and wife,
2 Arbutus Hilliard, recorded in Book 1026, Page 537, Nash County Registry, which
3 reference is hereby made.

4 Section 2. This act shall have no effect upon the validity of any liens of
5 the Town of Dortches for ad valorem taxes or special assessments outstanding before
6 the effective date of this act. Such liens may be collected or foreclosed upon after
7 the effective date of this act as though the property was still within the corporate
8 limits of the Town of Dortches.

9 Section 3. This act becomes effective June 30, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 286
Proposed Committee Substitute H286-PCS1153

Short Title: Dortches/Rocky Mount Boundaries.

(Local)

Sponsors:

Referred to:

February 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE
3 CORPORATE LIMITS OF THE TOWN OF DORTCHES AND TO ADD THE
4 PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROCKY
5 MOUNT.

6 The General Assembly of North Carolina enacts:

7 Section 1. The following described property is removed from the
8 corporate limits of the Town of Dortches and is added to the corporate limits of the
9 City of Rocky Mount:

10

11

THARRINGTON TRACT

12 Beginning at a point in the center line of Halifax Road (N.C.S.R. 1527)
13 675 feet northerly from the intersection of the center line of Halifax Road with the
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15 Daniels in Tract No. 7 of the John Eason Farm shown on map of survey hereinafter
16 referred to; thence N. 9° 59' E. along said center line 102.40 feet to a point, a corner
17 of said Tract 7; thence S. 80° 01' E. 339.40 feet to an iron, a corner between said
18 Tract 7 and the Property of Morris J. Hurt; thence N. 9° 59' E. 185.08 feet to an iron,
19 common corner between the Property of Morris J. Hurt, Guy Bunn and said Tract 7;
20 thence S. 77° 30' E. 69.57 feet to an iron, a corner; thence N. 52° 50' E. 75 feet to an
21 iron; thence N. 58° 30' E. 173 feet to an iron; thence N. 38° 30' E. 63 feet to an iron;
22 thence N. 16° 00' E. 407 feet to an iron, a corner between Tract 7 and the land of
23 Guy Bunn; thence S. 82° 16' E. 782 feet to an iron axle found in the line of Guy

1 Bunn, a corner; thence S. 7° 40' W. 1328.50 feet to an iron, a corner with Guy Bunn
2 property; thence N. 82° 20' W. 115.5 feet to a point, a corner with the Guy Bunn
3 property; thence S. 6° 34' W. 243.1 feet to a point in the center line of N.C.S.R.
4 1604, a corner; thence N. 75° 40' W. 133 feet to a point in said center line; thence N.
5 78° 41' W. 108.70 feet to a point in said center line, corner between the Eason
6 Property and said Tract 7; thence N. 10° 27' E. 428.60 feet to an iron, a corner;
7 thence N. 79° 30' W. 209.22 feet to an axle, a corner between the Eason Property
8 and said Tract 7; thence N. 10° 50' E. 122.60 feet to a red oak, a corner between the
9 Eason Property and said Tract 7; thence N. 75° 08' W. 637.22 feet to an iron; thence
10 N. 78° 36' W. 130 feet to an iron, corner of the W. M. Daniels Property; thence N.
11 78° 13' W. 185 feet to a point in the center line of N.C.S.R. 1527, the point of
12 beginning, containing 26.6 acres, more or less, and being all of Tract No. 7 as shown
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15 County Registry, less and except from the aforesaid Tract 7 those lands described in
16 Deeds recorded in Book 871, Page 513, Book 886, Page 71, and Book 902, Page 276,
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20 The aforesaid description was taken from map entitled "Property of
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BOSEMAN TRACT

25 Beginning at a point in the center of a culvert across Kirby Creek and in
26 the center of the County Road; thence with the center of said road N. 2° 30' W. 191
27 feet to a point in a slight bend in said road; thence, continuing with the center of said
28 road, N. 2° 15' E. 1900 feet to a point where the center of said road intersects with
29 the center of the old Hilliardston and Rocky Mount Road; thence, with the center of
30 said old Hilliardston and Rocky Mount, N. 67° W. 158 feet; thence, continuing with
31 the center of said road N. 58° W. 2388 feet to a point, iron axle on the side of said
32 road, Mrs. Brake's corner; thence S. 4° 10' W. 1390 feet to a gum on Kirby Creek;
33 thence, down Kirby Creek with its various courses and meanders to the beginning,
34 containing 85.8 acres, by survey made by W.F. Beal, C.E., in January, 1933, and being
35 all that part of the tract of land which was conveyed to J.J. Woodruff by Jacob Battle,
36 Commissioner, by deed recorded in Book 83, Page 345, Nash County Registry, which
37 lies west of the center line of the County Road running through said land. The
38 graveyard, with the right of way thereto is excepted from this deed. And, being the
39 same, identical property conveyed to E. L. Boseman by deed dated January 5, 1934
40 and recorded in Book 376 at Page 274 of the Nash County Public Registry, to which
41 deed reference is hereby made for a more full and perfect description of said
42 property.

43 The above described tract or parcel of land is the same identical property
44 shown on that certain forest type map entitled "BOSEMAN TRACT, STONEY

1 CREEK TWP., NASH COUNTY, N.C.," dated August 30, 1990 and prepared by
2 J.W. Baum, consulting forester of Nashville, North Carolina, a copy of which map is
3 attached hereto and incorporated herein and made a part hereof by this reference for
4 a more full and perfect description of said property.

5

6

COLEY TRACT

7 BEGINNING at an iron stake said iron stake being the Northeast corner
8 of Lot No. 13 Block C of Hunters Point as recorded in Plat Book 13 at Page 145 and
9 being the Southeast corner of the herein described tract; thence from said Beginning
10 point along the North line of Lot No. 13, Block C North 78 deg. 01' 42" W. 154.9 feet
11 to an iron stake in the East right of way line of Sportsman's Trail; thence S. 72 deg.
12 11' 54" W. 71.56 feet to an iron stake in the West right of way line of Sportsman's
13 Trail, the Northeast corner of Lot No. 3, Block D; thence with the North line of Lot
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15 Lot No. 2, Block D, N. 70 deg. 00' 00" W. 100.0 feet to an iron stake; thence with the
16 North line of Lot 1, Block D, N. 78 deg. 00' 00" W. 110.0 feet to an iron stake in W.
17 D. Woodruff's East line; thence with Woodruff's East line N. 6 deg. 12' 00" East
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22 deg. 39' E. 58.0 feet to an axle; thence with the West line of the William W. Ricks
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29

30

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34 with the Brake line, S. 7° 01' W. 437 feet to a stake, a corner for Tracts 5 and 6;
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36 stake in the line of Lot B; thence along the dividing line between Lot B and Tract 5,
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42 E., dated January 29, 1970, and recorded in Map Book 9, Page 63, Nash County
43 Registry.

The above described property was conveyed to the Grantor by Deed recorded in Book 877, Page 559, Nash County Registry.

BRAKE TRACT 2

BEGINNING at a point in the center of State Road No. 1527, a corner for Lots D and E as shown on the map herein after referred to; thence along the center of State Road No. 1527, S. 27° 17' W. 234 feet to a point, a corner for Lot E, and the cemetery (Eason) lot; thence along the cemetery lot line and continuing along the Bunn line, S. 80° 34' E. 230 feet to a stake in the Bunn line, a corner for Lot E and Tract 7; thence along the dividing line between Lot E and Tract 7, N. 27° 42' E. 163.5 feet to a stake, a corner for Lots D and E in the line of Tract 7; thence along the dividing line between Lots D and E, N. 62° 43' W. 220.12 feet to the beginning, containing 1.0 Acre.

The above-described parcel of land is designated as Lot or Tract E of the Division of the C. N. Vick Estate according to map thereof by William B. McIntyre, C. E., dated January 29, 1970, and recorded in Map Book 9, Page 63, Nash County Registry.

The above described real property was conveyed to Grantor by deed recorded in Book 877, Page 556, Nash County Registry.

BRAKE TRACT 3

Being the land which John I. Brake inherited from his Grandfather, B. C. Brake, and his Mother Tempie B. Brake, the said two Tracts containing approximately 162 Acres, and bounded on the North by lands R. H. May, Joanna Williams and G. W. Winters and the old road from Rocky Mount to Red Oak, on the East by E. L. Boseman, on the south by the Bunn Land and the West by the lands of C. N. Vick and J. B. Vick. See also deeds to John I. Brake recorded in Book 477, Page 507, Book 488, Page 466, Book 515, Page 499, and Book 573, Page 380, all of the Nash County Public Registry.

The above described property was devised by Annie V. Brake by Will of John I. Brake recorded in the office of the Clerk of Superior Court of Nash County.

There is expressly accepted from the above described Tract 3 the following Lots or parcels of land:

1. That lot or parcel of land conveyed to Joseph T. Fuller and wife, Barbara W. Fuller, recorded in Book 969, Page 305, Nash County Registry, to which reference is hereby made.

2. That lot or parcel of land conveyed to Jack J. Leonard and wife, Sherry P. Leonard, recorded in Book 1003, Page 532, Nash County Registry, to which reference is hereby made.

3. That lot or parcel of land conveyed to Daniel A. Williams and wife, Cynthia L. Williams, recorded in Book 1005, Page 458, Nash County Registry, to which reference is hereby made.

1 4. That lot or parcel of land conveyed to Dunbar Hilliard and wife,
2 Arbutus Hilliard, recorded in Book 1026, Page 537, Nash County Registry, which
3 reference is hereby made.

4 Section 2. This act shall have no effect upon the validity of any liens of
5 the Town of Dortches for ad valorem taxes or special assessments outstanding before
6 the effective date of this act. Such liens may be collected or foreclosed upon after
7 the effective date of this act as though the property was still within the corporate
8 limits of the Town of Dortches.

9 Section 3. This act becomes effective June 30, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 286

Short Title: Dortches/Rocky Mount Boundaries.

(Local)

Sponsors: Representative Arnold.

Referred to: Local and Regional Government I, if favorable, Finance.

February 20, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE
3 CORPORATE LIMITS OF THE TOWN OF DORTCHES AND TO ADD THE
4 PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROCKY
5 MOUNT.

6 The General Assembly of North Carolina enacts:

7 Section 1. The following described property is removed from the
8 corporate limits of the Town of Dortches and is added to the corporate limits of the
9 City of Rocky Mount:

10

11 THARRINGTON TRACT

12 Beginning at a point in the center line of Halifax Road (N.C.S.R. 1527)
13 675 feet northerly from the intersection of the center line of Halifax Road with the
14 center line of Hunters Hill Road (N.C.S.R. 1604) corner of the property of W.M.
15 Daniels in Tract No. 7 of the John Eason Farm shown on map of survey hereinafter
16 referred to; thence N. 9° 59' E. along said center line 102.40 feet to a point, a corner
17 of said Tract 7; thence S. 80° 01' E. 339.40 feet to an iron, a corner between said
18 Tract 7 and the Property of Morris J. Hurt; thence N. 9° 59' E. 185.08 feet to an iron,
19 common corner between the Property of Morris J. Hurt, Guy Bunn and said Tract 7;
20 thence S. 77° 30' E. 69.57 feet to an iron, a corner; thence N. 52° 50' E. 75 feet to an
21 iron; thence N. 58° 30' E. 173 feet to an iron; thence N. 38° 30' E. 63 feet to an iron;
22 thence N. 16° 00' E. 407 feet to an iron, a corner between Tract 7 and the land of
23 Guy Bunn; thence S. 82° 16' E. 782 feet to an iron axle found in the line of Guy
24 Bunn, a corner; thence S. 7° 40' W. 1328.50 feet to an iron, a corner with Guy Bunn

1 property; thence N. 82° 20' W. 115.5 feet to a point, a corner with the Guy Bunn
2 property; thence S. 6° 34' W. 243.1 feet to a point in the center line of N.C.S.R.
3 1604, a corner; thence N. 75° 40' W. 133 feet to a point in said center line; thence N.
4 78° 41' W. 108.70 feet to a point in said center line, corner between the Eason
5 Property and said Tract 7; thence N. 10° 27' E. 428.60 feet to an iron, a corner;
6 thence N. 79° 30' W. 209.22 feet to an axle, a corner between the Eason Property
7 and said Tract 7; thence N. 10° 50' E. 122.60 feet to a red oak, a corner between the
8 Eason Property and said Tract 7; thence N. 75° 08' W. 637.22 feet to an iron; thence
9 N. 78° 36' W. 130 feet to an iron, corner of the W. M. Daniels Property; thence N.
10 78° 13' W. 185 feet to a point in the center line of N.C.S.R. 1527, the point of
11 beginning, containing 26.6 acres, more or less, and being all of Tract No. 7 as shown
12 on map of a survey of L. D. Harper entitled "Map of John Eason Farm, Nash County,
13 North Carolina," dated March 27, 1918, and recorded in Book 247, Page 143, Nash
14 County Registry, less and except from the aforesaid Tract 7 those lands described in
15 Deeds recorded in Book 871, Page 513, Book 886, Page 71, and Book 902, Page 276,
16 Nash County Registry; and being the property conveyed by Deed of February 24,
17 1981, from Minnie M. Tharrington, widow, by attorney-in-fact, et als, to Richard Y.
18 Tharrington, recorded in Book 1080, Page 120, Nash County Registry.

19 The aforesaid description was taken from map entitled "Property of
20 Richard Y. Tharrington," dated September 18, 1981, prepared by McIntyre Surveying,
21 Nashville, N.C.

BOSEMAN TRACT

22
23
24 Beginning at a point in the center of a culvert across Kirby Creek and in
25 the center of the County Road; thence with the center of said road N. 2° 30' W. 191
26 feet to a point in a slight bend in said road; thence, continuing with the center of said
27 road, N. 2° 15' E. 1900 feet to a point where the center of said road intersects with
28 the center of the old Hilliardston and Rocky Mount Road; thence, with the center of
29 said old Hilliardston and Rocky Mount, N. 67° W. 158 feet; thence, continuing with
30 the center of said road N. 58° W. 2388 feet to a point, iron axle on the side of said
31 road, Mrs. Brake's corner; thence S. 4° 10' W. 1390 feet to a gum on Kirby Creek;
32 thence, down Kirby Creek with its various courses and meanders to the beginning,
33 containing 85.8 acres, by survey made by W.F. Beal, C.E., in January, 1933, and being
34 all that part of the tract of land which was conveyed to J.J. Woodruff by Jacob Battle,
35 Commissioner, by deed recorded in Book 83, Page 345, Nash County Registry, which
36 lies west of the center line of the County Road running through said land. The
37 graveyard, with the right of way thereto is excepted from this deed. And, being the
38 same, identical property conveyed to E. L. Boseman by deed dated January 5, 1934
39 and recorded in Book 376 at Page 274 of the Nash County Public Registry, to which
40 deed reference is hereby made for a more full and perfect description of said
41 property.

42 The above described tract or parcel of land is the same identical property
43 shown on that certain forest type map entitled "BOSEMAN TRACT, STONEY
44 CREEK TWP., NASH COUNTY, N.C.," dated August 30, 1990 and prepared by

1 J.W. Baum, consulting forester of Nashville, North Carolina, a copy of which map is
2 attached hereto and incorporated herein and made a part hereof by this reference for
3 a more full and perfect description of said property.

4

5

COLEY TRACT

6 BEGINNING at an iron stake said iron stake being the Northeast corner
7 of Lot No. 13 Block C of Hunters Point as recorded in Plat Book 13 at Page 145 and
8 being the Southeast corner of the herein described tract; thence from said Beginning
9 point along the North line of Lot No. 13, Block C North 78 deg. 01' 42" W. 154.9 feet
10 to an iron stake in the East right of way line of Sportsman's Trail; thence S. 72 deg.
11 11' 54" W. 71.56 feet to an iron stake in the West right of way line of Sportsman's
12 Trail, the Northeast corner of Lot No. 3, Block D; thence with the North line of Lot
13 No. 3 N. 57 deg. 00' 00" W. 106.93 feet an iron stake; thence with the North line of
14 Lot No. 2, Block D, N. 70 deg. 00' 00" W. 100.0 feet to an iron stake; thence with the
15 North line of Lot 1, Block D, N. 78 deg. 00' 00" W. 110.0 feet to an iron stake in W.
16 D. Woodruff's East line; thence with Woodruff's East line N. 6 deg. 12' 00" East
17 2473.88 feet to an iron stake at Kirby Creek; thence along Kirby Creek the following
18 nine courses and distances: N. 57 deg. 24' E. 61.35 feet, N. 86 deg. 09' E. 56.0 feet,
19 N. 39 deg. 39' E. 54.0 feet, S. 39 deg. 51' E. 74.0 feet, S. 84 deg. 21' E. 95.0 feet, N.
20 33 deg. 09' E. 95.0 feet, S. 86 deg. 21' E. 55.0 feet, S. 51 deg. 21' E. 111.0 feet, N. 46
21 deg. 39' E. 58.0 feet to an axle; thence with the West line of the William W. Ricks
22 Estate South 5 deg. 58' W. 2628.08 feet to an iron stake the point of BEGINNING,
23 containing approximately 30.45 acres, more or less, and being contiguous with the
24 Hunter's Point Subdivision as recorded in Plat Book 13, at Page 145. This being a
25 part of the land described in Deed Book 1015, at Page 49.

26

Being the identical tract or parcel of land conveyed to Herman H. Fryar,
27 Jr. and John T. Coley, III, recorded in Book 1218, Page 613, Nash Registry.

28

Section 2. This act shall have no effect upon the validity of any liens of
29 the Town of Dortches for ad valorem taxes or special assessments outstanding before
30 the effective date of this act. Such liens may be collected or foreclosed upon after
31 the effective date of this act as though the property was still within the corporate
32 limits of the Town of Dortches.

33

Section 3. This act becomes effective June 30, 1997.

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 63

☐ A BILL TO BE ENTITLED AN ACT TO RESTORE
EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT
IT FROM MAKING INVOLUNTARY ANNEXATIONS.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE

s/ Lyons Gray

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill #2 which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 63
Committee Substitute Favorable 2/18/97

Short Title: River Bend Zoning/Annexation.

(Local)

Sponsors:

Referred to:

February 6, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE
3 TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING
4 INVOLUNTARY ANNEXATIONS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section VI of the Charter of the Town of River Bend, being
7 that Charter approved by the Municipal Board of Control and filed with the
8 Secretary of State on January 14, 1981, as added by Chapter 26 of the Session Laws
9 of 1987, reads as rewritten:

10 ~~"Section VI. The Town may not exercise any extraterritorial jurisdiction or~~
11 ~~extraterritorial powers under Article 19 of Chapter 160A of the General Statutes. (a)~~
12 If no later than adjournment of the public hearing under G.S. 160A-37, a petition,
13 signed by the owners of twenty-five percent (25%) of the registered voters in the area
14 proposed to be annexed, is received by the city, opposing the annexation, then the
15 annexation ordinance shall become effective only if approved by the voters of the
16 area to be annexed in a referendum conducted under this section.

17 (b) If a referendum is required under subsection (a) of this section, the city
18 council shall order the board of elections which conducts elections for that city to call
19 an election to determine whether or not the proposed territory shall be annexed to
20 the city or town. Within 90 days after receiving such order from the governing body,
21 the county board of elections shall proceed to hold an election on the question.

22 Such election shall be called by a resolution or resolutions of said county board of
23 elections which shall:

- (1) Describe the territory proposed to be annexed to the said city or town as set out in the order of the said local governing body;
(2) Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed; and
(3) Provide for registration of voters in the territory proposed to be annexed for said election in accordance with G.S. 163-288.2.

Said resolution shall be published in one or more newspapers of the said county once a week for 30 days prior to the closing of the registration books. All costs of holding such election shall be paid by the city or town. Except as herein provided, the election shall be held under the same statutes, rules, and regulations as are applicable to elections in the municipality whose corporate limits are being enlarged.

At such election the question on the ballot shall be:

'[] FOR [] AGAINST
Annexation.'

If at the election a majority of the votes cast from the area proposed for annexation shall be 'For Annexation', the annexation ordinance shall become effective as provided by this Part.

(c) The Town of River Bend has jurisdiction under Article 19 of Chapter 160A of the General Statutes over the following described territory:

TRACT ONE

Lying and being situated in Number Eight Township, Craven County, North Carolina and described as follows:

BEGINNING at a point on the southern right-of-way line of U.S. Highway 17, said point being the northwest corner of plan of Piner Estates recorded in Plat Cabinet D, Slide 666, Craven County Registry; thence from said point of beginning along and with westernmost line of said Piner Estates S27 degrees 29'38"W 528.53 feet to the northwesternmost corner of lot No. 1, Craven Woods Subdivision recorded in Plat Cabinet C, Slide 41, Craven County Registry; thence along and with line between aforesaid Piner Estates and Craven Woods Subdivisions N53 degrees 05'15"E 1186.76' to a point; thence continuing with said line N69 degrees 00' E 1106.85 feet to a point, the southeasternmost corner of Lot 1, Piner Estates; thence, S29 degrees 34'19"E to the centerline of secondary road No. 1307, (this point being designated by the letter "C" on that certain map or plat entitled Trent Estates recorded in Map Book 10, Page 72, Craven County Registry); thence continuing S29 degrees 34'19"E 30.0 feet to a point on the southern right-of-way line of secondary road No. 1307; thence with said southern right-of-way line of secondary road No. 1307 in a westwardly direction to a point on said southern right-of-way line where "Harris" easternmost line extended southwardly would intersect said right-of-way line; thence, N00 degrees 12'17"W 199.96 feet to a point; thence with said Harris easternmost line N84 degrees 45'48"W 95.12 feet to a point; thence N3 degrees 11'55"E 147.81' to a point on the southern right-of-way line of U.S. Highway No. 17; thence, with said southern right-of-way line of U.S. Highway No. 17, S67 degrees 00'W 493 feet to a point at the intersection of said southern right-of-way line of U.S. Highway 17 and

1 Canoe Branch; thence in a northerly direction with said Canoe Branch to its
2 intersection with the centerline of Seaboard Coastline Railway, now abandoned;
3 thence with said centerline of Seaboard Coastline Railway in an easterly direction to
4 a point where the western line of Hidden Oaks Subdivision, recorded in Plat Cabinet
5 D, Slide 455, Craven County Registry, extended would intersect said centerline;
6 thence S25 degrees 51'58"E 62.5 feet to the northwestern corner of said Hidden Oaks
7 Subdivision; thence with said northernmost line of Hidden Oaks Subdivision N69
8 degrees 43'03"E 3, 111.74 feet to the northeast corner of said Hidden Oaks
9 Subdivision S22 degrees 23'E 731.08 feet to a point on the northern right-of-way line
10 of U.S. Highway No. 17; thence continuing S22 degrees 23'E 150.0 feet to a point on
11 the southern right-of-way line of U.S. Highway No. 17; thence with said southern
12 right-of-way line of U.S. Highway No. 17, S67 degrees 48'50"W 727.98 feet to the
13 northeastern corner of aforesaid Piner Estates; thence continuing with said southern
14 right-of-way line S67 degrees 48'50"W 2,271.20 feet to the Point of Beginning.

15 TRACT TWO

16 Lying and being situated in Number Eight Township, Craven County, North Carolina
17 and described as follows:

18 BEGINNING at the southeasternmost corner of Lot No. 18, Plan of Springdale
19 Subdivision recorded in Plat Cabinet D, Slide 623, Craven County Registry; said
20 corner being on the northern right-of-way line of U.S. Highway No. 17; thence along
21 and with the easternmost line of aforesaid Springdale Subdivision N22 degrees
22 22'03"W 277.0 feet to a point; thence S62 degrees 05'E to the northwestern corner of
23 Lot 79, Plan of Deerfield Subdivision, Phase 3, recorded in Plat Cabinet E, Slide 333,
24 Craven County Registry; thence with northernmost line of aforesaid Deerfield
25 Subdivision, Phase 3, N66 degrees 50'56"E 473.81 feet to a point; thence N50 degrees
26 07'40"E 281.86 feet to a point on the western right-of-way line of Forest Oaks Drive;
27 thence with western right-of-way line of Forest Oaks Drive S42 degrees 22'20"E
28 200.19 feet to the northern right-of-way line of Rocky Run Road; thence with said
29 right-of-way of Rocky Run Road S03 degrees 28'20"E 97.78 feet to a point on the
30 northern right-of-way line of U.S. Highway No. 17; thence S66 degrees 50'56"W
31 along and with said northern right-of-way line of U.S. Highway No. 17 to the Point of
32 Beginning.

33 Section 2. This act becomes effective 30 days after it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 63
Committee Substitute Favorable 2/18/97
Proposed Committee Substitute H63-PCS2158

Short Title: River Bend Zoning/Annexation.

(Local)

Sponsors:

Referred to:

February 6, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE
3 TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING
4 INVOLUNTARY ANNEXATIONS.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section VI of the Charter of the Town of River Bend, being
7 that Charter approved by the Municipal Board of Control and filed with the
8 Secretary of State on January 14, 1981, as added by Chapter 26 of the Session Laws
9 of 1987, reads as rewritten:
10 "Section VI. ~~The Town may not exercise any extraterritorial jurisdiction or~~
11 ~~extraterritorial powers under Article 19 of Chapter 160A of the General Statutes. (a)~~
12 The city must hold a referendum on whether to annex an area into the city if the city
13 council receives a petition opposing the annexation signed by twenty-five percent
14 (25%) of the registered voters who own real property in the area proposed to be
15 annexed. The petition must be received by the city council no later than the
16 adjournment of the public hearing required to be held under G.S. 160A-37. If the
17 city council receives such a petition, then the annexation ordinance shall become
18 effective only if approved by the voters of the area proposed to be annexed.
19 (b) If a referendum is required under subsection (a) of this section, the city
20 council shall order the board of elections which conducts elections for that city to call
21 an election to determine whether or not the proposed territory shall be annexed to

1 the city or town. Within 90 days after receiving such order from the governing body,
2 the county board of elections shall proceed to hold an election on the question.

3 Such election shall be called by a resolution or resolutions of said county board of
4 elections which shall:

5 (1) Describe the territory proposed to be annexed to the said city or
6 town as set out in the order of the said local governing body;

7 (2) Provide that the matter of annexation of such territory shall be
8 submitted to the vote of the qualified voters of the territory
9 proposed to be annexed; and

10 (3) Provide for registration of voters in the territory proposed to be
11 annexed for said election in accordance with G.S. 163-288.2.

12 Said resolution shall be published in one or more newspapers of the said county
13 once a week for 30 days prior to the closing of the registration books. All costs of
14 holding such election shall be paid by the city or town. Except as herein provided,
15 the election shall be held under the same statutes, rules, and regulations as are
16 applicable to elections in the municipality whose corporate limits are being enlarged.

17 At such election the question on the ballot shall be:

18 '[] FOR [] AGAINST
19 Annexation.'

20 If at the election a majority of the votes cast from the area proposed for annexation
21 shall be 'For Annexation', the annexation ordinance shall become effective as
22 provided by this Part.

23 (c) The Town of River Bend has jurisdiction under Article 19 of Chapter 160A of
24 the General Statutes over the following described territory:

25 TRACT ONE

26 Lying and being situated in Number Eight Township, Craven County, North Carolina
27 and described as follows:

28 BEGINNING at a point on the southern right-of-way line of U.S. Highway 17, said
29 point being the northwest corner of plan of Piner Estates recorded in Plat Cabinet D,
30 Slide 666, Craven County Registry; thence from said point of beginning along and
31 with westernmost line of said Piner Estates S27 degrees 29'38"W 528.53 feet to the
32 northwesternmost corner of lot No. 1, Craven Woods Subdivision recorded in Plat
33 Cabinet C, Slide 41, Craven County Registry; thence along and with line between
34 aforesaid Piner Estates and Craven Woods Subdivisions N53 degrees 05'15"E
35 1186.76' to a point; thence continuing with said line N69 degrees 00' E 1106.85 feet
36 to a point, the southeasternmost corner of Lot 1, Piner Estates; thence, S29 degrees
37 34'19"E to the centerline of secondary road No. 1307, (this point being designated by
38 the letter 'C' on that certain map or plat entitled Trent Estates recorded in Map
39 Book 10, Page 72, Craven County Registry); thence continuing S29 degrees 34'19"E
40 30.0 feet to a point on the southern right-of-way line of secondary road No. 1307;
41 thence with said southern right-of-way line of secondary road No. 1307 in a
42 westwardly direction to a point on said southern right-of-way line where 'Harris'
43 easternmost line extended southwardly would intersect said right-of-way line; thence,
44 N00 degrees 12'17"W 199.96 feet to a point; thence with said Harris easternmost line

1 N84 degrees 45'48"W 95.12 feet to a point; thence N3 degrees 11'55"E 147.81' to a
2 point on the southern right-of-way line of U.S. Highway No. 17; thence, with said
3 southern right-of-way line of U.S. Highway No. 17, S67 degrees 00'W 493 feet to a
4 point at the intersection of said southern right-of-way line of U.S. Highway 17 and
5 Canoe Branch; thence in a northerly direction with said Canoe Branch to its
6 intersection with the centerline of Seaboard Coastline Railway, now abandoned;
7 thence with said centerline of Seaboard Coastline Railway in an easterly direction to
8 a point where the western line of Hidden Oaks Subdivision, recorded in Plat Cabinet
9 D, Slide 455, Craven County Registry, extended would intersect said centerline;
10 thence S25 degrees 51'58"E 62.5 feet to the northwestern corner of said Hidden Oaks
11 Subdivision; thence with said northernmost line of Hidden Oaks Subdivision N69
12 degrees 43'03"E 3, 111.74 feet to the northeast corner of said Hidden Oaks
13 Subdivision S22 degrees 23'E 731.08 feet to a point on the northern right-of-way line
14 of U.S. Highway No. 17; thence continuing S22 degrees 23'E 150.0 feet to a point on
15 the southern right-of-way line of U.S. Highway No. 17; thence with said southern
16 right-of-way line of U.S. Highway No. 17, S67 degrees 48'50"W 727.98 feet to the
17 northeastern corner of aforesaid Piner Estates; thence continuing with said southern
18 right-of-way line S67 degrees 48'50"W 2,271.20 feet to the Point of Beginning.

19 TRACT TWO

20 Lying and being situated in Number Eight Township, Craven County, North Carolina
21 and described as follows:

22 BEGINNING at the southeasternmost corner of Lot No. 18, Plan of Springdale
23 Subdivision recorded in Plat Cabinet D, Slide 623, Craven County Registry; said
24 corner being on the northern right-of-way line of U.S. Highway No. 17; thence along
25 and with the easternmost line of aforesaid Springdale Subdivision N22 degrees
26 22'03"W 277.0 feet to a point; thence S62 degrees 05'E to the northwestern corner of
27 Lot 79, Plan of Deerfield Subdivision, Phase 3, recorded in Plat Cabinet E, Slide 333,
28 Craven County Registry; thence with northernmost line of aforesaid Deerfield
29 Subdivision, Phase 3, N66 degrees 50'56"E 473.81 feet to a point; thence N50 degrees
30 07'40"E 281.86 feet to a point on the western right-of-way line of Forest Oaks Drive;
31 thence with western right-of-way line of Forest Oaks Drive S42 degrees 22'20"E
32 200.19 feet to the northern right-of-way line of Rocky Run Road; thence with said
33 right-of-way of Rocky Run Road S03 degrees 28'20"E 97.78 feet to a point on the
34 northern right-of-way line of U.S. Highway No. 17; thence S66 degrees 50'56"W
35 along and with said northern right-of-way line of U.S. Highway No. 17 to the Point of
36 Beginning."

37 Section 2. This act becomes effective 30 days after it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 63

Committee Substitute Favorable 2/18/97
Proposed Committee Substitute H63-PCS2158

Short Title: River Bend Zoning/Annexation.

(Local)

Sponsors:

Referred to:

February 6, 1997

A BILL TO BE ENTITLED

AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE
TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING
INVOLUNTARY ANNEXATIONS.

The General Assembly of North Carolina enacts:

Section 1. Section VI of the Charter of the Town of River Bend, being
that Charter approved by the Municipal Board of Control and filed with the
Secretary of State on January 14, 1981, as added by Chapter 26 of the Session Laws
of 1987, reads as rewritten:

"Section VI. ~~The Town may not exercise any extraterritorial jurisdiction or~~
~~extraterritorial powers under Article 19 of Chapter 160A of the General Statutes.~~ (a)
The city must hold a referendum on whether to annex an area into the city if the city
council receives a petition opposing the annexation signed by twenty-five percent
(25%) of the registered voters who own real property in the area proposed to be
annexed. The petition must be received by the city council no later than the
adjournment of the public hearing required to be held under G.S. 160A-37. If the
city council receives such a petition, then the annexation ordinance shall become
effective only if approved by the voters of the area proposed to be annexed.

(b) If a referendum is required under subsection (a) of this section, the city
council shall order the board of elections which conducts elections for that city to call
an election to determine whether or not the proposed territory shall be annexed to

the city or town. Within 90 days after receiving such order from the governing body,
the county board of elections shall proceed to hold an election on the question.

Such election shall be called by a resolution or resolutions of said county board of elections which shall:

(1) Describe the territory proposed to be annexed to the said city or town as set out in the order of the said local governing body;

(2) Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed; and

(3) Provide for registration of voters in the territory proposed to be annexed for said election in accordance with G.S. 163-288.2.

Said resolution shall be published in one or more newspapers of the said county once a week for 30 days prior to the closing of the registration books. All costs of holding such election shall be paid by the city or town. Except as herein provided, the election shall be held under the same statutes, rules, and regulations as are applicable to elections in the municipality whose corporate limits are being enlarged.

At such election the question on the ballot shall be:

'[] FOR [] AGAINST
Annexation.'

If at the election a majority of the votes cast from the area proposed for annexation shall be 'For Annexation', the annexation ordinance shall become effective as provided by this Part.

(c) The Town of River Bend has jurisdiction under Article 19 of Chapter 160A of the General Statutes over the following described territory:

TRACT ONE

Lying and being situated in Number Eight Township, Craven County, North Carolina and described as follows:

BEGINNING at a point on the southern right-of-way line of U.S. Highway 17, said point being the northwest corner of plan of Piner Estates recorded in Plat Cabinet D, Slide 666, Craven County Registry; thence from said point of beginning along and with westernmost line of said Piner Estates S27 degrees 29'38"W 528.53 feet to the northwesternmost corner of lot No. 1, Craven Woods Subdivision recorded in Plat Cabinet C, Slide 41, Craven County Registry; thence along and with line between aforesaid Piner Estates and Craven Woods Subdivisions N53 degrees 05'15"E 1186.76' to a point; thence continuing with said line N69 degrees 00' E 1106.85 feet to a point, the southeasternmost corner of Lot 1, Piner Estates; thence, S29 degrees 34'19"E to the centerline of secondary road No. 1307, (this point being designated by the letter 'C' on that certain map or plat entitled Trent Estates recorded in Map Book 10, Page 72, Craven County Registry); thence continuing S29 degrees 34'19"E 30.0 feet to a point on the southern right-of-way line of secondary road No. 1307; thence with said southern right-of-way line of secondary road No. 1307 in a westwardly direction to a point on said southern right-of-way line where 'Harris' easternmost line extended southwardly would intersect said right-of-way line; thence, N00 degrees 12'17"W 199.96 feet to a point; thence with said Harris easternmost line

1 N84 degrees 45'48"W 95.12 feet to a point; thence N3 degrees 11'55"E 147.81' to a
2 point on the southern right-of-way line of U.S. Highway No. 17; thence, with said
3 southern right-of-way line of U.S. Highway No. 17, S67 degrees 00'W 493 feet to a
4 point at the intersection of said southern right-of-way line of U.S. Highway 17 and
5 Canoe Branch; thence in a northerly direction with said Canoe Branch to its
6 intersection with the centerline of Seaboard Coastline Railway, now abandoned;
7 thence with said centerline of Seaboard Coastline Railway in an easterly direction to
8 a point where the western line of Hidden Oaks Subdivision, recorded in Plat Cabinet
9 D, Slide 455, Craven County Registry, extended would intersect said centerline;
10 thence S25 degrees 51'58"E 62.5 feet to the northwestern corner of said Hidden Oaks
11 Subdivision; thence with said northernmost line of Hidden Oaks Subdivision N69
12 degrees 43'03"E 3, 111.74 feet to the northeast corner of said Hidden Oaks
13 Subdivision S22 degrees 23'E 731.08 feet to a point on the northern right-of-way line
14 of U.S. Highway No. 17; thence continuing S22 degrees 23'E 150.0 feet to a point on
15 the southern right-of-way line of U.S. Highway No. 17; thence with said southern
16 right-of-way line of U.S. Highway No. 17, S67 degrees 48'50"W 727.98 feet to the
17 northeastern corner of aforesaid Piner Estates; thence continuing with said southern
18 right-of-way line S67 degrees 48'50"W 2,271.20 feet to the Point of Beginning.

19 TRACT TWO

20 Lying and being situated in Number Eight Township, Craven County, North Carolina
21 and described as follows:

22 BEGINNING at the southeasternmost corner of Lot No. 18, Plan of Springdale
23 Subdivision recorded in Plat Cabinet D, Slide 623, Craven County Registry; said
24 corner being on the northern right-of-way line of U.S. Highway No. 17; thence along
25 and with the easternmost line of aforesaid Springdale Subdivision N22 degrees
26 22'03"W 277.0 feet to a point; thence S62 degrees 05'E to the northwestern corner of
27 Lot 79, Plan of Deerfield Subdivision, Phase 3, recorded in Plat Cabinet E, Slide 333,
28 Craven County Registry; thence with northernmost line of aforesaid Deerfield
29 Subdivision, Phase 3, N66 degrees 50'56"E 473.81 feet to a point; thence N50 degrees
30 07'40"E 281.86 feet to a point on the western right-of-way line of Forest Oaks Drive;
31 thence with western right-of-way line of Forest Oaks Drive S42 degrees 22'20"E
32 200.19 feet to the northern right-of-way line of Rocky Run Road; thence with said
33 right-of-way of Rocky Run Road S03 degrees 28'20"E 97.78 feet to a point on the
34 northern right-of-way line of U.S. Highway No. 17; thence S66 degrees 50'56"W
35 along and with said northern right-of-way line of U.S. Highway No. 17 to the Point of
36 Beginning."

37 Section 2. This act becomes effective 30 days after it becomes law.



Capps "a"

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 63

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H63-ARB-1

Date _____, 1997

Comm. Sub. [YES]
Amends Title []
Second Edition

Representative _____

1 moves to amend the bill on page 1, lines 12 through 16, by rewriting
2 the lines to read:
3 "The city must hold a referendum on whether to annex an area into
4 the city if the city council receives a petition opposing the
5 annexation signed by twenty-five percent (25%) of the registered
6 voters who own real property in the area proposed to be annexed.
7 The petition must be received by the city council no later than the
8 adjournment of the public hearing required to be held under G.S.
9 160A-37. If the city council receives such a petition, then the
10 annexation ordinance shall become effective only if approved by the
11 voters of the area proposed to be annexed."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

EXPLANATION OF HOUSE BILL 63:
River Bend Zoning/Annexation (2nd Edition)

TO: House Finance Subcommittee
FROM: Cindy Avrette, Committee Counsel
DATE: March 18, 1997
SPONSOR: Representative Nichols

In 1987, the Charter of the Town of River Bend was amended to provide that the Town could not exercise any extraterritorial jurisdiction or extraterritorial powers. These powers generally concern planning and regulation of development. **House Bill 63** will restore this planning power to the Town of River Bend and moreover, specify property described in the bill over which it may exercise its planning power.

The bill also limits the Town's ability to make involuntary annexations. To annex property, the Town must hold a public hearing. If the Town receives a petition opposing the annexation signed by at least 25% of the property owners in the area to be annexed, who are registered to vote, then the Town must hold a referendum on the issue. Only the people who live in the area proposed to be annexed are eligible to vote on the issue of annexation. The annexation ordinance cannot become effective unless and until the referendum is approved by the voters.

This act becomes effective 30 days after it becomes law.

Technical Consideration:

The sentence on page 1, lines 12 through 16 is not clear.

Year	Percentage of Population Aged 15 and Over Who are Illiterate
1900	65
1910	25
1920	20
1930	15
1940	12
1950	10
1960	10

March 18, , 1997

Date _____

[illegible][illegible]

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: April 1, 1997

The subcommittee met in Room 415 of the Legislative Office Building at 12:00 noon. Those members in attendance were: Chairman Hill; Rep. Charles Buchanan; Rep. Russell Capps; Rep. Andrew Dedmon; Rep. Danny McComas; Rep. John Rayfield and Rep. Edgar Starnes.

Chairman Hill called the meeting to order and recognized Mr. Radd Nesbitt from Burke County who was serving as a page this week at the General Assembly. The Chairman then called upon Rep. Arlie Culp to explain HB337, Randolph Occupancy Tax.

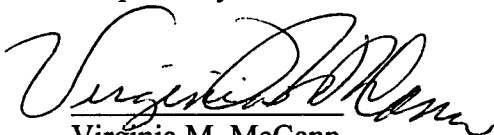
Rep. Culp stated that the bill was a request of the Randolph County Commissioners and the Chamber of Commerce who wished to join over 100 units of government to levy a tax on room accommodations and lodging up to 5%. The commissioners request was by resolution which could be repealed at the desire of the commissioners. Rep. Culp stated that the bill was straight forward and Chairman Hill recognized Rep. Buchanan's request for a favorable report on the bill. The bill received a favorable report.

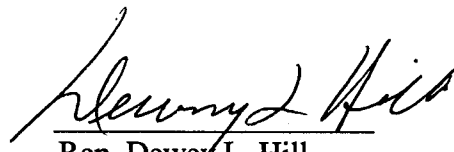
Chairman Hill recognized Rep. Martha Alexander to come forward in support of HB342, Mecklenburg Bid Limit Increased.

Rep. Alexander stated that her bill would like the same formal bid limits and contract authorizations which already applies to all other local governments. She further stated that this would be very helpful because they have a consolidated purchasing department.

Chairman Hill recognized Rep. Buchanan who made the motion for a favorable report and the motion carried.

Respectfully submitted:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 337

Short Title: Randolph Occupancy Tax.

(Local)

Sponsors: Representative Culp.

Culp

Referred to: Local and Regional Government II, if favorable, Finance.

February 26, 1997

1

A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE RANDOLPH COUNTY TO LEVY A ROOM
3 OCCUPANCY AND TOURISM DEVELOPMENT TAX.

4 The General Assembly of North Carolina enacts:

5 Section 1. Occupancy tax. (a) **Authorization and scope.** The Randolph
6 County Board of Commissioners may by resolution, after not less than 10 days' public
7 notice and after a public hearing held pursuant thereto, levy a room occupancy tax of
8 up to five percent (5%) of the gross receipts derived from the rental of any room,
9 lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar
10 place within the county that is subject to sales tax imposed by the State under G.S.
11 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does
12 not apply to accommodations furnished to nonprofit charitable, educational, or
13 religious organizations for use in furthering their nonprofit purpose.

14 (b) **Collection.** Every operator of a business subject to the tax levied
15 under this section shall, on and after the effective date of the levy of the tax, collect
16 the tax. This tax shall be collected as part of the charge for furnishing a taxable
17 accommodation. The tax shall be stated and charged separately from the sales
18 records and shall be paid by the purchaser to the operator of the business as trustee
19 for and on account of the county. The tax shall be added to the sales price and shall
20 be passed on to the purchaser instead of being borne by the operator of the business.
21 The county shall design, print, and furnish to all appropriate businesses and persons
22 in the county the necessary forms for filing returns and instructions to ensure the full
23 collection of the tax. An operator of a business who collects the occupancy tax
24 levied under this section may deduct from the amount remitted to the county a

1 discount equal to the discount the State allows the operator for State sales and use
2 tax.

3 (c) **Administration.** The county shall administer a tax levied under this
4 section. A tax levied under this section is due and payable to the county finance
5 officer in monthly installments on or before the 15th day of the month following the
6 month in which the tax accrues. Every person, firm, corporation, or association liable
7 for the tax shall, on or before the 15th day of each month, prepare and render a
8 return on a form prescribed by the county. The return shall state the total gross
9 receipts derived in the preceding month from rentals upon which the tax is levied.

10 A return filed with the county finance officer under this section is not a
11 public record and may not be disclosed except in accordance with G.S. 153A-148.1
12 or G.S. 160A-208.1.

13 (d) **Penalties.** A person, firm, corporation, or association who fails or
14 refuses to file the return or pay the tax required by this section is subject to the civil
15 and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State
16 sales and use taxes. The Randolph County Board of Commissioners has the same
17 authority to waive the penalties for a room occupancy tax that the Secretary of
18 Revenue has to waive the penalties for State sales and use taxes.

19 (e) **Distribution and use of tax revenue.** Randolph County shall, on a
20 quarterly basis, remit the net proceeds of the occupancy tax to the Randolph Tourism
21 Development Authority. The Authority may use these funds and any other revenue
22 it receives only to develop or promote travel and tourism and for tourism-related
23 expenditures in Randolph County. The Authority shall use at least two-thirds of the
24 funds remitted to it under this subsection to promote travel and tourism in Randolph
25 County and shall use the remainder for tourism-related expenditures.

26 The following definitions apply in this subsection:

- 27 (1) Net proceeds. -- Gross proceeds less the cost to the county of
28 administering and collecting the tax, as determined by the finance
29 officer, not to exceed three percent (3%) of the gross proceeds.
- 30 (2) Promote travel and tourism. -- To advertise or market an area or
31 activity, publish and distribute pamphlets and other materials,
32 conduct market research, or engage in similar promotional
33 activities that attract tourists or business travelers to the area; the
34 term includes administrative expenses incurred in engaging in the
35 listed activities.
- 36 (3) Tourism-related expenditures. -- Expenditures that are designed to
37 increase the use of lodging facilities in the county or to attract
38 tourists or business travelers to the county. The term includes
39 tourism-related capital expenditures and other expenditures that, in
40 the judgment of the Authority, will facilitate and promote tourism.
41 Examples of tourism-related expenditures include expenditures to
42 create, advertise, promote, and support cultural programs, events,
43 festivals, public park and recreation areas, historic preservation and

1 museums, beautification projects, parking facilities, and other
2 public amenities and services.

3 (f) **Effective date of levy.** A tax levied under this section shall become
4 effective on the date specified in the resolution levying the tax. That date must be
5 the first day of a calendar month, however, and may not be earlier than the first day
6 of the second month after the date the resolution is adopted.

7 (g) **Repeal.** A tax levied under this section may be repealed or reduced
8 by a resolution adopted by the Randolph County Board of Commissioners. Repeal
9 or reduction of a tax levied under this section shall become effective on the first day
10 of a month and may not become effective until the end of the fiscal year in which the
11 repeal resolution was adopted. Repeal or reduction of a tax levied under this section
12 does not affect a liability for a tax that was attached before the effective date of the
13 repeal, nor does it affect a right to a refund of a tax that accrued before the effective
14 date of the repeal.

15 Section 2. Tourism Development Authority. (a) **Appointment and**
16 **membership.** When the board of commissioners adopts a resolution levying a room
17 occupancy tax under this act, it shall also adopt a resolution creating a county
18 Tourism Development Authority, which shall be a public authority under the Local
19 Government Budget and Fiscal Control Act. The Authority shall be composed of
20 nine members to be appointed by the board of commissioners as follows:

21 (1) Seat 1 shall represent the hotel and motel industry, seat 4 shall
22 represent the North Carolina Zoological Park, seat 7 is
23 unrestricted, and seat 9 shall represent the county.

24 (2) Seats 2, 3, 5, and 6 shall be appointed upon the recommendation
25 of the Archdale/Trinity Chamber of Commerce, the
26 Asheboro/Randolph Chamber of Commerce, the Liberty Chamber
27 of Commerce, and the Randleman Chamber of Commerce,
28 respectively.

29 (3) Seat 8 shall represent the hotel and motel industry and shall be
30 appointed upon the recommendation of the Asheboro/Randolph
31 Chamber of Commerce.

32 In appointing and recommending members, each entity shall strive to
33 select individuals who either have expertise in promoting and developing travel and
34 tourism or are affiliated with organizations that collect the tax. The board of
35 commissioners may reject the recommendation of a chamber of commerce and
36 require the chamber to submit additional names within 30 days after the rejection. If
37 the chamber does not submit additional names within this period, the board of
38 commissioners may appoint someone to the seat based upon its own
39 recommendation.

40 All members of the Authority serve at the pleasure of the board of
41 commissioners and may be removed by the board at any time. The board of
42 commissioners shall designate one member of the Authority as chair and another as
43 cochair. Members shall serve without compensation.

1 Except for initial terms, the term of office shall be for three years. No
2 member may serve more than two consecutive three-year terms. The initial terms for
3 seats 1, 2, and 3 shall be one year. The initial terms for seats 4, 5, and 6 shall be two
4 years. The initial terms for seats 7, 8, and 9 shall be three years.

5 The Authority shall meet at the call of the chair and shall adopt bylaws
6 and rules of procedure to govern its meetings. The Finance Officer for Randolph
7 County shall be the ex officio finance officer of the Authority.

8 (b) **Duties.** The Authority shall expend the net proceeds of the tax
9 levied under this act for the purposes provided in Section 1 of this act.

10 (c) **Powers.** In addition to other powers conferred by law, the Authority
11 may contract with any person, firm, corporation, or agency to assist it in carrying out
12 its duties. All contracts the Authority enters into with nonprofit organizations shall
13 require an annual financial audit of any funds expended and a performance audit of
14 contractual obligations. The Authority may accept contributions from any source to
15 be used for the purposes provided in Section 1 of this act.

16 (d) **Reports.** The Authority shall report quarterly and at the close of the
17 fiscal year to the board of commissioners on its receipts and expenditures for the
18 preceding quarter and for the year in such detail as the board may require.

19 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 342
Committee Substitute Favorable 3/20/97

Short Title: Mecklenburg Bid Limit Increased.

(Local)

Sponsors:

Alexander

Referred to:

February 26, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO RAISE THE THRESHOLD FOR THE INFORMAL BIDDING
3 PROCEDURE FOR LETTING PUBLIC CONTRACTS BY THE COUNTY OF
4 MECKLENBURG.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143-129(a) reads as rewritten:

7 "(a) No construction or repair work requiring the estimated expenditure of public
8 money in an amount equal to or more than one hundred thousand dollars (\$100,000)
9 or purchase of apparatus, supplies, materials, or equipment requiring an estimated
10 expenditure of public money in an amount equal to or more than ~~twenty thousand~~
11 ~~dollars (\$20,000)~~, one hundred thousand dollars (\$100,000), except in cases of group
12 purchases made by hospitals through a competitive bidding purchasing program or in
13 cases of special emergency involving the health and safety of the people or their
14 property, shall be performed, nor shall any contract be awarded therefor, by any
15 board or governing body of the State, or of any institution of the State government,
16 or of any county, city, town, or other subdivision of the State, unless the provisions of
17 this section are complied with. For purposes of this Article, a competitive bidding
18 group purchasing program is a formally organized program that offers purchasing
19 services at discount prices to two or more hospital facilities. The limitation contained
20 in this paragraph shall not apply to construction or repair work undertaken during
21 the progress of a construction or repair project initially begun pursuant to this
22 section. Further, the provisions of this section shall not apply to the purchase of

1 gasoline, diesel fuel, alcohol fuel, motor oil or fuel oil. Such purchases shall be
2 subject to G.S. 143-131."

3 Section 2. Section 1 of Chapter 712 of the 1993 Session Laws is repealed.

4 Section 3. Section 1 of this act applies to the County of Mecklenburg

5 only.

6 Section 4. This act is effective when it becomes law.

file

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☐ Committee Substitute for
H.B. 337 ☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE
RANDOLPH COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT
TAX.

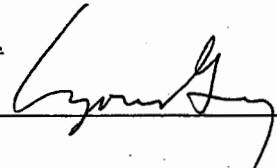
REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☒ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ 

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 342

☐ A BILL TO BE ENTITLED AN ACT TO RAISE THE
THRESHOLD FOR THE INFORMAL BIDDING PROCEDURE FOR LETTING PUBLIC
CONTRACTS BY THE COUNTY OF MECKLENBURG.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☒ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on

☐ With an unfavorable recommendation.

☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.

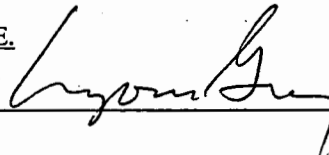
☐ Without prejudice:

☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



☒ With a favorable report.

☐ With a favorable report, as amended.

☐ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: April 9, 1997

The subcommittee met in Room 415 of the Legislative Office Building at 12:00 Noon. Those members in attendance were: Rep. Cherie Berry; Rep. Charles Buchanan; Rep. Russell Capps; Rep. Andrew Dedmon; Rep. Rick Eddins; Rep. Mia Morris; Rep. John M. Rayfield and Rep. Edgar V. Starnes.

Chairman Hill called the meeting to order and recognized Rep. Dedmon who made the motion that the subcommittee consider the proposed committee substitute for HB 67, Summerfield Amendments, and the motion carried. Chairman Hill called upon Rep. Decker to come forward and support his bill.

Rep. Decker stated that his bill is an agreement between Greensboro and Summerfield and that there was no opposition. Chairman Hill recognized Rep. Starnes who made the motion for a favorable report on the committee substitute and unfavorable as to original bill. The motion carried.

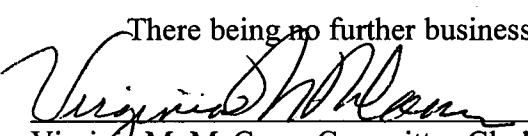
Chairman Hill recognized Rep. Creech to come forward and support his bill, HB590, Wilson's Mills Charter. Rep. Creech stated that this bill was a technical change, and that there was no opposition. Chairman Hill recognized Rep. Rayfield who made the motion for a favorable report on the bill, and the motion carried.

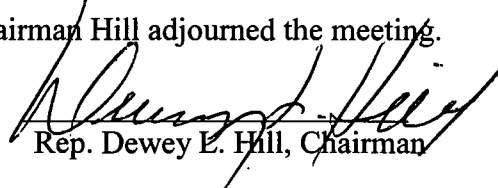
Chairman Hill recognized Rep. Culpepper to come forward in support of HB283, Perquimans School Acquisition. Rep. Culpepper stated that the county wished to be added to the list of 52 other counties that are authorized to acquire property. Chairman Hill recognized Rep. Capps who stated his opposition to the bill. Chairman Hill recognized Rep. Buchanan who made the motion for a favorable report and the motion carried.

Chairman Hill recognized Rep. Davis to come forward and support HB 542, Harnett Community College Acquisition. Rep. Davis stated that he would like to pull the bill from the subcommittee's agenda today and asked to have it rescheduled for the next meeting. Chairman Hill stated that he would comply with his request.

Chairman Hill recognized Rep. Owens to come forward in support of HB411, Currituck Game Commission Changes. Rep. Owens stated that his bill passed the House Ways and Means Committee recently and that the bill was a local matter and the principals were now in agreement. Chairman Hill recognized Rep. Buchanan who made the motion for a favorable report and the motion carried.

There being no further business, Chairman Hill adjourned the meeting.


Virginia M. McCann, Committee Clerk


Rep. Dewey E. Hill, Chairman

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 67

☐ A BILL TO BE ENTITLED AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF SUMMERFIELD.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

☐ With a favorable report.

☐ With a favorable report, as amended.

☒ With a favorable report as to committee substitute bill ~~which changes the title~~, unfavorable as to original bill.

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 411

☐ A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW
RELATING TO THE GAME COMMISSION OF CURRITUCK COUNTY.

REPORTED TO THE STANDING COMMITTEE ON

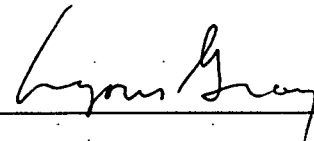
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

file

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☐ Committee Substitute for
H.B. 590 ☐ A BILL TO BE ENTITLED AN ACT TO AMEND THE
CHARTER OF THE TOWN OF WILSON'S MILLS TO DESCRIBE THE TOWN'S BOUNDARIES.

REPORTED TO THE STANDING COMMITTEE ON

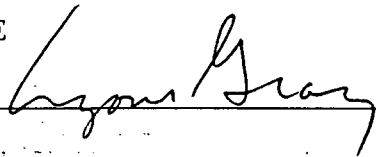
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 283

☐ A BILL TO BE ENTITLED AN ACT TO ALLOW PERQUIMANS
COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep Gray for the Standing Committee on FINANCE

s/

Lyons Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

VISITOR REGISTRATION SHEET

Subcommittee on Local, Regional & State Revenues

April 9 , 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

EXPLANATION OF HOUSE BILL 283:
Perquimans School Acquisition

TO: House Finance Subcommittee
FROM: Cindy Avrette, Committee Counsel
DATE: April 9, 1997
SPONSOR: Representative Culpepper

House Bill 283 is a local bill that applies only to Perquimans County and the local boards of education for school administrative units in that county. The substance of the bill is that same as that enacted in past legislative sessions for 52 other counties.

The bill makes the following changes concerning the acquisition and financing of public school facilities:

- (1) It authorizes Perquimans County to acquire real or personal property for use by a school administrative unit located in the county when requested to do so by the unit. Under current law, only those counties listed in G.S. 153A-158.1(a), have this authority. Under general law, a county is authorized to acquire real or personal property only on behalf of the county or an agency of the county and a school administrative unit is not an agency of the county.
- (2) It authorizes the local boards of education to contract with Perquimans county for the erection or repair of a public school building that is located on a site owned by the county. Under current general law, local boards of education are required to hold title to all school property and therefore have no authority to make contracts concerning the construction or repair of school buildings located on sites not owned by them.
- (3) It authorizes the local boards of education to transfer to the county property on which a school building in need of renovation or repair is located for any price agreed to by the board of education and the county. Current law requires transfers from a local board of education to a county to be at fair market value and allows a local board of education to transfer property to a county only if the board does not believe the property is necessary or desirable for a school.

The effect of these changes is to allow certain installment financing to be used for public school construction or renovation. The installment financing that can be used is an installment contract secured by a security interest in the building constructed or renovated. This type of financing is available to counties but is not generally available to school administrative units. Under G.S. 160A-20,

only a school administrative unit located in a county whose population exceeds 90,000 and whose local board of education can levy a school tax is authorized to use this type of financing.

One type of installment financing is the issuance of certificates of participation. A certificate of participation is a document setting out the share of a local unit's debt that is owed to that person. In practice, the holder of the certificate receives interest and principal payments in a manner similar to interest and principal payments on a bond issued by the borrowing unit. Unlike the issuance of a bond, however, the issuance of a certificate of participation is not subject to a vote of the people.

If a county builds and equips a school on behalf of a local school administrative unit, the county can receive a refund of sales and use taxes paid on the project. In contrast, the local school administrative unit could not receive a refund of these taxes if it built and equipped the school itself. This is because a local school administrative unit is not one of the governmental entities that are allowed refunds of sales and use taxes under G.S. 105-164.14(c).

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: April 15, 1997

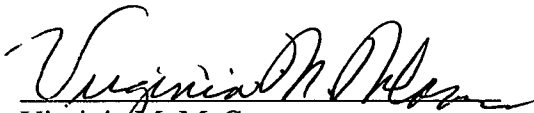
The subcommittee met in Room 415 of the Legislative Office Building at 12:00. Those members in attendance were: Rep. Dewey L. Hill, Chairman; Rep. Charles Buchanan; Rep. Russell Capps; Rep. Andrew Thomas Dedmon; Rep. Rick Eddins; Rep. Danny McComas; Rep. Mia Morris; Rep. John M. Rayfield and Rep. Edgar V. Starnes.

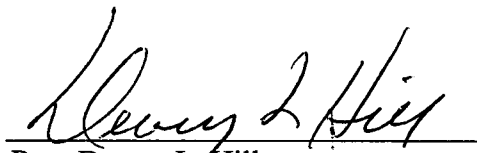
Chairman Hill called the meeting to order and recognized Ms. Laura Humphries from Person County who was serving as a Page at the General Assembly this week. Chairman Hill called on Rep. Decker to come forward in support of HB72, Oak Ridge Incorporated. Rep. Decker stated that the Guilford County Commissioners had passed a Resolution in favor of this incorporation. Chairman Hill recognized Rep. Eddins who made the motion for a favorable report on the bill. Chairman Hill then called for a vote, and the bill received a favorable report.

Chairman Hill then recognized Rep. Ives to come forward in support of his bill, HB549, Asheville, Biltmore Boundary. Rep. Ives stated that this was an unusual swap of land by the City of Asheville and the Town of Biltmore Forest. He further stated that everyone is in agreement. Chairman Hill recognized Rep. Eddins who made the motion for a favorable report on the bill. Chairman Hill then called for a vote and the bill received a favorable report.

There being no further business, Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

file

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☐ Committee Substitute for
H.B. 549

☐ A BILL TO BE ENTITLED AN ACT TO EXCHANGE TRACTS OF LAND BETWEEN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE TOWN OF BILTMORE FOREST.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep Gray for the Standing Committee on FINANCE

s/ Lyons Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.

file

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Fiscal, Regional & State Revenues of the Standing Committee on FINANCE.

- ☐ Committee Substitute for
H.B. 549 ☐ A BILL TO BE ENTITLED AN ACT TO EXCHANGE TRACTS
OF LAND BETWEEN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE
TOWN OF BILTMORE FOREST.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep Gray for the Standing Committee on FINANCE

s/ Lyons Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.

VISITOR REGISTRATION SHEET

Subcommittee on Local, Regional & State Revenues

Tuesday, April 15

, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

Ginny McCann (Rep. Hill)

From: Cindy Brooks (Finance Committee Clerk)
Sent: Tuesday, April 15, 1997 2:19 AM
To: Ginny McCann (Rep. Hill)
Subject: Referral to your committee



4-15-97 bill
reassigned.doc

Ginny,

Rep. Gray announced this on the floor tonight. Here is your form. Rep. Hill also announced it would be in your meeting tomorrow at noon. Thanks. cjb

Cindy J. Brooks (Finance Comm.)
733-5863
cindyb@ms.ncga.state.nc.us

REFERRAL FORM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

COMMITTEE: **Finance**

CHAIRMAN: **Representative Gray, Brawley, Dickson & C. Wilson**

DATE: **4-15-97**

Bill Number (Indicate **H** or **S**): **HB-72**

Short Title: **Oak Ridge Incorporated**

Assigned to Subcommittee on: **Local, Regional & State Revenue**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 72

Short Title: Oak Ridge Incorporated.

(Local)

Sponsors: Representative Decker.

Referred to: Local and Regional Government II, if favorable, Finance.

February 6, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A charter is enacted for the Town of Oak Ridge to read:

6 "CHARTER OF THE TOWN OF OAK RIDGE.

7 "CHAPTER 1.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Section 1.1. The inhabitants of the Town of Oak Ridge are a body corporate and
10 politic under the name 'Town of Oak Ridge'. Under that name they have all the
11 rights, powers, duties, privileges and immunities conferred and imposed upon cities
12 by the general law of North Carolina.

13 "CHAPTER 2.

14 "CORPORATE BOUNDARIES.

15 "Sec. 2.1. Until changed in accordance with law, the boundaries of the Town of
16 Oak Ridge are as follows:

17 All the territory in Oak Ridge Township, Guilford County, as of January 1, 1997.

18 "CHAPTER 3.

19 "GOVERNING BODY.

20 "Sec. 3.1. The governing body of the Town of Oak Ridge is the Town Council,
21 which has five members.

22 "Sec. 3.2. The qualified voters of the entire Town elect the members of the Town
23 Council.

"Sec. 3.3. From the effective date of this charter until the organizational meeting of the Town Council after the 1999 municipal elections the Mayor, Mayor Pro Tem, and the other three members of Town Council will be:

Interim Mayor	Bill Parrish
Mayor Pro Tem	Gary Blackburn
Council	Mack Peoples
Council	Greg Bissett
Council	Roger Howerton

The Interim Mayor and Mayor Pro Tem named by this section shall only serve as such if another council member is not chosen for that position as provided by Section 3.5 of this Charter.

"Sec. 3.4. At the regular Town election in 1999, five council members shall be elected. The persons receiving the three highest numbers of votes shall be elected for four-year terms, and the two persons receiving the next highest numbers of votes shall be elected for two-year terms. In 2001 and quadrennially thereafter, two council members shall be elected for four-year terms. In 2003 and quadrennially thereafter, three council members shall be elected for four-year terms.

"Sec. 3.5. At the organizational meeting of the initial council and at the organizational meeting after each election, the council shall elect one of its members to serve at its pleasure as Mayor.

"CHAPTER 4.

"ELECTIONS.

"Sec. 4.1. The Town Council shall be elected by the nonpartisan plurality method as provided by G.S. 163-292. Elections shall be governed by general law except as provided otherwise by this Charter.

"CHAPTER 5.

"ADMINISTRATION.

"Sec. 5.1. The Town of Oak Ridge shall operate under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"CHAPTER 6.

"TAXATION.

"Sec. 6.1. Notwithstanding G.S. 160A-209(d), except with the approval of the qualified voters of the Town in a referendum under G.S. 160A-209, the Town may not levy ad valorem taxes in excess of twenty cents (20¢) on the one hundred dollars (\$100.00) valuation. This section does not limit taxation to pay the debt service on general obligation indebtedness incurred by the Town in accordance with law."

Section 2. From and after the effective date of the incorporation, the citizens and property in the Town of Oak Ridge shall be subject to municipal taxes levied for the year beginning July 1, 1997, and for that purpose the Town shall obtain from Guilford County a record of property in the area herein incorporate which was listed for taxes as of January 1, 1997, and the businesses in the Town shall be liable for privilege license tax from the effective date of the privilege license tax ordinance. The Town may adopt a budget ordinance for fiscal year 1997-98, without following the timetable in the local government budget and fiscal control act, but shall follow

1 the sequence of actions in the spirit of the act insofar as is practical. For fiscal year
2 1997-98 ad valorem taxes may be paid at par or face amount within 90 days of
3 adoption of the budget ordinance, and thereafter in accordance with the schedule in
4 G.S. 105-36 as if taxes had been due and payable on September 1, 1997.

5 Section 3. (a) The Guilford County Board of Elections, shall conduct an
6 election on the Tuesday after the first Monday in November of 1997 for the purpose
7 of submission of the proposed Charter to the qualified voters of the area described in
8 Section 2.1 of the Charter of the Town of Oak Ridge. Registration for the election
9 shall be conducted in accordance with G.S. 163-288.2.

10 (b) In the election, the question on the ballot shall be:

11 "[] FOR [] AGAINST

12 Incorporation of the Town of Oak Ridge".

13 Section 4. In such election if a majority of the votes cast are not cast
14 "For incorporation of the Town of Oak Ridge", then Sections 1 and 2 of this act shall
15 have no force or effect.

16 Section 5. In such election, if a majority of the votes cast shall be cast
17 "For incorporation of the Town of Oak Ridge", then Sections 1 and 2 of this act shall
18 become effective on the date that the Guilford County Board of Elections determines
19 the result of the election.

20 Section 6. This act is effective when it becomes law.

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: April 22, 1997

The subcommittee met in Room 415 of the Legislative Office Building at noon. Those members in attendance were: Rep. Cherie Berry; Rep. Charles Buchanan; Rep. Russell Capps; Rep. Andrew Dedmon; Rep. Rick Eddins; Rep. Danny McComas; Rep. Richard Morgan; Rep. Mia Morris; Rep. John Rayfield; Rep. Edgar Starnes and Ex-Officio Member, Rep. Julia Howard.

Chairman Hill called the meeting to order and recognized Rep. Starnes to come forward in support of his bill, HB373, Caldwell Annexation Restricted. Rep. Starnes stated that he had an amendment for his bill (attachment "A") which deletes Davidson county from the bill. Chairman Hill recognized Rep. Eddins who made the motion to adopt the amendment for discussion, and the motion carried.

Rep. Starnes stated that his bill was designed to prohibit involuntary annexation by the City of Hickory in Caswell County. The city is primarily located in Catawba County. Last year annexation of a large industrial park took place. But large residential areas were located adjacent to this park and the residents of this area have asked the Town of Granite Falls to take them into their extraterritorial jurisdiction. This bill simply states that if Hickory wants to take this area into their city limits the people in the affected area should vote on the matter. He further stated that the City of Hickory had assured him that they would never annex any property in Caswell County, unless it is a voluntary annexation. Rep. Starnes stated that the bill has the support of the entire delegation, and that he had signed petitions in support of the bill with him as well.

Chairman Hill recognized Ex-Officio member Rep. Julia Howard who made the motion for a favorable report on the bill. Chairman Hill recognized Rep. Buchanan who stated his opposition. Rep. Buchanan further stated that he had many letters and much communication opposing the bill, and stated that he felt Rep. Starnes should displace the bill for a short period of time. Chairman Hill recognized Rep. Starnes who stated that he had no opposition to the bill and would not accept displacement.

Chairman Hill recognized Ms. Patricia M. Moss, Mayor Pro-tem of the City of Hickory who stated her opposition and the opposition of others in her area. She stated that the city's policy is that they do not cross county lines to annex without being invited. She further stated the city's opposition in that it sets a precedent for the rest of the state. Ms. Moss pleaded with the committee to send the bill to a subcommittee and give the matter further attention.

Rep. Starnes stated that he felt the bill was a good one, and did not violate the city's policy.

Chairman Hill stated that the committee had Rep. Howard's motion before them and asked for further discussion. He then recognized Rep. Buchanan who asked if the other Catawba County representatives present would state their position. The Chairman recognized Rep. Brawley who stated that he did not represent that particular part of the county. He further stated that it was his understanding the City of Hickory has water and sewer lines in place in that area and a good relationship exists, and he did not see any need for the bill.

The Chairman recognized Rep. Berry who stated that the bill represents a dilemma for her. She further stated that she appreciated the right of the people to make decisions themselves, and that she was in a quandary with the bill. Chairman Hill asked for further discussion and Rep. Rayfield stated that he would like to see the bill postponed. Rep. Starnes stated that all parties were present to answer any questions. Chairman Hill then recognized Rep. Morgan who stated that the bill was a local bill. He stated that Rep. Starnes must support the bill on the floor, and that he felt that Rep. Starnes would not put his name on the line if he did not think it was the right thing to do.

Chairman Hill recognized Rep. Morgan who made the motion for a favorable report on the committee substitute, as amended, and unfavorable as to original bill. The motion carried.

Chairman Hill called upon Rep. Davis to support HB 542, Harnett Community College Acquisition. Rep. Davis stated that SB363 was identical to his bill which had already passed in the Senate and he preferred to work on that bill. He stated that the bill was at the request of the county commissioners and the community college. Rep. Davis stated that he would like to see the subcommittee give a favorable report to the bill. Chairman Hill advised the members that they had before them S363 for discussion. He called for further discussion and there being none, Rep. Eddins made the motion for a favorable report and the motion carried.

Chairman Hill called upon Rep. Rayfield to come forward and support his bill, HB643, Belmont Annexation Agreement. Rep. Rayfield stated that the bill is truly non controversial. Rep. Hill recognized Rep. Capps for the motion for a favorable report and the motion carried.

Chairman Hill recognized Rep. Wilkins to come forward and support HB681, Roxboro Charter. Rep. Wilkins stated that there was an increase from \$5 to \$10 for a fee for automobiles. He further stated that section 8.2 includes a suggestion of the city attorney authorizing the city to levy a gross receipts base privileged licenses tax. Rep. Wilkins stated that he was looking for guidance from the subcommittee on this particular point. Rep. Wilkins stated that he had the city manager with him today. Chairman Hill recognized Rep. Capps who stated that he felt Rep. Wilkins had some doubts with regard to the bill, particularly section 8.2, and stated that he would like to offer an amendment to remove that portion. (See Attachment "B"). Further discussion continued on how many cities are using gross receipts particularly, and the chairman

recognized Mr. Andy Romanet, General Counsel of the League of Municipalities, who stated that this has been debated in revenues laws at great length. He stated that there are discrepancies, and that this was not a league-sponsored bill. He further stated that it was at the request of the community which held several public hearings on this. He further stated that he would defer to Rep. Wilkins and the city manager on this bill.

Chairman Hill recognized Rep. Morgan who had further questions of Mr. Romanet who reiterated his prior position. Further discussion continued regarding deleting the portion in the Capps Amendment. Chairman Hill called for the vote, and the bill as amended was given a favorable report.

Chairman Hill recognized Rep. Morgan to come forward in support of HB695, Aberdeen Annexation. Rep. Morgan stated that the bill simply allows the Town of Aberdeen to annex an area known as the Berkley Community. He stated that there was no opposition to the bill, and Chairman Hill recognized Rep. Starnes who made the motion for a favorable report on the bill and the motion carried. Rep. Morgan had an additional bill on the subcommittee's agenda today, HB753, Aberdeen Southern Pines Boundary, and Chairman Hill recognized Rep. Morgan to support the bill. Rep. Morgan stated that the bill came from the town of Aberdeen with consensus from the Town of Southern Pines. He further stated that the bill was here because it involves incorporation by each of these towns. The first property is referred to as the Martin property, and is within the existing limits of the City of Aberdeen. The second property is known as the Walmart property, and it is currently within an unincorporated area of Moore County. He further stated that it was the desire of both town to have the Martin property detached from the Town of Aberdeen and incorporated into the Town of Southern Pines, and to have the Walmart property released from the annexation agreement and incorporated into the Town of Aberdeen.

Chairman Hill recognized Rep. Buchanan who made the motion for a favorable report on the bill and the m

Chairman Hill recognized Rep. Preston to come forward and support HB865, Sneads Ferry Incorporated. Rep. Preston stated that the bill incorporated the community and calls for a referendum by the people. She further stated that one portion of the community did not want to be incorporated and they were removed from the bill. Chairman Hill recognized Rep. Howard who made the motion for a favorable report on the committee substitute and unfavorable as to the original bill. The motion carried.

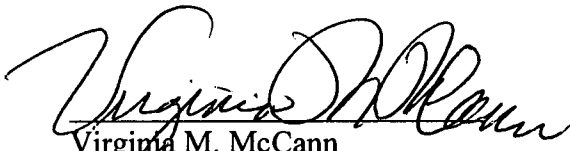
Chairman Hill called upon Rep. Brawley to come forward and support PCS, for HB656, Watershed Exemption/Annexation. Chairman Hill recognized Rep. Eddins who made the motion that the subcommittee adopt the committee substitute for discussion and the motion carried. Rep. Brawley stated that the bill eliminates the controversy from the local bill. He further stated the dire need of the area to build new schools which were prohibited because of the watershed rules. It allows them to exceed the rules and allows them to build the schools at an existing school. He continued to

explain the bill section by section. Rep. Brawley stated that the controversial part of the bill was Section 5. He stated that in 1991 the General Assembly passed a bill that gave extraterritorial jurisdiction to satellite annexation in Mooresville, and the bill eliminates that jurisdiction from any future satellite annexation. He further stated that the last section - No Wake Speed Zones on Lake Norman - currently the lake has these rules and this puts it into a local law.

Chairman Hill recognized Rep. Rayfield who made the motion for a favorable report on the committee substitute, unfavorable as to the original bill and the motion carried.

There being no further business Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

A G E N D A

Subcommittee on Local, Regional & State Revenues

Tuesday, April 22, 1997

Room 415 LOB

12:00 Noon

CALL TO ORDER

Rep. Dewey L. Hill, Chairman

BILLS TO BE DISCUSSED

HB373, Caldwell Annexation Restricted - Rep. Starnes

HB542, Harnett Comm. Coll. Acquisition - Rep. Davis

HB643, Belmont Annexation Agreement - Rep. Rayfield

HB681, Roxboro Charter - Rep. Wilkins

HB695, Aberdeen Annexation - Rep. Morgan

HB753, Aberdeen Southern Pines Boundary - Rep. Morgan

HB865, Sneads Ferry Incorporated - Rep. Preston

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

2

HOUSE BILL 373
Committee Substitute Favorable 3/27/97

Short Title: Caldwell Annexation Restricted.

(Local)

Sponsors:

Referred to:

March 3, 1997

1 **A BILL TO BE ENTITLED**

2 **AN ACT TO REQUIRE ANNEXATION IN CALDWELL AND DAVIDSON**
3 **COUNTIES BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THOSE**
4 **COUNTIES BE APPROVED BY REFERENDUM.**

5 **The General Assembly of North Carolina enacts:**

6 Section 1. (a) **An annexation ordinance adopted under Part 2 or 3 of**
7 **Article 4A of Chapter 160A of the General Statutes as to territory in a county by any**
8 **municipality the majority of whose population is in another county according to the**
9 **most recent decennial federal census is not effective unless approved in a referendum**
10 **provided by subsection (b) of this section.**

11 (b) **Upon adoption of the ordinance, the city council shall order the**
12 **county board of elections to call an election to determine whether or not the**
13 **proposed territory shall be annexed to the city or town. Within 90 days after**
14 **receiving such order from the governing body, the county board of elections shall**
15 **proceed to hold an election on the question.**

16 Such election shall be called by a resolution or resolutions of said county
17 **board of elections which shall:**

- 18 (1) **Describe the territory proposed to be annexed to the said city or**
19 **town as set out in the order of the said local governing body;**
20 (2) **Provide that the matter of annexation of such territory shall be**
21 **submitted to the vote of the qualified voters of the territory**
22 **proposed to be annexed; and**

(3) Provide for registration of voters in the territory proposed to be annexed for said election in accordance with G.S. 163-288.2.

The resolution shall be published in one or more newspapers of the said county once a week for 30 days prior to the closing of the registration books. All costs of holding such election shall be paid by the city or town. Except as herein provided, the election shall be held under the same statutes, rules, and regulations as are applicable to elections in the municipality whose corporate limits are being enlarged.

At such election the question on the ballot shall be:

"[] FOR [] AGAINST

Annexation."

If at the election a majority of the votes cast from the area proposed for annexation shall be "For Annexation", the annexation ordinance shall become effective as provided by law. Otherwise, the annexation ordinance does not become effective.

Section 2. This act applies only to territory in Caldwell and Davidson Counties.

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

(Please type or use ballpoint pen)

373

H. B. No. _____

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.) _____

Sen.) _____

moves to amend the bill on page 1, line 2 and 3by deleting "AND DAVIDSON COUNTIES" and
substituting "COUNTY"further moves to amend the bill on page 1
lines 3 and 4, by deleting "THOSE COUNTIES"
and substituting "THAT COUNTY"further moves to amend the bill on page 2, lines
14 and 15 by deleting "and Davidson Counties",
and substituting "County".

SIGNED

Edgar V. Starns

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 681

Short Title: Roxboro Charter.

(Local)

Sponsors: Representative Wilkins.

Referred to: Local and Regional Government II, if favorable, Finance.

March 31, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
3 ROXBORO.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the City of Roxboro is revised and
6 consolidated to read as follows:

7 "THE CHARTER OF THE CITY OF ROXBORO.

8 "ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

9 "Section 1.1. **Incorporation.** The City of Roxboro, North Carolina, in Person
10 County and the inhabitants thereof shall continue to be a municipal body politic and
11 corporate, under the name of the 'City of Roxboro', hereinafter at times referred to
12 as the 'City'.

13 "Section 1.2. **Powers.** The City shall have and may exercise all of the powers,
14 duties, rights, privileges, and immunities conferred upon the City of Roxboro
15 specifically by this Charter or upon municipal corporations by general law. The term
16 'general law' is employed herein as defined in G.S. 160A-1.

17 "Section 1.3. **Corporate Boundaries.** The corporate boundaries shall be those
18 existing at the time of ratification of this Charter, as set forth on the official map of
19 the City and as they may be altered from time to time in accordance with law. An
20 official map of the City, showing the current municipal boundaries, shall be
21 maintained permanently in the office of the City Clerk and shall be available for
22 public inspection. Upon alteration of the corporate limits pursuant to law, the
23 appropriate changes to the official map shall be made and copies shall be filed in the

1 office of the Secretary of State, the Person County Register of Deeds, and the
2 appropriate board of elections.

3 **"ARTICLE II. GOVERNING BODY.**

4 **"Section 2.1. City Governing Body; Composition.** The City Council, hereinafter
5 referred to as the 'Council', and the Mayor shall be the governing body of the City.

6 **"Section 2.2. City Council; Composition; Terms of Office.** The Council shall be
7 composed of five members to be elected by all the qualified voters of the City voting
8 at large for terms of two years, or until their successors are elected and qualified.

9 **"Section 2.3. Mayor; Term of Office; Duties.** The Mayor shall be elected by all
10 the qualified voters of the City for a term of two years or until a successor is elected
11 and qualified. The Mayor shall be the official head of the city government and shall
12 preside at meetings of the Council, shall have the right to vote only when there is an
13 equal division on any question or matter before the Council, and shall exercise the
14 powers and duties conferred by law or as directed by the Council.

15 **"Section 2.4. Mayor Pro Tempore.** The Council shall elect one of its members as
16 Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence
17 or disability, in accordance with general law. The Mayor Pro Tempore shall serve in
18 such capacity at the pleasure of the Council.

19 **"Section 2.5. Meetings; Quorum.** In accordance with general law, the Council
20 shall establish a suitable time and place for its regular meeting. Special and
21 emergency meetings may be held as provided by general law. The quorum provisions
22 of G.S. 160A-74 shall apply.

23 **"Section 2.6. Meetings; Voting.** An affirmative vote equal to a majority of the
24 members of the Council not excused from voting on the issue (i.e., assuming no
25 member is excused, three Council members) shall be required to adopt an ordinance,
26 take any action having the effect of an ordinance, or make, ratify, or authorize any
27 contract on behalf of the City. In addition, no ordinance nor any action having the
28 effect of any ordinance may be finally adopted on the date on which it is introduced
29 except by an affirmative vote equal to or greater than two-thirds of the actual
30 membership of the Council (excluding vacant seats), unless the Council has first held
31 a public hearing on the ordinance. Therefore, assuming no vacant seats, unless the
32 Council first holds a public hearing on an ordinance, that ordinance may not be
33 adopted on the date it is introduced except by an affirmative vote of four Council
34 members. For purposes of this section, an ordinance shall be deemed to have been
35 introduced on the date the subject matter is first voted on by the Council. This
36 section does not modify G.S. 159-17.

37 **"Section 2.7. Qualification for Office; Compensation; Vacancies.** The
38 qualifications and compensation of the Mayor and Council members shall be in
39 accordance with general law. Vacancies shall be filled as provided in G.S. 160A-63.

40 **"ARTICLE III. ELECTIONS.**

41 **"Section 3.1. Regular Municipal Elections.** Regular municipal elections shall be
42 held in each odd-numbered year in accordance with the uniform municipal election
43 laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the

1 results determined using the nonpartisan election and runoff election method as
2 provided in G.S. 163-279(a)(4) and G.S. 163-293.

3 "Section 3.2. **Election of Mayor.** A Mayor shall be elected in each regular
4 municipal election.

5 "Section 3.3. **Election of Council Members.** Five Council members shall be
6 elected in each regular municipal election.

7 "Section 3.4. **Special Elections and Referenda.** Special elections and referenda
8 may be held only as provided by general law or applicable local acts of the General
9 Assembly.

10 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

11 "Section 4.1. **Form of Government.** The City shall operate under the council-
12 manager form of government in accordance with Part 2 of Article 7 of Chapter 160A
13 of the General Statutes.

14 "Section 4.2. **City Manager; Appointment; Powers and Duties.** The Council shall
15 appoint a City Manager who shall be responsible for the administration of all
16 departments of the City government. The City Manager shall have all the powers
17 and duties conferred by general law, except as expressly limited by the provisions of
18 this Charter, and the additional powers and duties conferred by the Council, so far as
19 authorized by general law. The Council may require the City Manager to reside
20 within the City during the City Manager's tenure of office. In case of the absence or
21 disability of the City Manager, the Council may designate a qualified administrative
22 officer of the City to perform the duties of the City Manager during such absence or
23 disability.

24 "Section 4.3. **City Clerk.** The Council shall appoint a City Clerk to keep a
25 journal of the proceedings of the Council, to maintain official records and documents,
26 to give notice of meetings, and to perform such other duties required by law or as the
27 Council may direct. The City Clerk shall be subject to the supervisory authority of
28 the City Manager.

29 "Section 4.4. **Finance Director.** The City Manager shall appoint a Finance
30 Director to perform the duties designated in G.S. 159-25 and such other duties as
31 may be prescribed by law or assigned by the Manager.

32 "Section 4.5. **Tax Collector.** The Council shall appoint a Tax Collector pursuant
33 to G.S. 105-349 to collect all taxes owed to the City, subject to general law, this
34 Charter, and City ordinances.

35 "Section 4.6. **City Attorney.** The Council shall appoint a City Attorney licensed
36 to practice law in North Carolina. It shall be the duty of the City Attorney to
37 represent the City, advise City officials, and perform other duties required by law or
38 as the Council may direct. The Council may appoint one or more Assistant City
39 Attorneys to assist the City Attorney and to serve in the City Attorney's absence or
40 incapacity and who shall have the same qualifications and duties as the City
41 Attorney.

42 "Section 4.7. **Other Administrative Officers and Employees.** The Council may
43 authorize other positions to be filled by appointment by the City Manager and may

1 organize the City government as deemed appropriate, subject to the requirements of
2 general law.

3 "ARTICLE V. STREETS.

4 "Section 5.1. **Assessments for Street Improvements; Petition Unnecessary.** In
5 addition to any authority granted by general law, the Council may, without the
6 necessity of a petition, order street improvements according to standards and
7 specifications of the City, and assess the total costs or a portion thereof against
8 abutting property, exclusive of the costs incurred at street intersections, according to
9 one or more of the assessment bases set forth in Article 10 of Chapter 160A of the
10 General Statutes, upon the following findings of fact:

11 (1) The street improvement project does not exceed 1,200 linear feet;
12 and

13 (2) a. The street or part thereof is unsafe for vehicular traffic or
14 creates a safety or health hazard and it is in the public
15 interest to make such improvement; or

16 b. It is in the public interest to connect two streets or portions
17 of a street already improved; or

18 c. It is in the public interest to widen a street, or part thereof,
19 which is already improved. Assessments for widening any
20 street or portion of a street without a petition shall be
21 limited to the cost of widening and otherwise improving
22 such street in accordance with street classification and
23 improvement standards established by the City's
24 thoroughfare or major street plan for the particular street or
25 part thereof.

26 "Section 5.2. **Street Improvement Defined.** For the purposes of this Article, the
27 term 'street improvement' shall include grading, regrading, surfacing, resurfacing,
28 widening, paving, repaving, and the construction or reconstruction of curbs, gutters,
29 and street drainage facilities.

30 "Section 5.3. **Procedure; Effect of Assessment.** In ordering street improvements
31 without a petition and assessing the costs thereof under authority of this Article, the
32 Council shall comply with the procedures provided by Article 10 of Chapter 160A of
33 the General Statutes, except those provisions relating to petitions of property owners
34 and the sufficiency thereof. The effect of levying assessments under authority of this
35 Article shall be the same as if the assessments were levied under authority of Article
36 10 of Chapter 160A of the General Statutes.

37 "Section 5.4. **Property Owner's Responsibility.** The Council shall have authority
38 to require every property owner in the City to cut and remove limbs, branches, and
39 parts of trees or shrubbery extending upon or overhanging the streets.

40 "Section 5.5. **City Cutting and Removal; Costs Become Lien.** The Council may, by
41 ordinance, establish a procedure whereby City forces may cut and remove limbs,
42 branches, and parts of trees or shrubbery extending upon or overhanging the streets
43 after failure of the abutting property owner after 10-days' notice to do so. In such
44 event, the cost of such cutting and removal shall become a lien upon the abutting

1 property equal to the lien for ad valorem taxes and may thereafter be collected either
2 by suit in the name of the City or by foreclosure of the lien in the same manner and
3 subject to the same rules, regulations, costs, and penalties as provided by law for the
4 foreclosure of the lien on real estate for ad valorem taxes.

5 "ARTICLE VI. SIDEWALKS.

6 "Section 6.1. **Assessments for Sidewalk Improvements; Petition Unnecessary.** In
7 addition to any authority granted by general law, the Council may, without the
8 necessity of a petition, order sidewalk improvements or repairs according to standards
9 and specifications of the City, and assess the total costs or a portion thereof against
10 abutting property, according to one or more of the assessment bases set forth in
11 Article 10 of Chapter 160A of the General Statutes. Regardless of the assessment
12 basis or bases employed, the Council may order the costs of sidewalk improvements
13 made only on one side of a street to be assessed against property abutting both sides
14 of the street. In ordering sidewalk improvements or repairs without a petition and
15 assessing the costs thereof under authority of this Article, the Council shall comply
16 with the procedures provided by Article 10 of Chapter 160A of the General Statutes,
17 except those provisions relating to petitions of property owners and the sufficiency
18 thereof. The effect of levying assessments under authority of this Article shall be the
19 same as if the assessments were levied under authority of Article 10 of Chapter 160A
20 of the General Statutes.

21 "Section 6.2. **Property Owner's Responsibility.** The Council shall have the
22 authority to require every property owner in the City to keep clean and free of
23 debris, trash, and other obstacles or impediments the sidewalks abutting the owner's
24 property and to require every property owner in the City to cut and remove limbs,
25 branches, and parts of trees or shrubbery extending upon or overhanging the
26 sidewalks abutting the owner's property.

27 "Section 6.3. **City Cleaning or Repair; Costs Become Lien.** The Council may, by
28 ordinance, establish a procedure whereby City forces may clean any sidewalk, remove
29 therefrom any debris or trash, or cut and remove limbs, branches, and parts of trees
30 or shrubbery extending upon or overhanging any sidewalk after failure of the abutting
31 property owner after 10-days' notice to do so. In such event, the cost of the repair,
32 cleaning, cutting, or removal shall become a lien upon the abutting property equal to
33 the lien for ad valorem taxes and may thereafter be collected either by suit in the
34 name of the City or by foreclosure of the lien in the same manner and subject to the
35 same rules, regulations, costs, and penalties as provided by law for the foreclosure of
36 the lien on real estate for ad valorem taxes.

37 "ARTICLE VII. WATER AND SEWER.

38 "Section 7.1. **Construction Outside Corporate Limits.** In addition to any authority
39 granted by general law, the City is authorized to construct or reconstruct water and
40 sewer lines and facilities outside the corporate limits of the City as the Council may
41 deem appropriate, to furnish water and sewer services to industries outside the city
42 limits, and to make such charges for the services as the Council may deem
43 reasonable.

1 "Section 7.2. **Acquisition of Existing Facilities.** In addition to any authority
2 granted by general law, the City is authorized to acquire, by purchase, gift, or
3 exchange existing water and sewer lines and facilities located outside of the corporate
4 limits of the City.

5 "ARTICLE VIII. TAXATION.

6 "Section 8.1. **Motor Vehicles Tax.** The City may levy a license or privilege tax
7 upon motor vehicles resident therein in an amount up to ten dollars (\$10.00) per
8 year, or the amount prescribed by G.S. 20-97, whichever is greater.

9-13 "Section 8.2. **Privilege License Tax.** The City may levy privilege license taxes on
10 all trades, occupations, professions, and franchises carried on within the City unless
11 the trade, occupation, profession, business, or franchise has been completely
12 exempted from municipal privilege license taxes under State law, and may establish
13 the amount of the tax based upon the gross receipts of such businesses.

14 "ARTICLE IX. CITY LAKE REGULATION.

15 "Section 9.1. **Regulation of City Lakes.** In addition to any authority granted by
16 general law, the City is authorized, by ordinance, to regulate, restrict, or prohibit the
17 use of any lakes owned by the City, to prescribe rules under which fishing, boating,
18 and other uses may be permitted thereon, to fix charges for such uses, and to
19 otherwise provide for their operation in accordance herewith. The provisions of any
20 ordinance adopted under authority of this section shall not conflict with applicable
21 State laws, rules, or regulations.

22 "ARTICLE X. CLAIMS AGAINST THE CITY.

23 "Section 10.1. **Settlement of Claims by City Manager.** The Council may authorize
24 the City Manager to settle claims against the City for: (i) personal injuries or damages
25 to property when the amount involved does not exceed the sum of five thousand
26 dollars (\$5,000) and does not exceed the actual loss sustained, including loss of time,
27 medical expenses, and any other expenses actually incurred; and (ii) the taking of
28 small portions of private property which are needed for the rounding of corners at
29 intersections of streets when the amount involved in any such settlement does not
30 exceed five thousand dollars (\$5,000) and does not exceed the actual loss sustained.
31 Settlement of a claim by the City Manager pursuant to this section shall constitute a
32 complete release of the City from any and all damages sustained by the person
33 involved in such settlement in any manner arising out of the incident, occasion, or
34 taking complained of. All settlements and all releases shall be approved by the City
35 Attorney.

36 "ARTICLE XI. PROPERTY DISPOSITION.

37 "Section 11.1. **Disposal of Surplus Personal Property.** The City may dispose of
38 surplus personal property valued at less than two thousand dollars (\$2,000) for any
39 one item or group of items using the procedures authorized in G.S. 160A-266(c)."

40 Section 2. The purpose of this act is to revise the Charter of the City of
41 Roxboro and to consolidate certain acts concerning the property, affairs, and
42 government of the City. It is intended to continue without interruption those
43 provisions of prior acts which are expressly consolidated into this act, so that all
44 rights and liabilities which have accrued are preserved and may be enforced.

1 Section 3. This act does not repeal or affect any acts concerning the
2 property, affairs, or government of public schools or any acts validating official
3 actions, proceedings, contracts, or obligations of any kind.

4 Section 4. The following acts, having served the purposes for which they
5 were enacted or having been consolidated into this act, are expressly repealed:

6 Chapter 253, Private Laws of 1854-55

7 Chapter 268, Private Laws of 1854-55

8 Chapter 109, Private Laws of 1879

9 Chapter 92, Private Laws of 1881

10 Chapter 168, Private Laws of 1887

11 Chapter 71, Private Laws of 1899

12 Chapter 134, Private Laws of 1901

13 Chapter 303, Private Laws of 1903

14 Chapter 762, Public Laws of 1905

15 Chapter 142, Private Laws of 1907

16 Chapter 909, Public Laws of 1907

17 Chapter 244, Private Laws of 1913

18 Chapter 137, Private Laws of 1915

19 Chapter 125, Private Laws, Extra Session of 1921

20 Chapter 175, Private Laws of 1925

21 Chapter 84, Private Laws of 1927

22 Chapter 211, Public-Local Laws of 1941

23 Chapter 288, Session Laws of 1943, except for Section 3

24 Chapter 12, Session Laws of 1953

25 Chapter 502, Session Laws of 1955

26 Chapter 510, Session Laws of 1955

27 Chapter 42, Session Laws of 1957

28 Chapter 425, Session Laws of 1961

29 Chapter 619, Session Laws of 1963

30 Chapter 643, Session Laws of 1965, except for Section 5

31 Chapter 978, Session Laws of 1965.

32 Section 5. The Mayor and Council members serving on the date of
33 ratification of this act shall serve until the expiration of their terms or until their
34 successors are elected and qualified.

35 Section 6. This act does not affect any rights or interests which arose
36 under any provisions repealed by this act.

37 Section 7. All existing ordinances, resolutions, and other provisions of
38 the City of Roxboro not inconsistent with the provisions of this act shall continue in
39 effect until repealed or amended.

40 Section 8. No action or proceeding pending on the effective date of this
41 act by or against the City or any of its departments or agencies shall be abated or
42 otherwise affected by this act.

43 Section 9. Whenever a reference is made in this act to a particular
44 provision of the General Statutes, and such provision is later amended, superseded,

1 or recodified, the reference shall be deemed amended to refer to the amended
2 General Statute, or to the General Statute which most clearly corresponds to the
3 statutory provision which is superseded or recodified.

4 Section 10. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Attachment 82

H. B. No. 681

DATE

S. B. No.

Amendment No.

(to be filled in by
Principal Clerk)

Rep.)
Sen.)

moves to amend the bill on page 6, lines 9-13

by deleting those lines.

SIGNED

[Signature]

ADOPTED FAILED TABLED

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

Preston

H

D

HOUSE BILL 865*
Proposed Committee Substitute H865-PCS2276

Short Title: Sneads Ferry Incorporated.

[Handwritten signature]

(Local)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF SNEADS FERRY, SUBJECT TO
3 A REFERENDUM, AND CONCERNING ZONING BY THE TOWN OF
4 PELETIER.

5 The General Assembly of North Carolina enacts:

6 Section 1. A Charter for the Town of Sneads Ferry is enacted to read:

7 "CHARTER OF THE TOWN OF SNEADS FERRY.

8 "Chapter I.

9 "Incorporation and Corporate Powers.

10 "Section 1.1. **Incorporation and corporate powers.** The inhabitants of the Town of
11 Sneads Ferry are a body corporate and politic under the name 'Town of Sneads
12 Ferry'. Under that name they have all the powers, duties, rights, privileges, and
13 immunities conferred and imposed upon cities by the general law of North Carolina.

14 "Chapter II.

15 "Corporate Boundaries.

16 "Section 2.1. **Town Boundaries.** Until modified in accordance with law, the
17 boundaries of the Town of Sneads Ferry are as follows:

18 COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF N.C.
19 HIGHWAY 210 AND THE WESTERNMOST SIDE LINE OF THE ONSLOW
20 COUNTY WATER DEPARTMENT TANK LOT DESCRIBED IN DEED BOOK
21 567 AT PAGE 230 IN THE ONSLOW COUNTY REGISTER OF DEEDS,
22 THENCE ALONG N.C. HIGHWAY 210 NORTH 26 DEGREES 28 MINUTES 00
23 SECONDS WEST 950.00' TO A POINT IN THE CENTERLINE OF SAID ROAD

1 AND CENTERLINE OF EVERETT'S CREEK, THENCE ALONG THE
2 CENTERLINE OF EVERETT'S CREEK (THE U.S.N.C. LINE) THE FOLLOWING
3 COURSES AND DISTANCES: NORTH 43 DEGREES 32 MINUTES 00 SECONDS
4 EAST 2000.00', NORTH 53 DEGREES 32 MINUTES 00 SECONDS EAST 3780.00',
5 SOUTH 27 DEGREES 28 MINUTES 00 SECONDS EAST 2900.00', NORTH 60
6 DEGREES 32 MINUTES 00 SECONDS EAST 700.00', SOUTH 01 DEGREE 32
7 MINUTES 00 SECONDS WEST 500.00', SOUTH 49 DEGREES 28 MINUTES 00
8 SECONDS EAST 1400.00', NORTH 73 DEGREES 02 MINUTES 00 SECONDS
9 EAST 2200.00', SOUTH 49 DEGREES 58 MINUTES 00 SECONDS EAST 700.00',
10 NORTH 40 DEGREES 02 MINUTES 00 SECONDS EAST 2200.00' TO THE
11 MOUTH OF EVERETT'S CREEK, THENCE NORTH 60 DEGREES 02 MINUTES
12 00 SECONDS EAST 5700.00' TO A POINT IN THE NEW RIVER, THENCE
13 SOUTH 44 DEGREES 58 MINUTES 00 SECONDS EAST (ALONG THE NEW
14 RIVER AND PASSING ALONG 'PROPERTY POINT', 'FULCHER'S LANDING',
15 AND 'HALL'S POINT') 14,400.00 TO A POINT IN THE NEW RIVER OFF OF
16 'HATCH'S ROCK', THENCE SOUTH 00 DEGREES 02 MINUTES 00 SECONDS
17 WEST (PASSING THROUGH THE INTRACOASTAL WATERWAY) 4000.00' TO
18 A POINT OFF OF 'SWAN POINT', THENCE SOUTH 53 DEGREES 02
19 MINUTES 00 SECONDS WEST 5900.00' TO A POINT IN 'CHADWICK'S BAY',
20 THENCE SOUTH 06 DEGREES 54 MINUTES 55 SECONDS EAST 1662.34' TO
21 THE PROPERTY OF 'CHADWICK ACRES INCORPORATED' DESCRIBED IN
22 PLAT BOOK 6 PAGE 88 OF THE ONSLOW COUNTY REGISTER OF DEEDS,
23 THENCE ALONG AND WITH THE PROPERTY OF 'CHADWICK ACRES
24 INCORPORATED' THE FOLLOWING COURSES AND DISTANCES: SOUTH 01
25 DEGREE 52 MINUTES 54 SECONDS WEST 684.00', SOUTH 70 DEGREES 52
26 MINUTES 54 SECONDS WEST 1744.00', NORTH 36 DEGREES 47 MINUTES 06
27 SECONDS WEST 900.50', SOUTH 80 DEGREES 32 MINUTES 54 SECONDS
28 WEST 3022.50' TO A POINT IN THE LINE OF 'GOLDEN ACRES
29 INCORPORATED', THENCE ALONG AND WITH THE LINE OF 'GOLDEN
30 ACRES INCORPORATED' THE FOLLOWING COURSES AND DISTANCES:
31 NORTH 32 DEGREES 27 MINUTES 06 SECONDS WEST 132.36', SOUTH 54
32 DEGREES 32 MINUTES 54 SECONDS WEST 2340.00', SOUTH 00 DEGREES 44
33 MINUTES 22 SECONDS WEST 441.94', SOUTH 44 DEGREES 02 MINUTES 54
34 SECONDS WEST 780.00', SOUTH 14 DEGREES 02 MINUTES 54 SECONDS
35 WEST 230.00', NORTH 87 DEGREES 27 MINUTES 06 SECONDS WEST 760.00',
36 SOUTH 20 DEGREES 02 MINUTES 54 SECONDS WEST 1010.00', SOUTH 63
37 DEGREES 02 MINUTES 54 SECONDS WEST 470.00'. SOUTH 17 DEGREES 27
38 MINUTES 06 SECONDS EAST 500.00' TO THE CORNER OF 'GOLDEN ACRES
39 INCORPORATED' AND THENCE ALONG THE SAME LINE, SOUTH 17
40 DEGREES 27 MINUTES 06 SECONDS EAST 350.00' TO A POINT IN THE LINE
41 OF 'THE TOWN OF NORTH TOPSAIL BEACH', SAID POINT ALSO BEING
42 THE CENTER OF THE NAVIGABLE CANAL OF THE INTRACOASTAL
43 WATER WAY, THENCE ALONG SAID CANAL (AND ALONG THE LINE OF
44 'THE TOWN OF NORTH TOPSAIL BEACH'), SOUTH 72 DEGREES 32

1 MINUTES 54 SECONDS WEST (CROSSING OVER THE HIGH RISE BRIDGE
2 ON N.C. HIGHWAY 210) 10,960.00' TO A POINT AT THE INTERSECTION OF
3 THE CENTER OF THE NAVIGABLE CANAL AND THE CENTERLINE OF
4 'TURKEY CREEK SWAMP' ALSO KNOWN AS 'BRICK CHIMNEY CREEK' OR
5 'GREAT BRANCH', THENCE ALONG SAID SWAMP OR CREEK, NORTH 16
6 DEGREES 57 MINUTES 06 SECONDS WEST (ALONG AND TAKING IN
7 'NORTH SHORE COUNTRY CLUB' PROPERTY) 9160.00' TO A POINT IN THE
8 LINE OF THE 'R. A. JENKINS HEIRS' DESCRIBED IN PLAT BOOK 15 PAGE
9 34 OF THE ONSLOW COUNTY REGISTER OF DEEDS, THENCE ALONG THE
10 LINE OF 'R. A. JENKINS HEIRS' NORTH 51 DEGREES 02 MINUTES 54
11 SECONDS EAST 2147.59' AND NORTH 20 DEGREES 02 MINUTES 00
12 SECONDS EAST 426.52' TO A POINT IN THE CENTERLINE OF SECONDARY
13 ROAD 1518, THENCE ALONG THE APPROXIMATE CENTERLINE OF
14 SECONDARY ROAD 1518 (KNOWN AS THE 'OLD FOLKSTONE ROAD') THE
15 FOLLOWING COURSES AND DISTANCES: NORTH 86 DEGREES 58
16 MINUTES 00 SECONDS WEST 4230.00', SOUTH 81 DEGREES 32 MINUTES 00
17 SECONDS WEST 2530.00', NORTH 74 DEGREES 58 MINUTES 00 SECONDS
18 WEST 1204.91' TO A POINT IN THE CENTERLINE OF SAID ROAD BEING
19 FIVE HUNDRED FEET PAST AND BEYOND SECONDARY ROAD 1528,
20 THENCE ON A COURSE PARALLEL TO AND FIVE HUNDRED FEET
21 PERPENDICULAR TO SECONDARY ROAD 1528 (KNOWN AS THE 'WINERY
22 ROAD' OR 'HENDERSON LANE') THE FOLLOWING COURSES AND
23 DISTANCES: NORTH 23 DEGREES 02 MINUTES 00 SECONDS EAST 795.71',
24 NORTH 21 DEGREES 28 MINUTES 00 SECONDS WEST 862.42', NORTH 08
25 DEGREES 28 MINUTES 00 SECONDS WEST 2123.61', NORTH 52 DEGREES 32
26 MINUTES 00 SECONDS EAST 3791.76', NORTH 15 DEGREES 28 MINUTES 00
27 SECONDS WEST 1983.27' TO A POINT IN THE CENTERLINE OF N.C.
28 HIGHWAY 172, SAID POINT BEING FIVE HUNDRED FEET WEST OF THE
29 CENTERLINE INTERSECTION OF N.C. HIGHWAY 172 AND SECONDARY
30 ROAD 1528, THENCE NORTH 43 DEGREES 12 MINUTES 48 SECONDS EAST
31 (CROSSING OVER LAND OF 'INTERNATIONAL PAPER COMPANY' AND
32 OTHERS 6795.65' TO A CORNER OF THE ONSLOW COUNTY WATER
33 DEPARTMENT LOT (PREVIOUSLY DESCRIBED), THENCE ALONG SAID
34 LOT, NORTH 58 DEGREES 52 MINUTES 00 SECONDS EAST 250.00' TO THE
35 POINT AND PLACE OF BEGINNING CONTAINING APPROXIMATELY 13,000
36 ACRES INCLUDING SOME AREAS BELOW AND BEYOND THE HIGH
37 WATER MARK.

38

39 The following area is expressly excluded from the corporate limits:

40 Commencing at an existing cap & nail in the centerline intersection of N.C.S.R. 1557
41 and N.C.S.R. 1649, thence leaving said centerline intersection and along the
42 centerline of N.C.S.R. 1649 in an eastern direction 1,335.79 feet to a point in said
43 centerline, thence leaving said centerline North 09 degrees 14 minutes 00 seconds
44 East 50.00 feet to a point in the northern right-of-way line of N.C.S.R. 1649 and in

1 the centerline of Oak Lane, thence leaving said northern right-of-way line and along
2 the centerline of Oak Lane, being a private dirt 20' ingress & egress easement the
3 following courses and distances: North 27 degrees 39 minutes 00 seconds East 87.72
4 feet, North 25 degrees 39 minutes 00 seconds East 65.70 feet to a point in said
5 centerline and being The True Point of Beginning: thence from the above described
6 true point of beginning and leaving said centerline North 40 degrees 31 minutes 32
7 seconds West 209.78 feet to a point, thence North 59 degrees 24 minutes 04 seconds
8 East 82.39 feet to a point, thence North 10 degrees 04 minutes 41 seconds West
9 170.05 feet to a point in the approximate mean high water line of Fanny's Creek,
10 thence along said approximate mean high water line the following courses and
11 distances: North 04 degrees 31 minutes 49 seconds East 366.96 feet, North 17 degrees
12 11 minutes 52 seconds East 122.50, North 07 degrees 58 minutes 58 seconds West
13 172.00 feet to a point in the approximate mean high water line of New River, thence
14 leaving the approximate mean high water line of Fanny's Creek and along the
15 approximate mean high water line of New River the following courses and distances:
16 South 55 degrees 41 minutes 03 seconds East 290.00 feet, South 63 degrees 37
17 minutes 02 seconds East 93.37 feet, South 82 degrees 07 minutes 42 seconds East
18 97.85 feet, South 87 degrees 03 minutes 08 seconds East 22.40 feet, North 66 degrees
19 32 minutes 38 seconds East 27.60 feet, South 81 degrees 42 minutes 11 seconds East
20 51.40 feet, South 21 degrees 44 minutes 34 seconds East 73.11 feet, South 46 degrees
21 57 minutes 29 seconds East 54.42 feet, South 69 degrees 13 minutes 56 seconds East
22 80.51 feet, North 80 degrees 46 minutes 04 seconds East 60.00 feet, South 68 degrees
23 13 minutes 56 seconds East 210.00 feet, South 32 degrees 13 minutes 56 seconds East
24 60.00 feet and South 49 degrees 16 minutes 04 seconds West 32.00 feet to a point in
25 the approximate mean high water line of Wheeler's Creek, thence leaving the
26 approximate mean high water line of New River and along the approximate mean
27 high water line of Wheeler's Creek the following courses and distances: North 77
28 degrees 43 minutes 56 seconds West 130.00 feet, North 60 degrees 43 minutes 56
29 seconds West 70.00 feet, North 87 degrees 43 minutes 56 seconds West 25.00 feet,
30 South 60 degrees 46 minutes 04 seconds West 30.00 feet, South 24 degrees 55 minutes
31 34 seconds West 124.84 feet and South 24 degrees 36 minutes 55 seconds West 179.53
32 feet to a point, thence leaving said approximate mean high water line North 69
33 degrees 08 minutes 03 seconds West 330.06 feet to a point in the eastern margin of
34 Oak Lane, thence along said eastern margin the following courses and distances:
35 South 25 degrees 16 minutes 57 seconds West 61.67 feet, South 27 degrees 12 minutes
36 09 seconds West 150.38 feet, South 18 degrees 49 minutes 43 seconds West 128.87
37 feet, South 21 degrees 40 minutes 18 seconds West 88.93 feet and South 25 degrees
38 38 minutes 41 seconds West 39.95 feet to a point, thence leaving said eastern margin
39 North 40 degrees 31 minutes 32 seconds West 10.92 feet to a point in the centerline
40 of said Oak Lane and being the point and place of beginning. Containing 9.12 acres
41 as calculated by Charles Francis Riggs, R.L.S. L-2981 on September 5, 1995 from a
42 composite of maps and deeds and not from an actual field survey as shown on a map
43 entitled "Composite for Stevens Point Property Owners Association as recorded in
44 Map Book 32, Page 222 of the Onslow County Registry.

1 Together, along and with the above described tract are the private, dirt 20' ingress
2 and egress easements known as Oak Lane and Fanny's Creek Lane as shown on Map
3 Book 32, Page 222 of the Onslow County Registry.

4 Also excepting the incorporated areas of the Town of Chadwick Acres, as described
5 in Chapter 1014, Session Laws of 1961.

6 "Chapter III.

7 "Governing Body.

8 "Section 3.1. **Structure of governing body; number of members.** The governing
9 body of the Town of Sneads Ferry is the Town Council, which has six members.

10 "Section 3.2. **Manner of electing board.** The qualified voters of the entire Town
11 elect the members of the Council.

12 "Section 3.3. **Term of office of Council members.** In 1997, the three persons
13 receiving the highest numbers of votes are elected to four-year terms, and the three
14 persons receiving the next highest numbers of votes are elected to two-year terms. In
15 1999 and biennially thereafter, three members are elected for four-year terms.

16 "Section 3.4. **Selection of Mayor; term of office.** The qualified voters of the entire
17 Town elect the Mayor. A mayor shall be elected in 1997 and biennially thereafter for
18 a two-year term. The Mayor may vote on all issues before the Council.

19 "Section 3.5. Neither the Mayor nor the members of the Town Council shall
20 receive any salary from the town.

21 "Chapter IV.

22 "Elections.

23 "Section 4.1. **Conduct of Town elections.** The Town Council shall be elected on a
24 nonpartisan basis and the results determined by the plurality method as provided by
25 G.S. 163-292.

26 "Chapter V.

27 "Administration.

28 "Section 5.1. **Mayor-Council plan.** The Town of Sneads Ferry operates under the
29 Mayor-Council plan as provided by Part 3 of Article 7 of Chapter 160A of the
30 General Statutes."

31 Section 2. (a) The Onslow County Board of Elections shall establish a
32 special candidate filing period for the 1997 municipal election.

33 (b) G.S. 160A-63 shall not apply to the Town until after the
34 organizational meeting following the 1997 municipal election.

35 Section 3. From and after July 1, 1997, the citizens and property in the
36 Town of Sneads Ferry shall be subject to municipal taxes levied for the year
37 beginning July 1, 1997, and for that purpose the Town shall obtain from Onslow
38 County a record of property in the area herein incorporated which was listed for
39 taxes as of January 1, 1997, and the businesses in the Town shall be liable for
40 privilege license tax from the effective date of the privilege license tax ordinance.
41 The Town may adopt a budget ordinance for fiscal year 1997-98 without following
42 the timetable in the Local Government Budget and Fiscal Control Act. For fiscal
43 year 1997-98, ad valorem taxes may be paid at par or face amount within 90 days of

1 adoption of the budget ordinance, and thereafter in accordance with the schedule in
2 G.S. 105-360 as if taxes had been due and payable on September 1, 1997.

3 Section 4. (a) The Onslow County Board of Elections shall conduct an
4 election on a date set by it, to be not less than 60 nor more than 120 days after the
5 date this act becomes law, for the purpose of submission to the qualified voters of the
6 area described in Section 2.1 of the Charter of Sneads Ferry, the question of whether
7 or not such area shall be incorporated as Sneads Ferry. Registration for the election
8 shall be conducted in accordance with G.S. 163-288.2.

9 (b) In the election, the question on the ballot shall be:

10 "[] FOR [] AGAINST

11 Incorporation of Sneads Ferry."

12 Section 5. (a) In such election, if a majority of the votes cast are not cast
13 "FOR Incorporation of Sneads Ferry", then Sections 1 through 3 of this act shall
14 have no force and effect.

15 (b) In such election, if a majority of the votes cast shall be cast "FOR
16 Incorporation of Sneads Ferry" then Sections 1 through 3 of this act shall become
17 effective on the date that the Onslow County Board of Elections determines the result
18 of the election.

19 Section 6. (a) G.S. 160A-360(f) reads as rewritten:

20 "(f) When a city annexes, or a new city is incorporated in, or a city extends its
21 jurisdiction to include, an area that is currently being regulated by the county, the
22 county regulations and powers of enforcement shall remain in effect until (i) the city
23 has adopted such regulations, or (ii) a period of ~~60 days~~ nine months has elapsed
24 following the annexation, extension or incorporation, whichever is sooner. During
25 this period the city may hold hearings and take any other measures that may be
26 required in order to adopt its regulations for the area."

27 (b) This section applies to the Town of Peletier only, and is effective from
28 and after November 4, 1996.

29 Section 7. This act is effective when it becomes law.

Brouley

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 656
PROPOSED COMMITTEE SUBSTITUTE
H656-CSRB-1

Short Title: Watershed Exemption/Annexation.

(Public)

Sponsors:

Referred to: Local and Regional Government II, if favorable,
Finance.

March 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE PROVISIONS OF THE WATERSHED PROTECTION ACT
3 AS THEY APPLY TO SCHOOLS, TO MODIFY THE LAWS RELATING TO
4 SATELLITE ANNEXATION WHICH APPLY TO MOORESVILLE, AND TO LIMIT
5 THE SPEED OF BOATS ON LAKE NORMAN.
6 The General Assembly of North Carolina enacts:
7 PART I. WATERSHED PROTECTION ACT MODIFICATION.
8 Section 1. Notwithstanding any other law, the
9 provisions in G.S. 143-214.5 concerning water supply watershed
10 areas shall not apply to a school administrative unit that is
11 expanding its existing facilities to accommodate rapid school
12 enrollment growth.
13 Section 2. Section 1 of this act applies only to school
14 administrative units in a county which has two school
15 administrative units, one of which is subject to G.S. 160A-
16 20(h)(6).
17 PART II. SATELLITE ANNEXATION.
18 Section 3. Section 2 of Chapter 82 of the 1995 Session
19 Laws reads as rewritten:
20 "Sec. 2. This act applies only to the ~~Towns~~ Town of Apex and
21 ~~Mooreville~~ and only with respect to annexation ordinances

1 adopted on or before December 31, 2000. The authority this act
2 grants to the Town of Apex does not apply to property in Chatham
3 County; therefore, the Town of Apex may not annex property in
4 Chatham County by satellite annexation if the area to be annexed,
5 when added to the area within the satellite corporate limits of
6 the Town of Apex, exceeds the limit set by general law in G.S.
7 160A-58.1(b)(5)."

8 Section 4. G.S. 160A-58.1(b)(5) does not apply to the
9 Town of Mooresville.

10 Section 5. G.S. 160A-58.4, as amended by Chapter 289 of
11 the 1991 Session Laws, reads as rewritten:

12 "§160A-58.4. Extraterritorial powers.

13 Satellite corporate limits for areas annexed prior to May 1,
14 1997, shall be considered a part of the city's corporate limits
15 for the purposes of extraterritorial land-use regulation pursuant
16 to G.S. 160A-360, but not for purposes of abatement of public
17 health nuisances pursuant to G.S. 160A-193. Satellite corporate
18 limits for areas annexed on or after May 1, 1997, shall not be
19 considered a part of the city's corporate limits for the purposes
20 of extraterritorial land-use regulation pursuant to G.S.
21 160A-360, or abatement of public health nuisances pursuant to
22 G.S. 160A-193. However, a city's power to regulate land use
23 pursuant to Chapter 160A, Article 19, or to abate public health
24 nuisances pursuant to G.S. 160A-193, shall be the same within
25 satellite corporate limits as within its primary corporate
26 limits."

27 Section 6. Sections 4 and 5 of this act apply only to
28 the Town of Mooresville.

29 PART III. NO-WAKE SPEED ZONES ON LAKE NORMAN.

30 Section 7. It is unlawful to operate a vessel at greater
31 than a no-wake speed within 50 yards of a boat launching area,
32 bridge, dock, pier, marina, boat storage structure, or boat
33 service area on the waters of Lake Norman. No-wake speed is idle
34 speed or slow speed creating no appreciable wake.

35 With regard to marking the no-wake speed zone established in
36 this section, each of the boards of commissioners of Catawba,
37 Iredell, Lincoln, and Mecklenburg Counties may place and maintain
38 navigational aids and regulatory markers of a general nature on
39 the waters of Lake Norman within the boundaries of each
40 respective county. Provided the counties exercise their
41 supervisory responsibility, they may delegate the actual process
42 of placement or maintenance of the markers to some other agency,
43 corporation, group, or individual. With regard to marking the
44 restricted zones, markers may be placed and maintained by the

1 individuals using the protected areas and facilities in
2 accordance with the Uniform Waterway Marking System and any
3 supplementary standards for that system adopted by the Wildlife
4 Resources Commission.

5 This section is enforceable under G.S. 75A-17 as if it were a
6 provision of Chapter 75A of the General Statutes.

7 PART IV. EFFECTIVE DATE.

8 Section 8. Section 7 of this act is effective when it
9 becomes law and is enforceable after markers complying with
10 Section 7 are placed in the water. The remainder of this act is
11 effective when it becomes law.

VISITOR REGISTRATION SHEET

Subcommittee on Local, Regional & State Revenues

April 22, , 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

file

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☐ Committee Substitute for
H.B. 865 ☐ A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE
TOWN OF SNEADS FERRY, SUBJECT TO A REFERENDUM.

REPORTED TO THE STANDING COMMITTEE ON

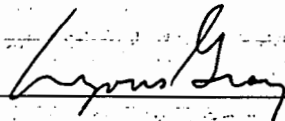
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

542

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☐ Committee Substitute for
S.B. 363 ☐ A BILL TO BE ENTITLED AN ACT TO ALLOW HARNETT
COUNTY TO ACQUIRE AND OTHERWISE MAKE AVAILABLE PROPERTY FOR USE BY
THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE WITHIN THE COUNTY.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 643

☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY
OF BELMONT TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF
ANNEXATION.

REPORTED TO THE STANDING COMMITTEE ON

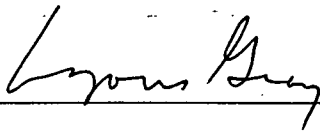
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

- ☐ Committee Substitute for
H.B. 695 ☐ A BILL TO BE ENTITLED AN ACT TO ANNEX A DESCRIBED
AREA TO THE TOWN OF ABERDEEN.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ Lyons Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 753

☐ A BILL TO BE ENTITLED AN ACT TO MOVE A PARCEL OF
PORPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF ABERDEEN AND TO THE
TOWN OF SOUTHERN PINES, AND TO ANNEX A PARCEL OF PROPERTY TO THE TOWN
OF ABERDEEN.

REPORTED TO THE STANDING COMMITTEE ON

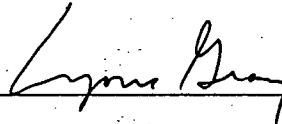
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 681

☐ A BILL TO BE ENTITLED AN ACT TO REVISE AND
CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.

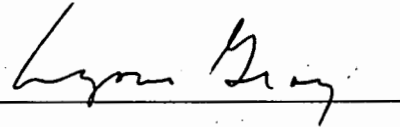
☐ Without prejudice.

☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



☐ With a favorable report.

☐ With a favorable report, as amended.

☒ With a favorable report as to committee substitute bill ~~which changes the title, unfavorable~~
as to original bill.

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

H. 1111

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☒ Committee Substitute for
H.B. 373 ☐ A BILL TO BE ENTITLED AN ACT TO REQUIRE
ANNEXATION IN CALDWELL AND DAVIDSON COUNTIES BY MUNICIPALITIES
LOCATED PRIMARILY OUTSIDE THOSE COUNTIES BE APPROVED BY REFERENDUM.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☐ Committee Substitute for
H.B. 656 ☐ A BILL TO BE ENTITLED AN ACT CONCERNING THE
ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF MOORESVILLE.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.

A G E N D A

Subcommittee on Local, Regional & State Revenues
Tuesday, April 29, 1997

Opening Remarks:

Rep. Dewey L. Hill, Chairman

BILLS TO BE CONSIDERED:

HB 319, Highlands Occupancy Tax - Rep. Carpenter
HB 457, Amend Forest Development Act - Rep. Weatherly
HB 777, Kings Mountain Annexation - Rep. Weatherly
HB 778, Kings Mountain ETJ - Rep. Weatherly
HB 748, Matthews/Charlotte Boundary - Rep. Gulley
HB 810, Nash Room Tax - Rep. Tolson
HB 832, Newland/Spruce Pine Tax Payment - Rep. Thompson
HB 836, Airport Econ. Develop. Zone Act - Rep. Wright
HB 843, Cedar Rock Incorporated - Rep. Starnes
HB 1044, County Tax Information Recipient - Rep. Rogers

ADJOURNMENT

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: April 29, 1997

The subcommittee met in Room 415 of the Legislative Office Building at noon. Those members in attendance were: Rep. Cherie Berry; Rep. Charles Buchanan; Rep. Russell Capps; Rep. Andrew Dedmon; Rep. Danny McComas; Rep. Mia Morris; Rep. John Rayfield and Rep. Edgar Starnes.

Chairman Hill called the meeting to order and recognized two pages who were serving at the General Assembly this week: Ms. Corrie Reel and Ms. Allison Plute from Johnson County.

Chairman Hill recognized Chairman Lyons Gray of the House Finance Committee who stated that HB476, Vital Record Access, introduced by Rep. Hurley, had not officially been referred to this subcommittee. Rep. Hurley kindly consented to having the bill displaced until the the subcommittee meets again on Wednesday, April 30th.

Chairman Hill recognized Rep. Weatherly to come forward in support of HB457, Amend Forest Development Act. Rep. Weatherly stated the bill received a favorable report from the House Agriculture Committee. He explained that this bill requires a land owner to agree to maintain good forest practices for a ten year period in return for cost share funds. The land owner must repay the cost share funds if the 10-year agreement is broken. If the land owner sells the property, the new land owner must commit to maintain good forest practices for the remainder of the 10-year period or the cost share funds must be repaid. He further stated that the bill converts the Forest Development Fund to one that does not revert at the end of a fiscal year and that accrues interest. Chairman Hill recognized Rep. Starnes who made the motion for a favorable report and the motion carried.

Chairman Hill stated that Rep. Weatherly had two additional bills before the subcommittee, and asked the representative to explain them. The second bill, HB777, Kings Mountain Annexation, was a permit for satellite annexation. He further stated that the city cannot annex further property, and that the bill contains safeguards for this. Rep. Buchanan made the motion for a favorable report on this bill and the motion carried. Rep. Weatherly then explained HB778, Kings Mountain ETJ. He stated that this bill would allow the town to extend their extraterritorial jurisdiction to the second mile, and that the county must agree to the extension. Rep. Weatherly stated that there was no objection. Chairman Hill recognized Rep. Starnes who made the motion that the bill receive a favorable report and the motion carried.

Chairman Hill recognized Rep. Gulley to come forward and explain HB 748, Matthews/Charlotte Boundary. Rep. Gulley stated this was an annexation agreement between the two towns and asked the subcommittee for a favorable report. Chairman Hill

recognized Rep. Rayfield who made the motion for a favorable report and the motion carried.

Chairman Hill recognized Rep. Thompson to come forward and explain HB 832, Newland/Spruce Pine Tax Payment. Rep. Thompson stated that the bill was at the request of both city councils by unanimous resolution. Chairman Hill recognized Rep. Buchanan who made the motion for a favorable report and the motion carried.

Chairman recognized Rep. Wright to come forward and explain HB 836, Airport Economic Development Zone Act. Rep. Wright stated the City of Wilmington has very little desire at this time to annex the airport. Chairman Hill recognized Rep. McComas who made the motion for a favorable report and the motion carried.

Chairman Hill recognized Rep. Starnes to come forward and explain HB 843, Cedar Rock Incorporated. Rep. Starnes stated this was at the request of the residents. Chairman Hill recognized Senator Kincaid who stated that he was a resident of this area and the senator spoke in favor of the bill. Chairman Hill recognized Rep. Buchanan who made the motion for a favorable report and the motion carried.

Chairman Hill recognized Rep. Rogers to come forward to explain HB1044, County Tax Information Recipient. Rep. Rogers stated that during the last session authority was given to the chair of a county board of commissioners to acquire some statistics from the Department of Revenue. This bill would allow the board of county commissioners to designate a person to receive this information. Chairman Hill recognized Rep. Buchanan who made the motion for a favorable report and the motion carried.

Chairman Hill recognized Rep. Carpenter to come forward and explain HB319, Highlands Occupancy Tax. Chairman Hill recognized Rep. Buchanan who made the motion that the subcommittee had a committee substitute for the bill before them for discussion, and the motion carried. Rep. Carpenter stated that the bill was introduced at the request of the Town of Highlands, and that this bill was asking for authority to levy a room occupancy tax. Rep. Carpenter noted that he was aware that there was opposition to the bill from the Travel and Tourism Coalition because the revenue raised from the tax could be used for any public purpose. The Travel and Tourism Coalition feels strongly that the revenue raised from all occupancy taxes should be used to further travel and tourism. He further stated that a member had requested that the voters of Highlands be able to decide whether to impose this tax and that he supported amending the bill to call for a referendum on the issue of whether to impose the tax. He further stated that obviously this would be more advantageous to the people he represents than a property tax increase.

Chairman Hill recognized Mr. Jim Hobbs, Executive Director of the Hotel Motel Association to come forward and speak on HB319. Mr. Hobbs stated that the association was opposed to the bill and asked the subcommittee to see a petition (Attachment "A")

in opposition to the bill as well. He further stated that Highlands is a tourism based economy, and that this 3% tax would be detrimental to tourism. The rooms in Highlands are currently subject to a 6% State and local sales tax and a 3% county room occupancy tax. The effect of this bill would be to impose a 12% tax on rooms in Highlands. Chairman Hill recognized Mr. Jerry Hancock of the Travel and Tourism Coalition who stated the coalition's opposition to the bill as well. He further stated that the room occupancy tax is a tax on just one industry – hotels and motels. The Coalition has been working with the General Assembly to adopt some statewide standards which would assure that the money generated by this tax would be used for tourism promotion because this is a cause that will directly benefit the industry upon which the tax is imposed.

Upon completion of Mr. Hancock's remarks, Chairman Hill recognized Rep. Carpenter who stated that the bill did not call for a 12% tax. Under the bill, the room occupancy tax in Highlands, when combined with the 3% county occupancy tax, would be 6%. Other areas, such as Raleigh, imposed a room occupancy tax at the 6% rate. He said the revenue from this tax would allow the town of Highlands to upgrade its infrastructure, which would enhance its appeal to tourists.

Chairman Hill recognized Rep. Capps who submitted an amendment (Please see Attachment "B") which would require a referendum on the issue of imposing a 3% room occupancy tax in Highlands.

Further questions and discussion continued concerning the infrastructure. Chairman Hill recognized Rep. Berry who had a question with regard to the homes in the area being owned and rented, and Rep. Carpenter stated that most of these are located outside the city limits. Rep. Berry had a question with regard to a fiscal note, and Rep. Carpenter stated that since it was a local bill he did not request one. Rep. Starnes was recognized by the chairman with a question as to who requested the bill and Rep. Carpenter stated that the bill was at the request of the city council. Further discussion continued with regard to the use of the revenues and Rep. Carpenter stated that the town of Highlands needs the revenues in order to maintain its attractiveness to tourists.

Chairman Hill recognized Rep. Rayfield who had a question with regard to the population of the area which Rep. Carpenter stated was a little over 1,000. It was further stated that 25% of the collected revenues goes to travel and tourism. Rep. Rayfield stated that he felt 12% was a very high tax, and Rep. Carpenter stated that if you could afford to go to this area, then obviously this tax would not be a burden to you. Chairman Hill recognized Rep. Capps to speak on his proposed amendment (Attachment "B"), and Chairman Hill called for a vote on the amendment which carried. Chairman Hill recognized Rep. Buchanan who made the motion for a favorable report on the committee substitute, unfavorable on the original bill. Rep. Starnes then asked to be recognized. He questioned whether the bill would be referred to the Travel and Tourism Committee to look into the policy aspects of the bill. Chairman Hill responded that the decision regarding the referral of bills rest with the Speaker of the House. Chairman Hill

recognized Rep. McComas who asked that the amendment be rolled into a committee substitute.

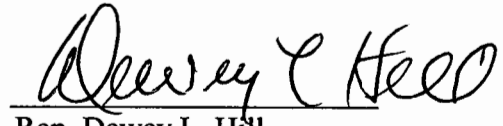
The final motion was made that the amendment be incorporated into a new proposed committee substitute and that the committee substitute be given a favorable report. The vote on that motion failed by a count of three (3) for and five (5) opposed.

Chairman Hill recognized Rep. Tolson to come forward and explain HB 810, Nash Room Tax. Rep. Tolson stated that Nash County was asking for an additional 3% tax which would go for travel and tourism to study the issue of a tourism center for this area. Chairman Hill recognized Rep. Dedmon who made the motion for a favorable report on the bill and the motion carried.

There being further business, Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

file

EXPLANATION OF HOUSE BILL 1044: *County Tax Information Recipient*

TO: House Finance Subcommittee
FROM: Cindy Avrette, Committee Counsel
DATE: April 29, 1997
SPONSOR: Representative Rogers

In 1995, the General Assembly gave counties access to information regarding local sales tax refunds paid to nonprofit corporations and governmental entities. Under prior law, counties did not have access to this information because the local sales tax is collected by the State and the tax secrecy statute prevents the Department of Revenue from disclosing information about individual taxpayers. Without information about local sales tax refunds, counties were not able to audit claims for refunds against them. The counties had to rely on the Department of Revenue to audit the claims, but the Department does not have enough resources to provide the level of audit some counties wished to provide for themselves.

To obtain information concerning local sale tax refunds, a county must request the information in writing from the Secretary of Revenue. The Secretary has 30 days to provide the chair of the board of county commissioners with a list of each nonprofit corporation or governmental entity that received a refund of at least \$1,000 of that county's local taxes within the last 12 months. **House Bill 1044** allows the county board of commissioners to designate a county official to receive this information from the Department of Revenue. If the board has not adopted such a resolution, then the Department will continue to send the requested information to the chair of the board of county commissioners.

The county uses the list it receives from the Department to identify entities whose refund claims the county may wish to audit. Upon the written request of the county, an entity that has received a refund must provide the county with a copy of the request for refund, along with supporting documentation requested by the county to verify the request. If an entity determines that a refund it has received has been charged to the wrong county, it must file an amended return for the refund. The amended return will enable the Department to make the appropriate adjustments in the subsequent quarterly distribution of local sales tax revenue.

Under G.S. 105-164.14, nonprofit corporations and certain governmental entities may seek a refund of State and local sales taxes they pay on their purchases. To do so, these entities must file a written request for refund with the

Department of Revenue and name the counties where the purchases were made. The Secretary of Revenue deducts the claimed refunds of local sales taxes from tax revenue distributed to the counties. Errors in identifying the correct county in refund claims occur because the local sales tax applies to the county in which the retailer is located, not the county in which the purchaser is located. Some counties believe that entities located in one county who pay sales tax to another county are claiming the refund against the county in which they are located, rather than against the county in which they made the purchase.

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TO: House Finance Subcommittee
FROM: Cindy Avrette, Committee Counsel
DATE: April 29, 1997
SPONSOR: Representative Rogers

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EXPLANATION OF HOUSE BILL 457:
Amend Forest Development Act (2nd Edition)

TO: House Finance Committee
FROM: Cindy Avrette, Committee Counsel
DATE: April 29, 1997
SPONSOR: Representative Weatherly
Agency Bill

House Bill 457 amends the Forest Development Act in three ways:

- It requires a landowner to enter into a written agreement with the Department of Environment, Health, and Natural Resources before the landowner can receive any cost-sharing payments. The landowner must agree to implement approved forestry practices on land suitable for forestry purposes and must agree to maintain those practices for at least 10 years. Under the bill, if a landowner fails to maintain the practices for a 10-year period, the landowner must repay all cost-sharing funds received for that land. If the landowner voluntarily relinquishes control or title to the land on which the approved practices have been established, the landowner may do one of two things: (1) obtain an agreement from the new owner to maintain the approved practices for the remainder of the 10-year period; or (2) repay the cost-sharing payments.
- It makes the Forest Development Fund a special trust fund that is interest-bearing and nonreverting.
- It repeals the expenditure limit on the Fund. Under current law, expenditures from the Fund are limited to four times the amount of the General Fund appropriation that year. This bill repeals this limitation.

The legislature created the State's first cost-sharing program and the companion forest product assessment in 1977. The Forest Development Program was designed to encourage woodland owners to reforest their land after harvest and to put idle or underproductive land into trees. The program offers cost share assistance to private landowners as an incentive to put and keep foestland in a forest development plan. There is an assessment levied on primary forest products processed from North Carolina timber to provide the major source of funds for this program. The General Assembly also appropriates money for the program.

An eligible landowner may receive forest development cost sharing payments for satisfactorily completing approved forestry practices. The amount of assistance cannot exceed the lesser of 60% of the landowner's actual per acre

cost incurred in implementing the approved practices or 60% of the prevailing per acre cost as determined by the Secretary. In 1995, it was estimated that 561,000 acres had been planted through the program. Since the program began, instances of willful destruction and neglect of trees for which cost-sharing payments have been received are increasing. The investment sought to encourage is lost when the planted trees are not brought full cycle to commercial harvest. To address this problem, this bill requires recipients of the cost share funds to reimburse the program if trees are not maintained and protected for 10 years. The funds would be used to fund new projects.

There has not been an increase in the assessment rate since the establishment of the program 1977. The State has appropriated \$700,000 to the Fund each year since 1993. However, at the current rate, existing funds are not expect to last throughout the fiscal year. Under the current law, any State appropriations left in the fund at the end of the fiscal year revert to the General Fund and any interest accruing on the money in the Fund is credited to the General Fund. Under this bill, the Fund becomes an interest-bearing, non-reverting fund to help maintain and increase the revenue available in the Fund.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 319
PROPOSED COMMITTEE SUBSTITUTE
H319-CSR-1

Short Title: Highlands Occupancy Tax. (Local)

Sponsors:

Referred to: Local and Regional Government II, if favorable,
Finance.

February 25, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE TOWN OF HIGHLANDS TO LEVY A ROOM
3 OCCUPANCY AND TOURISM DEVELOPMENT TAX.
4 The General Assembly of North Carolina enacts:
5 Section 1. Occupancy tax.
6 (a) Authorization and scope. The Board of
7 Commissioners of the Town of Highlands may levy a room occupancy
8 tax of up to three percent (3%) of the gross receipts derived
9 from the rental of any room, lodging, or accommodation furnished
10 by a hotel, motel, inn, tourist camp, or similar place within the
11 town that is subject to sales tax imposed by the State under G.S.
12 105-164.4(a)(3). This tax is in addition to any State or local
13 sales tax. This tax does not apply to accommodations furnished
14 by nonprofit charitable, educational, or religious organizations.
15 (b) Administration. A tax levied under this section
16 shall be levied, administered, collected, and repealed as
17 provided in G.S. 160A-215. The penalties provided in G.S. 160A-
18 215 apply to a tax levied under this section. Notwithstanding
19 G.S. 160A-215, the town may contract with Macon County for tax
20 collection services relating to the occupancy tax levied under
21 this section. Such a contract shall be under terms and

1 conditions agreed to by the town and the county and may be
2 modified from time to time. The collection of the tax shall
3 otherwise be as provided in G.S. 160A-215.

4 (c) Use of tax revenue. The Town of Highlands may use
5 the net proceeds of the occupancy tax only for tourism and
6 economic development for the town. The following definitions
7 apply in this subsection:

8 (1) Net proceeds. -- Gross proceeds less the cost to
9 the town of administering and collecting the tax,
10 as determined by the town, not to exceed seven
11 percent (7%) of the gross proceeds.

12 (2) Tourism and economic development. -- Services and
13 other expenditures that will enhance tourism or
14 economic development in the town, including law
15 enforcement, fire protection, public utilities,
16 recreation, public works, advertising, marketing,
17 and promotional activities."

18 Section 2. (a) Article 9 of Chapter 160A of the
19 General Statutes is amended by adding a new section to read:

20 "§ 160A-215. Uniform provisions for room occupancy taxes.

21 (a) Scope. -- This section applies only to municipalities the
22 General Assembly has authorized to levy room occupancy taxes.
23 For the purpose of this section, the term 'city' means a
24 municipality.

25 (b) Levy. -- A room occupancy tax may be levied only by
26 resolution, after not less than 10 days' public notice and after
27 a public hearing held pursuant thereto. A room occupancy tax
28 shall become effective on the date specified in the resolution
29 levying the tax. That date must be the first day of a calendar
30 month, however, and may not be earlier than the first day of the
31 second month after the date the resolution is adopted.

32 (c) Collection. -- Every operator of a business subject to a
33 room occupancy tax shall, on and after the effective date of the
34 levy of the tax, collect the tax. The tax shall be collected as
35 part of the charge for furnishing a taxable accommodation. The
36 tax shall be stated and charged separately from the sales records
37 and shall be paid by the purchaser to the operator of the
38 business as trustee for and on account of the taxing city. The
39 tax shall be added to the sales price and shall be passed on to
40 the purchaser instead of being borne by the operator of the
41 business. The taxing city shall design, print, and furnish to
42 all appropriate businesses and persons in the city the necessary
43 forms for filing returns and instructions to ensure the full
44 collection of the tax. An operator of a business who collects a

1 room occupancy tax may deduct from the amount remitted to the
2 taxing city a discount equal to the discount the State allows the
3 operator for State sales and use tax.

4 (d) Administration. -- The taxing city shall administer a room
5 occupancy tax it levies. A room occupancy tax is due and payable
6 to the city finance officer in monthly installments on or before
7 the fifteenth day of the month following the month in which the
8 tax accrues. Every person, firm, corporation, or association
9 liable for the tax shall, on or before the fifteenth day of each
10 month, prepare and render a return on a form prescribed by the
11 taxing city. The return shall state the total gross receipts
12 derived in the preceding month from rentals upon which the tax is
13 levied. A room occupancy tax return filed with the city finance
14 officer is not a public record and may not be disclosed except in
15 accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

16 (e) Penalties. -- A person, firm, corporation, or association
17 who fails or refuses to file a room occupancy tax return or pay a
18 room occupancy tax as required by law is subject to the civil and
19 criminal penalties set by G.S. 105-236 for failure to pay or file
20 a return for State sales and use taxes. The governing board of
21 the taxing city has the same authority to waive the penalties for
22 a room occupancy tax that the Secretary of Revenue has to waive
23 the penalties for State sales and use taxes.

24 (f) Repeal or Reduction. -- A room occupancy tax levied by a
25 city may be repealed or reduced by a resolution adopted by the
26 governing body of the city. Repeal or reduction of a room
27 occupancy tax shall become effective on the first day of a month
28 and may not become effective until the end of the fiscal year in
29 which the resolution was adopted. Repeal or reduction of a room
30 occupancy tax does not affect a liability for a tax that was
31 attached before the effective date of the repeal or reduction,
32 nor does it affect a right to a refund of a tax that accrued
33 before the effective date of the repeal or reduction."

34 (b) This section applies only to the Town of Highlands.

35 Section 3. This act is effective when it becomes law.



Attachment "B"

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 319

H319-ARB-1

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

Date _____, 1997

Comm. Sub. [PROPOSED]
Amends Title []
PROPOSED COMMITTEE SUBSTITUTE, H319-CSR-1

Representative Capps

1 moves to amend the bill on page 1, line 3, by adding the following
2 after the word "TAX": "IF APPROVED BY THE VOTERS OF THE TOWN.";
3
4 and on page 1, lines 6 through 14, by rewriting the lines to read:
5 "(a) Referendum. The Board of Commissioners of the Town
6 of Highlands may direct the county board of elections to conduct an
7 advisory referendum on the question of whether a room occupancy tax
8 of up to three percent (3%) shall be levied in accordance with this
9 section. The election shall be held on a date jointly agreed upon by
10 the town board of commissioners and the board of elections, which
11 must be the date of a regular municipal election under Subchapter IX
12 of Chapter 163 of the General Statutes. The election shall be held
13 in accordance with the procedures of G.S. 163-287.
14 The form of the question to be presented on a ballot for
15 the referendum concerning the levy of the tax authorized by this
16 section shall be:
17 [] FOR [] AGAINST
18 Room occupancy tax of up to three percent (3%) on the rental of
19 accommodations by hotels, motels, camps, and similar businesses
20 within the town.
21 (b) Authorization and scope. If the majority of those
22 voting in a referendum held pursuant to this section vote for the
23 levy of the tax, the Board of Commissioners of the Town of Highlands
24 may levy a room occupancy tax of up to three percent (3%) of the
25 gross receipts derived from the rental of any room, lodging, or
26 accommodation furnished by a hotel, motel, inn, tourist camp, or
27 similar place within the town that is subject to sales tax imposed
28 by the State under G.S. 105-164.4(a)(3). This tax is in addition to



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 319

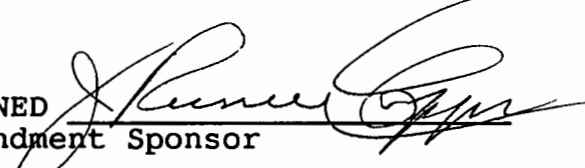
AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of ____

H319-ARB-1

1 any State or local sales tax. This tax does not apply to
2 accommodations furnished by nonprofit charitable, educational, or
3 religious organizations when furnished in furtherance of their
4 nonprofit purpose.";

5

6 and on page 1, line 15, by deleting "(b)" and substituting "(c)";
7 and on page 2, line 4, by deleting "(c)" and substituting "(d)".

SIGNED 
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____

Attachment "A"

WE, The below listed persons, are opposed to House Bill 319.

Signature	Name of Business	Telephone
Jessica Whinn	Imberian CO	574-5828
Rose Nuvio	Highlands Suite Hotel	526-4502
B. Smith	Farmers Market	526-4200
J. Collette	So. Hands	571-4807
Annemie Hase	COLETTE FINE ARTS	526-0339
Ala B Sherry	Caldwell Banker-Employer	526-2926
Reginald Byrd	" " SALES	526-4151
Cluck Cobb	Caldwell Banker Sales	526-4151
Monique Robinson	Caldwell Banker Sales	526-4151
Bob Walker	SELF	526-5587
John M. Dotson	Preferred Properties	526-5587
Gunn Scott	Preferred Properties	526-5587
Christ Owens	H. Bailey - Self	526-8262
Stephen Chalker	Highlands Emporium	526-1106
Gesher Reese	Gold-n-Clipper	526-4989
Carol Dishong	Backus Beer	526-2624
Dail K. B.	Pizza Place	526-5660
Donna R. Henry	Toy Store	526-9415
Fay S. Eury	Self	526-0523
Bobby Ross	Self	526-3564
Mike C. Hurd	Stone Lantern R.	526-2769
Debra Nigges	Stone Lantern	6-2769
H. Lamm Doss	125 Raoul Rd	6-9284

WE, The below listed persons, are opposed to House Bill 319.

Signature

Name of Business**Telephone**

Hard Water

Wodson - Hunt Ent.

(706) 354-0136

[Handwritten signature]

McBride Co.

MO - 979-6201

Noreen Leach

Timberland Const

$L(704) = 5245868$

5718 Fairview Dr

770 590 8736

Below 1 inch

Quest

770 945 3181

Darwin Hall

2

21

Leicester

Oak Lane

526-5910

Bonita Church

Rt 2 Box 325A Colbert, Ga

30628 (706) 7892048

Daniel Allen

262 Windy Hill Way Athens, Ga 30606

(706) 548-0784

Bonnie Rubin

14 McCorn Dr. Rome

706.291.1099

Richard W. Wood

190 TR E S I N E DR.

706-234-6103

Port K Smith

12 Anne Dr Taylor, SC
Cavert

(844) 218-4780

Paul S. H.

12. Angie D. Taylor Sr

$$\begin{array}{r} 264 \overline{) 265} = 1.00 \\ \underline{264} \\ 1 \end{array}$$

Phillip Thomas

8350110127 St. Martin:

477-2800

Teel Strasser

P.O. Box 108 Dee-Haven, NC

704-204 8574

Tom Paul	4 1/2 Street Inn	526-4419
Paula Weiden	1891 Stewart House	526-8067
John	The Chandler Inn	526-5992
Henrietta	The Guest House	526-4536
Donna Allen	Colonial Inn & Bm	526-2060

WE, The below listed persons, are opposed to House Bill 319.

Signature

Name of Business

Telephone

James W. Johnson

Highlands House

526-5578

Barbara Smith

Griming Troy

526-9032

Danny Dean

526-4502

WE, The below listed persons, are opposed to House Bill 319.

Signature

Name of Business

Telephone

Donna L. Lerner
Thomas Wagner
Ted Stroyer

Asbestizing
Hemman Furn. Co.

704-264-8892
297-5511
704-264-8574

TRAVEL AND TOURISM COALITION OF NORTH CAROLINA

Policy Statement For Legislation Authorizing New or Revised Local Occupancy (Room) Taxes

Cap of 3%. A local room tax shall not exceed 3% in a county (except for the specific limited purpose described below, in which it shall not exceed 6%).

2. Use of room taxes. All room tax revenue shall be remitted to the local tourism promotion agency and shall be used exclusively for these purposes:

Before remitting the tax proceeds to the local tourism promotion agency, the county may retain from the proceeds only its actual costs of collecting the tax, not to exceed 3% of the first \$500,000 collected each year plus 1% of the remainder collected each year;

At least 2/3 of the revenue from the first 3% tax, and preferably all such revenue, shall be used to promote travel and tourism (see **Definitions**, below);

No more than 1/3 of the revenue from the first 3% tax may be used for local "tourism-related" projects that are approved by the board of the local tourism promotion agency (see **Definitions**, below);

A tax above 3% per cent may be levied, and the revenues spent, only for convention or meeting facilities authorized and approved by the local tourism promotion agency. Such a tax should not be authorized by the General Assembly until after the local tourism promotion agency approves a specific convention or meeting facility project.

3. Convention or meeting facility. If the local tourism promotion agency (comprised of the membership described below) decides that travel and tourism into the taxing jurisdiction will be increased by a convention or meeting facility, then local taxes above three per cent (3%), but not to exceed six per cent (6%), may be levied only to construct, maintain, operate or market a convention or meeting facility.

4. Local tourism promotion agency. All revenue from the local room tax should be administered by a single local tourism promotion agency, by whatever name called (tourism development authority, convention and visitors bureau, etc.). The legislation authorizing the tax must provide that at least three fourths of the members of the board of directors of the tourism promotion agency must be currently active in the promotion of travel and tourism in the taxing jurisdiction, and at least one-third of the members of the board must be affiliated with organizations, such as hotels and motels, that collect the tax.

5. No delegation of authority. The General Assembly should not delegate the power to authorize, revise or levy local occupancy taxes. No local occupancy tax should be authorized, revised or levied except by specific act of the General Assembly.

6. Definitions:

Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in these activities.

Tourism-related expenditures. Expenditures that, in the judgment of the local tourism promotion agency as defined above, are designed to increase the use of lodging, meeting and convention facilities in a county by attracting tourists or business travelers to the county, including tourism-related capital expenditures.

Convention or meeting facility. A facility to be used primarily by individuals who are not residents of the taxing county for the purpose of conventions or meetings.

Members of the Travel and Tourism Coalition of North Carolina: AAA Carolina Motor Club • Biltmore Estate • Asheville Area Convention and Visitors Bureau • Cape Fear Coast Convention and Visitors Bureau • Charlotte Convention and Visitors Bureau • Charlotte Motor Speedway • Durham Convention and Visitors Bureau • Greater Raleigh Convention and Visitors Bureau • Greensboro Area Convention and Visitors Bureau • The Grove Park Inn • N.C. Association of Convention and Visitor Bureaus • N.C. Hotel & Motel Association • N.C. Citizens for Business and Industry • N.C. Restaurant Association • Paramount's Carowinds • Pinehurst Area Convention and Visitors Bureau • Pinehurst Resort & Country Club • Sprint Mid-Atlantic • First Carolina Management • Travel Council of North Carolina • Winston-Salem Convention and Visitors Bureau

thurs apr 29th file

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☒ Committee Substitute for
H.B. 843 ☐ A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE
TOWN OF CEDAR ROCK SUBJECT TO A REFERENDUM.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ 

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

file

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 832

☐ A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT
OF DELINQUENT TAXES FOR THE TOWN OF NEWLAND IN AVERY COUNTY AND THE
TOWN OF SPRUCE PINE IN MITCHELL COUNTY BEFORE RECORDING DEEDS
CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 457

☐ A BILL TO BE ENTITLED AN ACT TO ALLOW RECOVERY
OF FUNDS PAID AS FOREST DEVELOPMENT COST-SHARING PAYMENTS WHEN TREES
ARE NOT MAINTAINED AT LEAST TEN YEARS AND TO CONVERT THE FOREST
DEVELOPMENT FUND TO ONE THAT ACCRUES INTEREST.

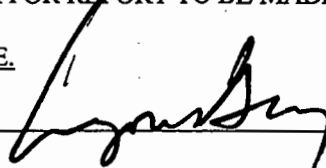
REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ 

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 836

☐ A BILL TO BE ENTITLED AN ACT TO CREATE THE NEW HANOVER INTERNATIONAL AIRPORT ECONOMIC DEVELOPMENT ZONE.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____.

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 810

☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

REPORTED TO THE STANDING COMMITTEE ON

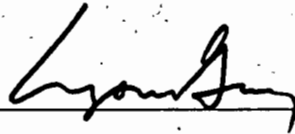
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☐ Committee Substitute for
H.B. 778 ☐ A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY
OF KINGS MOUNTAIN TO EXTEND ITS EXTRATERRITORIAL JURISDICTION TWO MILES
FROM ITS CITY LIMITS.

REPORTED TO THE STANDING COMMITTEE ON _____

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on _____
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on _____
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill _____ which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, _____ which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ _____

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # _____). (and recommendation that the
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- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for
H.B. 777

☐ A BILL TO BE ENTITLED AN ACT EXTENDING RIGHTS TO
PETITION OR INITIATE ANNEXATION BY RESOLUTION FOR VOLUNTARY
NONCONTIGUOUS ANNEXATION INTO THE CITY OF KINGS MOUNTAIN.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ Lynne Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☐ Committee Substitute for
H.B. 748 ☐ A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN
DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS
AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF
CHARLOTTE.

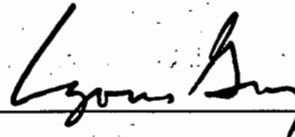
REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ 

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for
H.B. 1044

☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE
COUNTIES TO DESIGNATE AN OFFICIAL TO RECEIVE SALES TAX REFUND
INFORMATION.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ Lyon Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

VISITOR REGISTRATION SHEET

FINANCE/Subcommittee on Local, Regional & State Revenues April 29, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: April 30, 1997

The subcommittee met in Room 544 of the Legislative Office Building at 8:30 a.m. Those members in attendance were: Rep. Cherie Berry; Rep. Charles Buchanan; Rep. Russell Capps; Rep. Pete Cunningham; Rep. Andrew Dedmon; Rep. Rick Eddins; Rep. Mia Morris; Rep. John Rayfield and Rep. Edgar Starnes.

Chairman Hill called the meeting to order and welcomed Zack Green from Wake County and Brad Campbell from Iredell County who were serving as pages this week for the General Assembly.

Chairman Hill recognized Rep. Hurley to come forward and support HB 476, Vital Records Access. Rep. Hurley stated that an amendment by Rep. Rayfield had been offered (See Attachment "A") and the amendment was open for discussion by the subcommittee. Rep. Hurley stated that the DEHNR has requested the bill and that the State Registrar, Mr. Torrey McClean and Ms. Gayle Holder, Register of Deeds from Harnett County. Rep. Hill stated that the bill will put into motion just how the state will provide and control our state records. He further stated that many records were now available to the public and protection was needed.

Chairman Hill opened the bill for discussion, and Rep. Buchanan made the motion that the amendment be rolled into a committee substitute and that a favorable report be given to the substitute and unfavorable as to original bill, and the motion carried.

Chairman Hill recognized Rep. Culpepper to come forward and support HB460, Abolish Aquariums Commission. Rep. Culpepper stated that the subcommittee must adopt a proposed Finance Committee Substitute for purposes of discussion. Rep. Rayfield made the motion and it carried. Rep. Culpepper stated that in the past an Aquariums Commission had been established which is nonfunctioning at this time, and basically this is an agency bill which sets up the fees for the aquariums; therefore, the commission needs to be abolished. Chairman Hill recognized Rep. Capps who made the motion to give the committee substitute a favorable report and unfavorable as to original bill, and the motion carried.

Chairman Hill recognized Rep. Beall to come forward and support HB750, Charter of Forest Hills. Rep. Beall stated that this was a local bill subject to a referendum. Rep. Beall stated that he had letters from the commissioners and mayors and they do not object. He further stated that there was no opposition to the bill in Jackson County. Chairman Hill recognized Rep. Buchanan who made a motion that the bill receive a favorable report and the motion carried.

Chairman Hill recognized Rep. Redwine to come forward and support HB 773, Bald Head Island Charter. Rep. Redwine stated that the bill was very simple and it fixes the charter into a standard charter. In the past there were so few residents and that situation has now changed. Rep. Redwine stated there was no opposition. Chairman Hill recognized Rep. Rayfield who made the motion for a favorable report on the bill and the motion carried.

Chairman Hill recognized Rep. Cole to come forward and support HB595, Reidsville Annexations. Rep. Cole stated it was a request of the Reidsville City Council and the entire delegation was in support. He further stated that he was not aware of any opposition. The Chairman opened the floor to any further discussion and recognized Rep. Buchanan who made the motion that the bill receive a favorable and the motion carried.

Chairman Hill recognized Rep. Sexton to come forward and explain HB 653, Wentworth Charter Amendments. Rep. Sexton stated that the bill was basically an incorporation bill, and that it is the only county in the state that does not have an active incorporation. Chairman Hill recognized Rep. Eddins who made the motion for a favorable report and the motion carried.

Chairman Hill recognized Rep. Sexton to further explain HB 655, Madison Annexation. Rep. Sexton stated that this is a voluntary annexation by a textile industry to the town of Madison requested by the industry and the town. He stated there was no opposition. Chairman Hill recognized Rep. Eddins who made the motion for a favorable report on the bill and the motion carried.

Chairman Hill recognized Rep. Cole to come forward and support HB844, Reidsville Annexation Restricted. Chairman Hill recognized Rep. Buchanan who made the motion that the proposed committee be adopted for purposes of discussion and the motion carried. Rep. Cole stated that the bill amends the Charter of the City of Reidsville to restrict annexation of the city beyond a line. He further stated that the reason for the committee substitute was to add a church which had been left out. Chairman Hill recognized Rep. Eddins who made the motion for a favorable report on the committee substitute and unfavorable as to the original bill. The motion carried.

Chairman Hill recognized Rep. Wilkins to come forward and support HB779, Person Occupancy Tax. Rep. Wilkins stated that the bill authorizes Person County to levy a room occupancy and tourism development tax. Chairman Hill recognized Mr. Jim Hobbs of the North Carolina Hotel Motel Association who stated that his purpose today was to oppose the bill. Mr. Hobbs stated that the total number of rooms in the county was so low (less than the Holiday Inn-State Capitol), and that it did not meet the guidelines of the association. He further stated that the money is not specifically directed to the tourism industry.

Chairman Hill recognized Mr. Bob Daly of the Innkeeper Motel in Roxboro who stated his opposition. He stated that he had fundamental problems with the bill. He further stated that it was unfair to burden this small business with a tax that would generate revenues for the purposes of the entire community. Mr. Daly called to the attention of the subcommittee members a copy of a letter from his father (please see Attachment "B").

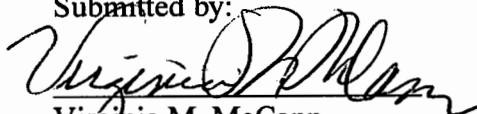
Chairman Hill recognized Rep. Wilkins who stated that some of the money would go to a county museum, promote tourism, and a family fitness center.

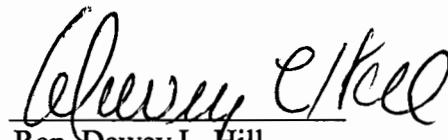
Chairman Hill recognized Ms. Leanne E. Winner who represents the Travel and Tourism Coalition of North Carolina who stated opposition to the bill as well. She further stated that the way this bill is written there is no designation as to how the money will be spent.

Chairman Hill recognized Rep. Buchanan who asked Ms. Winner if the coalition would find the bill acceptable if an amendment were offered specifying exactly where the money would go. Mr. Hobbs stated that yes they would agree to that, but the problem is with this bill is that it does not do that - the problem is the language. Rep. Wilkins stated that the county will spend money once they get something to promote. Further discussion continued on this issue

Chairman Hill recognized Rep. Capps who made a motion to give the bill an unfavorable report. There was a division, and a call to raise hands resulted in an unfavorable report.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman



Hurley
476

Attachment "A"

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 476

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H476-ARB-1

yes

Date _____, 1997

Comm. Sub. [YES]
Amends Title []
Second Edition

Representative Rayfield

1 moves to amend the bill on page 1, line 20, by deleting the words
2 "stored or disclosed of" and substituting "managed".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 476
Committee Substitute Favorable 4/23/97

Short Title: Vital Records Access/AB.

(Public)

Sponsors:

Referred to:

March 10, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO
3 ACCESS TO, COPIES AND PUBLIC NATURE OF, AND APPLICATION OF
4 AUTHORIZED FEES FOR VITAL RECORDS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 130A-93 reads as rewritten:

7 "**§ 130A-93. Access to vital records; copies.**

8 (a) Only the State Registrar shall have access to original vital records and to
9 indices to the original vital records. County offices authorized to issue certificates
10 and the North Carolina State Archives also shall have access to indices to these
11 original vital records, when specifically authorized by the State Registrar.

12 (b) Individual-specific birth records, in any form and on any medium, in the
13 possession of the Department, local health departments, or local register of deeds
14 offices shall not be public records pursuant to Chapter 132 of the General Statutes.
15 Access to and copies of vital records and abstracts of vital records shall be provided
16 in accordance with G.S. 130A-99, Chapter 161 of the General Statutes, and with this
17 section. Birth data other than the names of children and parents, the addresses of
18 parents, and social security numbers of parents shall be available in accordance with
19 Chapter 132 of the General Statutes. All such records and data are State property
20 and shall be stored or disclosed of only in accordance with official disposition
21 instructions prepared by the Department of Cultural Resources. The application of
22 this Chapter is subject to the provisions of Article 1 of Chapter 121 of the General
23 Statutes, the North Carolina Archives and History Act. The State Registrar and

1 other officials authorized to issue certified copies of vital records shall provide copies
2 or abstracts of vital records, except those described in subsections (d), (e), (f) and ~~(g)~~;
3 (g) of this section, to any person upon request.

4 (c) The State Registrar and other officials authorized to issue certified copies of
5 vital records shall provide certified copies of vital records, except those described in
6 subsections (d), (e), (f), and ~~(g)~~; (g) of this section, only to the following:

7 (1) A person requesting a copy of the person's own vital records or
8 that of the person's spouse, ~~child, parent, brother or sister~~; sibling,
9 direct ancestor or descendant, or stepparent or stepchild;

10 (2) A person seeking information for a legal determination of personal
11 or property rights; or

12 (3) An authorized agent, attorney or legal representative of a person
13 described above.

14 (c1) A funeral director or funeral service licensee shall be entitled upon request to
15 a certified copy of a death certificate.

16 (d) Copies, certified copies or abstracts of birth certificates of adopted persons
17 shall be provided in accordance with G.S. 48-9-107.

18 (e) Copies or abstracts of the health and medical information contained on birth
19 certificates shall be provided only to a person requesting a copy of the health and
20 medical information contained on the person's own birth certificate, a person
21 authorized by that person, or a person who will use the information for medical
22 research purposes. Copies of or abstracts from any computer or microform database
23 which contains individual-specific health or medical birth data, whether the database
24 is maintained by the Department, a local health department, or any other public
25 official, shall be provided only to an individual requesting his or her own data, a
26 person authorized by that individual, or a person who will use the information for
27 medical research purposes. The State Registrar shall adopt rules providing for the
28 use of this information for medical research purposes. The rules shall, at a minimum,
29 require a written description of the proposed use of the data, including protocols for
30 protecting confidentiality of the data.

31 (f) Copies, certified copies or abstracts of new birth certificates issued to persons
32 in the federal witness protection program shall be provided only to a person
33 requesting a copy of the person's own birth certificate and that person's supervising
34 federal marshall.

35 (g) No copies, certified copies or abstracts of vital records shall be provided to a
36 person purporting to request copies, certified copies or abstracts of that person's own
37 vital records upon determination that the person whose vital records are being
38 requested is deceased.

39 (h) A certified copy issued under the provisions of this section shall have the same
40 evidentiary value as the original and shall be prima facie evidence of the facts stated
41 in the document. The State Registrar may appoint agents who shall have the
42 authority to issue certified copies under a facsimile signature of the State Registrar.
43 These copies shall have the same evidentiary value as those issued by the State
44 Registrar.

1 (i) Fees for issuing any copy of a vital record or for conducting a search of the
2 files when no copy is made shall be as established in G.S. ~~130A-93.1~~, 130A-93.1 and
3 G.S. 161-10.

4 (j) No person shall prepare or issue any certificate which purports to be an official
5 certified copy of a vital record except as authorized in this Article or the rules."

6 Section 2. G.S. 130A-93.1 reads as rewritten:

7 "**§ 130A-93.1. Fees for vital records copies or search; automation fund.**

8 (a) The State Registrar shall collect, process, and utilize fees for services as
9 follows:

10 (1) A fee not to exceed ten dollars (\$10.00) shall be charged for
11 issuing any copy of a vital record or for conducting a routine
12 search of the files for the record when no copy is made. When
13 certificates are issued or searches conducted by local agencies using
14 databases maintained by the State Registrar, the local agency shall
15 charge this fee and shall forward five dollars (\$5.00) of this fee to
16 the State Registrar for purposes established in subsection (b) of this
17 section.

18 (2) A fee not to exceed ten dollars (\$10.00) shall be charged in
19 addition to the fee charged under subdivision (1) of this subsection
20 and to all shipping and commercial charges when expedited
21 service is specifically requested.

22 (2a) The fee for a copy of a computer or microform database shall not
23 exceed the cost to the agency of making and providing the copy.

24 (3) Except as provided in subsection ~~(b)~~, (b) of this section, fees
25 collected under this subsection shall be used by the Department for
26 public health purposes.

27 (b) The Vital Records Automation Account is established as a nonreverting
28 account within the Department. Five dollars (\$5.00) of each fee collected pursuant
29 to subdivision (a)(1) shall be credited to this Account. The Department shall use the
30 revenue in the Account to fully automate and maintain the vital records system.
31 When funds sufficient to fully automate and maintain the system have accumulated in
32 the Account, fees shall no longer be credited to the Account but shall be used as
33 specified in subdivision ~~(a)(3)~~, (a)(3) of this section.

34 Section 3. This act is effective when it becomes law.

EXPLANATION OF HOUSE BILL 476:
Vital Records Access (2nd Edition)

TO: House Finance Committee
FROM: Cindy Avrette, Committee Counsel
DATE: April 29, 1997
SPONSOR: Representative Hurley
Agency Bill

House Bill 476 makes the following changes to the vital records statutes in anticipation of the automation of the birth registration system:

- Provides that general birth data is a public record.
- Provides that specific birth data, such as the person's name, the parents' names, the addresses of the parents, the social security number of the parents, and health and medical information is not a public record.
- Expands the list of people who may obtain a certified copy of a vital record to include stepparents, stepchildren, and grandparents.
- Allows a funeral director or a funeral service licensee to obtain a certified copy of a death certificate.
- Provides that copies of or abstracts from any computer or microform database which contains individual-specific health or medical birth data may be provided only to the specific individual or a person authorized by that individual to obtain the records and to a person who will use the information for medical research purposes. This provision conforms to the current limitations on who may receive copies or abstracts of the health and medical information contained on birth certificates.
- Imposes the same fee on local agencies using the State database that the State imposes for the database's use. That fee is \$10. Five dollars of this fee is credited to the Vital Records Automation Account.
- Authorizes a fee for a copy of a computer or microform database. The fee may not exceed the cost to the agency of making and providing the copy.
- Provides that the revenue in the Vital Records Automation Account may be used to maintain the automated vital records system. Currently, the money in the Account may only be used to automate the system.

Vital records include birth certificates, death certificates, marriage certificates, and the registration of divorces and annulments. The vital records are maintained by the State Registrar. Copies of vital records may be obtained from the State Registrar as well as registers of deeds and local health departments. Currently, the records registered, maintained, and issued by local officials are limited to individual counties.

In 1991, the General Assembly created a nonreverting automation account for the purpose of automating the system of vital records in this State. The Account derives its revenues from \$5 of the fee charged by the State Registrar for issuing a copy of a vital record or for conducting a routine search of the files for a record when no copy is made. Full automation is expected to be completed during late 1998. Statewide access to birth certification data will be available soon thereafter. The electronic system will allow statewide access to vital records, enabling the local officials to issue copies of birth certificates for persons born throughout North Carolina. This bill requires local agencies using the State Registrar's database to charge the standard \$10 fee for searches and to forward \$5 of the fee to the State for the Vital Records Automation Account.

As the information contained on vital records becomes more available, there is growing concern about its protection. This bill specifies what information on a vital record is considered a public record. The purpose of this clarification is to prevent a person from using the Public Records Law to obtain computerized birth databases that could easily be used to generate counterfeit copies of birth certificates.

The bill becomes effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 476 (Second Edition)

SHORT TITLE: Vital Records Access/AB

SPONSOR(S): Reps. Hurley and Baddour

FISCAL IMPACT

Yes (X) No () No Estimate Available ()

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

REVENUES

Vital Records Automation Account (see ASSUMPTIONS AND METHODOLOGY)
General Fund
County Registers of Deeds

EXPENDITURES

General Fund (see ASSUMPTIONS AND METHODOLOGY)

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Department of Environment, Health and Natural Resources - State Center for Health Statistics ; County Registers of Deeds

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

BILL SUMMARY: The bill expands the availability of certified birth or death records to a person's direct ancestor or descendant, stepparent or stepchild, or funeral director. The bill clarifies individual-specific birth records are not public records. When a County Register of Deeds uses the state database to issue a copy of a vital record or conduct a routine search of the files for a record, then a \$10 fee is charged with \$5 kept by the local agency and \$5 forwarded to the State Registrar for deposit into the Vital Records Automation Account. The bill also expands the use of funds credited to the Vital Records Automation Account to include maintenance of the vital records automated system.

BACKGROUND: From 1991 until March 1997, the nonreverting Vital Records Automation Account has received \$1,965,835. This account has been used to equip the Vital Records Section with personal computers, to purchase and install an electronic birth registration system

throughout the state, to install a system to issue computer-generated copies of birth certificates, and other automation uses. Receipts into this fund have been as follows:

FY 91-92	\$267,131
FY 92-93	\$352,214
FY 93-94	\$366,466
FY 94-95	\$363,985
FY 95-96	\$377,730
FY 96-97	\$238,310 (as of 3/1/97)

ASSUMPTIONS AND METHODOLOGY: The fiscal impact of this bill hinges on the implementation of an automated system for the statewide issuance of birth certificates. The system is scheduled for a pilot test in Harnett county next year. According to a Department of Environment, Health and Natural Resources (DEHNR) official, statewide access to birth certification would not be available until 3 years after the pilot testing. That would push statewide access to FY 2000-01. The automation of death, marriage, and divorce registration is not expected to be completed until FY 2006-07.

When county Register of Deeds are able to access the state database, every transaction will cost the consumer \$10, the same as it does today. The current \$10 is divided between the Vital Records Automation Account (\$5) and DEHNR receipts (\$5). DEHNR receipts are currently used to support the personnel and operating costs of the state's Vital Records Registration program. In the future, when a county does the transaction, the \$10 will be divided between the county (\$5) and the Vital Records Automation Account (\$5). **When transactions are performed on the state database on a regular basis by counties, then county revenues will increase, DEHNR receipts will be reduced, and the Vital Records Automation Account will be held harmless.** Fiscal Research cannot determine a reliable estimate, however, of the county's increase or DEHNR's decrease, because future access transactions to the statewide database are not known. **The concern for DEHNR is that to maintain their Vital Records Registration program they may need to seek an increase in their General Fund appropriation or increase receipts to make up for the deficit due to lost transactions fees.**

DEHNR believes that expanding the access to vital records to grandparents, stepparents, stepchildren, as required in HB 476, will increase revenues. Alabama is used as an example where state revenues increased when access to vital records was expanded. Access may increase transactions, but it would seem that those transactions would occur where the customer has the easiest and fastest way to get the information and that would be at the County Register of Deeds. In the short term, an increased number of transactions may affect the department's ability to absorb the impact of lost transaction receipts on the Vital Records Registration program. However, an increase in the number of transactions, whether performed by the state or by a county, will increase the revenue credited to the Vital Records Automation Account and will in the long term benefit the Vital Records Registration program. When revenues credited to the Vital Records Automation Account exceed the level required to automate and maintain the state's vital records system, any excess funds may be used to support the Vital Records Registration program in accordance with G.S. 130A-93.1(b), which limits the amount the amount credited to the automation account.

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Richard Bostic & Mona Moon

APPROVED BY: Tom Covington

DATE: April 28, 1997

RS
MM
Tom Covington

Wed.
Culpepper

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 460
Committee Substitute Favorable 4/15/97

Short Title: Abolish Aquariums Commission/AB.

(Public)

Sponsors:

Referred to:

March 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION,
3 TO DESIGNATE WHO HAS THE DUTY TO ESTABLISH AND REVISE FEES
4 FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL
5 CORRECTIONS.

6 The General Assembly of North Carolina enacts:

7 Section 1. Part 28 of Article 7 of Chapter 143B of the General Statutes is
8 repealed.

9 Section 2. G.S. 143B-289.20 reads as rewritten:

10 "§ 143B-289.20. Office of Marine Affairs -- organization; powers and duties.

11 (a) The Office shall be organized as prescribed by the Secretary ~~of the~~
12 ~~Department~~ of Environment, Health, and Natural Resources and exercise the
13 following powers and duties:

14 (1) Repealed by Session Laws 1991, c. 320, s. 3.

15 (1a) To establish and maintain the North Carolina Aquariums;

16 (1b) To administer the operations of the North Carolina Aquariums,
17 such administrative duties to include, but not be limited to the
18 following:

19 a. Adopt goals and objectives for the Aquariums and review
20 and revise these goals and objectives periodically;

21 b. Review and approve requests for use of the Aquarium
22 facilities and advise the Secretary ~~of the Department~~ of
23 Environment, Health, and Natural Resources on the most

appropriate use consistent with the goals and objectives of the Aquariums;

c. Continually review and evaluate the types of projects and programs being carried out in the Aquarium facilities and determine if the operation of the facilities is in compliance with the established goals and objectives;

d. Recommend to the Secretary ~~of the Department~~ of Environment, Health, and Natural Resources any policies and procedures needed to assure effective staff performance and proper liaison among Aquarium facilities in carrying out the overall purposes of the Aquarium programs;

e. Review Aquarium budget submissions to the Secretary ~~of the Department~~ of Environment, Health, and Natural Resources;

f. Recruit and recommend to the Secretary ~~of the Department~~ of Environment, Health, and Natural Resources candidates for the positions of directors of the North Carolina Aquariums; and

g. Create local advisory committees in accordance with the provisions of G.S. 143B-289.22.

(2), (3) Repealed by Session Laws 1993, c. 321, s. 28(e).

(4) to (6) Repealed by Session Laws 1991, c. 320, s. 3.

(7) Assume any other powers and duties assigned to it by the Secretary.

(b) The Secretary may adopt any rules and procedures necessary to implement this section."

Section 3. G.S. 143B-289.22 reads as rewritten:

"§ 143B-289.22. Local advisory committees; duties; membership.

Local advisory committees created pursuant to G.S. 143B-289.20(a)(1b) shall assist each North Carolina Aquarium in its efforts to establish projects and programs and to assure adequate citizen-consumer input into those efforts. Members of these committees shall be appointed by the Secretary ~~of the Department~~ of Environment, Health, and Natural Resources for three-year terms from nominations made by the Director of the Office of Marine Affairs. Each committee shall select one of its members to serve as chairperson. Members of the committees shall serve without compensation for services or expenses."

Section 4. Part 5B of Article 7 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-289.23. North Carolina Aquariums; fees; fund.

(a) Fees. -- The Secretary of Environment, Health, and Natural Resources and the Division of North Carolina Aquariums may establish and revise a schedule of uniform fees for the North Carolina Aquariums.

(b) Fund. -- The North Carolina Special Aquariums Fund, hereafter 'Fund', is hereby created, and shall be a special and nonreverting fund. The Fund shall be

1 used only for repair, maintenance, and educational exhibit construction at existing
2 aquariums. The Fund may also be used to match private funds that are raised for
3 these purposes.

4 (c) Disposition of Fees. -- All entrance fee receipts shall be credited to the Fund.
5 The Secretary of Environment, Health, and Natural Resources may expend monies
6 from the Fund only upon the authorization of the General Assembly."

7 Section 5. G.S. 143B-279.3(b)(23) is repealed.

8 Section 6. This act is effective when it becomes law.

EXPLANATION OF HOUSE BILL 460:
Abolish Aquariums Commission (2nd Edition)

TO: House Finance Committee
FROM: Cindy Avrette, Committee Counsel
DATE: April 28, 1997
SPONSOR: Representative Culpepper
Agency Bill

House Bill 460 abolishes the North Carolina Aquariums Commission, which was established in 1992. The sole purpose of the Commission was to recommend a schedule of uniform fees for the three State supported aquariums at Fort Fisher, Pine Knoll Shores, and Roanoke Island. The Commission recommended a fee schedule in 1993. The current admission fees were implemented in May of 1994 and are as follows:

Adult	\$3
Sr. Citizens and Active Military	\$2
Ages 6-17	\$1
Under 6	Free
Members	Free
North Carolina School Groups	Free
AZA Reciporcals	Free
Handicapped Groups	Free
Discounts of 15% are provided for groups of 10 or more and for block ticket sales.	

The bill moves the fee setting authority to the Secretary of Environment, Health, and Natural Resources and the North Carolina Aquariums, a division of the Department that oversees the aquariums. The fees would continue to be credited to a special, nonreverting fund known as "The North Carolina Special Aquariums Fund". The purpose of the Fund remains unchanged. The money in it may be used only for repair, maintenance, and education exhibit construction at existing aquariums and for matching private funds that are raised for one of those three purposes. The money may be expended only upon the authorization of the General Assembly.

The Department does not anticipate increasing the fees until major expansion of the facilities and exhibits are completed. Expansion plans are being completed with work to begin after the General Assembly appropriates expansion funds. Any fee increases would be preceded by a study of fees

charged at comparable facilities. The Department would also seek input from the three local communities, the Aquarium Advisory Committees, and the North Carolina Aquarium Society Board of Directors.

The bill repeals cross references in the statutes to the North Carolina Aquariums Commission and makes technical changes to the statutes.

The proposed committee substitute deletes language in the statutes to the Office of Marine Affairs because it no longer exists. The duties of that Office that concern the Aquariums now reside in the division of the North Carolina Aquariums. It also removes a reference to the abolished North Carolina Aquariums Commission found in G.S. 120-123.

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE**

BILL NUMBER: House Bill 460
SHORT TITLE: Abolish Aquariums Commission
SPONSOR(S): House Proposed Committee Substitute

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

REVENUES See section on assumption and methodology.

EXPENDITURES No additional expenses

POSITIONS: No new positions

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Environment, Health, and Natural Resources

EFFECTIVE DATE: When it becomes law

BILL SUMMARY:

This act transfers all rights and responsibilities of the Aquariums Commission to the Secretary of Environment, Health, and Natural Resources.

The proposed act abolishes the Aquariums Commission established under G. S. 143B-344.16 and transfers the North Carolina Special Aquariums Fund, also established under Chapter 143B, to the Secretary of Environment, Health, and Natural Resources. The right to establish a schedule of fees, for the N. C. Aquariums, granted to the Commission under Chapter 143B is transferred to the Secretary under this act. There are no changes to the current admission fees or to the restrictions on the uses of the revenue from admission charges.

ASSUMPTIONS AND METHODOLOGY:

No new fiscal impact as a result of the passage of this act.

FISCAL RESEARCH DIVISION

PREPARED BY: Warren Plonk & Jennifer Herrera

APPROVED BY:

DATE: April 25, 1997

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 750*

Short Title: Charter of Forest Hills.

(Local)

Sponsors: Representatives Beall and Ramsey.

Referred to: Local and Regional Government II, if favorable, Finance.

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE VILLAGE OF FOREST HILLS, SUBJECT
3 TO A REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A Charter for the Village of Forest Hills is enacted to read:

6 "CHARTER OF THE VILLAGE OF FOREST HILLS.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Village
10 of Forest Hills are a body corporate and politic under the name 'Village of Forest
11 Hills'. Under that name they have all the powers, duties, rights, privileges, and
12 immunities conferred and imposed on cities by the general law of North Carolina.

13 "CHAPTER II.

14 "CORPORATE BOUNDARIES.

15 "Section 2.1. **Village Boundaries.** Until modified in accordance with law, the
16 boundaries of the Village of Forest Hills are as follows:

17 BEGINNING at the point of intersection of the projection of a Northwest direction of
18 a line extending along the Northeastern boundary of Lot 1. of the Forest Hills
19 Subdivision shown on Jackson County NC tax map 7559(17) with a Northeast
20 projection of a line extending along the North side of State Road 1330 (Dillard Farm
21 Road),

22 -Thence Southeast to the easternmost corner of Lot 2, Forest Hills Subdivision,

1 -Thence turning and running in a south and southeasterly direction to the
2 southeasternmost corner of Lot 14, Forest Hills Subdivision identified as tax parcel
3 7559-20-2275,
4 -Thence turning and running in a west and southwest direction with the southeast
5 boundaries of Lots 9, 10, 11, 12, 13, and 14 of the Forest Hills Subdivision identified
6 as Jackson County tax parcels 7559-10-6040, 7559-10-7085, 7559-10-9110, 7559-20-
7 0134, 7559-20-1148 and 7559-20-2275 to the Southwesternmost corner of Lot 9, Forest
8 Hills Subdivision, identified as Jackson County tax parcel 7559-10-6040,
9 -Thence turning and running generally south with the east boundary of Lots 11, 12,
10 13, 14, 15, and 16 of the Forest Hills Subdivision identified on Jackson County tax
11 map 7558(05) as parcels 7558-19-5980, 7558-19-5559, 7558-19-5421, 7558-19-5248,
12 7558-19-5143, and 7558-18-5946 to the southernmost corner of Lot 16, Forest Hills
13 Subdivision identified on Jackson County tax map 7558(05) as parcel 7558-18-5946,
14 -Thence turning and running west and southwest with the southeast boundaries of
15 Lots 16, 18, 20, and 23 of the Forest Hills Subdivision identified on the Jackson
16 County tax map 7558(05) as parcels 7558-18-5946, 7558-18-4910, 7558-18-2970, and
17 7558-18-1836 to the Southwesternmost corner of Lot 23 of the Forest Hills
18 Subdivision identified on the Jackson County tax map 7558(05) as parcel 7558-18-
19 1836.
20 -Thence turning and running southeast with the Northeast boundary of Lot 26 and 27
21 of the Forest Hills Subdivision identified on Jackson County tax map 7558(05) as
22 parcel 7558-08-9784 and with the Northeast boundary of Lot 20 and Lot 22 of the
23 Oak Forest Subdivision identified on Jackson County tax map 7558(01) as parcels
24 7558-18-1641 and 7558-18-1443 to the southeasternmost corner of Lot 22 of the Oak
25 Forest Subdivision identified on Jackson County tax map 7558(01) as parcel 7558-18-
26 1443,
27 -Thence turning and running generally southwest with the southeast boundaries of
28 Lot 22 to the Southwesternmost corner of Lot 22 of the Oak Forest Subdivision
29 identified on Jackson County tax map 7558(01) as parcel 7558-18-1443,
30 -Thence turning and running southeast with the northeast boundary of Lot 15 Oak
31 Forest Subdivision to the easternmost corner of Lot 15, Oak Forest Subdivision
32 identified on Jackson County tax map 7558(01) as parcel 7558-18-1221,
33 -Thence turning and running generally south along the eastern boundary of Lot 15,
34 Oak Forest Subdivision identified on Jackson County tax map 7558(01) as parcel
35 7558-18-1221,
36 -Thence turning and running generally west with the south boundary of Lot 15, Oak
37 Forest Subdivision as identified on Jackson County tax map as parcel 7558-18-1221,
38 -Thence turning and running generally southwest to the southernmost corner of Lot
39 14, Oak Forest Subdivision identified on Jackson County tax map 7558(01) as parcel
40 7558-08-9276,
41 -Thence turning and running generally northwest to the northwesternmost corner of
42 Lot 14, Oak Forest Subdivision identified on Jackson County tax map 7558(01) as
43 parcel 7558-08-9276,

1 -Thence turning and running generally southwest with the southeast boundaries of
2 Lots 31, and 32, Forest Hills Subdivision and Lot 20 Forest Hills Estates Subdivision
3 as identified on Jackson County tax map 7558(05) as parcels 7558-08-7222, 7558-08-
4 5173, and 7558-07-2944 to the southeasternmost corner of Lot 20, Forest Hills Estates
5 Subdivision as identified on Jackson County tax map 7558(05) as parcel 7558-07-
6 2944,
7 -Thence turning and running generally west with the southern boundary of Lot 20,
8 Forest Hills Estates Subdivision identified on Jackson County tax map 7558(05) and
9 with the southern boundaries of Lots 16, 11, and 9, Forest Hills Estates Subdivision as
10 identified on Jackson County tax map 7548(02) as parcels 7548-97-4329, 7548-87-
11 8394, and 7548-87-0413 to the southwesternmost corner of Lot 9, Forest Hills
12 Subdivision as identified on Jackson County tax map 7548(02) as parcel 7548-87-
13 0413,
14 -Thence turning and running generally north with the west boundaries of Lots 9, 7, 5,
15 and 4 of the Forest Hills Estates Subdivision identified on Jackson County tax map
16 7548(02) as parcels 7548-87-0413, 7548-77-9820, 7548-78-8182, and 7548-78-9470 to
17 the northwesternmost corner of Lot 4, Forest Hills Estates Subdivision identified on
18 Jackson County tax map as parcel 7548-78-9470,
19 -Thence turning and running generally west with the southern boundaries of the
20 parcels identified on Jackson County tax map 7548(02) as parcel numbers 7548-78-
21 6523, 7548-78-5506, 7548-78-3569 to the southeasternmost corner of parcel 7548-78-
22 3569 on Jackson County tax map 7548(02),
23 -Thence turning and running south and southwest with the east and southeast
24 boundaries of parcel number 7548-78-2539 and 7548-68-9458 on Jackson County tax
25 map 7548(02) to the southernmost corner of parcel 7548-68-9458 on Jackson County
26 tax map 7548(02),
27 -Thence turning and running generally west with the southern boundaries of parcels
28 7548-68-9458 and 7548-68-5586 on Jackson County tax map 7548(02) to the
29 southwesternmost corner of parcel 7548-68-5586 on Jackson County tax map
30 7548(02),
31 -Thence turning and running generally south with the eastern boundary of Lot 41
32 Dillard Subdivision identified on Jackson County tax map 7548(02) as parcel number
33 7548-68-2313 to the southernmost corner of Lot 41 Dillard Subdivision identified on
34 Jackson County tax map 7548(02) as parcel 7548-68-2313,
35 -Thence turning and running generally west with the southern boundaries of Lot 44,
36 45, 46, and 48 Dillard Subdivision as identified on Jackson County tax map 7548(02)
37 as parcels 7548-58-8172, 7548-58-5171, 7548-58-3123, and 7548-58-0251 to the
38 southwesternmost corner of Lot 48 Dillard Subdivision identified on Jackson County
39 tax map as parcel 7548-58-0251,
40 -Thence turning and running generally north with the western boundaries of Lot 48
41 Forest Hills, and Lot 57 Dillard Subdivision identified on Jackson County tax map
42 7548(02) as parcel 7548-58-0251, 7548-58-1742, and 7548-59-1077 to the
43 northwesternmost corner of Lot 57 Dillard Subdivision identified on Jackson County
44 tax map 7548(02) as parcel 7548-59-1077,

1 -Thence turning and running generally northeast with the northern boundaries of
2 Lots 57, 58, 60, 62, Dillard Subdivision Lot 344 and 342 Forest Hills Subdivision and
3 Lot 64 Dillard Subdivision identified on Jackson County tax map as parcels 7548-59-
4 1077, 7548-59-6138, 7548-69-9241, 7548-69-2219, 7548-69-6483 and 7548-69-6892 to
5 the northeasternmost corner of Lot 64, Dillard Subdivision identified on Jackson
6 County tax map 7548(02) as parcel 7548-69-6892,
7 -Thence turning and running north with the western boundaries of Lot 67 Dillard
8 Subdivision identified on Jackson County tax map 7548(02) as parcel 7548-79-1217 to
9 the northwesternmost corner of Lot 67 Dillard Subdivision identified on Jackson
10 County tax map 7548(02) as parcel 7548-79-1217,
11 -Thence turning and running generally northeast with the northern boundary of Lot
12 67 Dillard subdivision identified on Jackson County tax map 7548(02) as parcel 7548-
13 79-1217 to the northeasternmost corner of Lot 67 Dillard identified on Jackson
14 County tax map 7548(02) as parcel 7548-79-1217,
15 -Thence turning and running generally southeast with the eastern boundary of Lot 67
16 Dillard Subdivision identified on Jackson County tax map 7548(02) as parcel 7548-
17 79-1217,
18 -Thence turning and running generally northeast along the northern boundary of Lot
19 70 Dillard Subdivision identified on Jackson County tax map 7548(02) as parcel
20 7548-79-7849 to the northeasternmost corner of Lot 70 Dillard Subdivision identified
21 on Jackson County tax map 7548(02) as parcel 7548-79-7849,
22 -Thence turning and running generally southeast with the eastern boundary of Lot 70
23 Dillard Subdivision identified on Jackson County tax map 7548(02) as parcel 7548-
24 79-7849,
25 -Thence turning and running generally northeast with the boundaries of Lots 316,
26 306, 304, and 302 Forest Hills Subdivision identified on Jackson County tax map
27 7548(02) as parcels 7548-89-2866 and two unnumbered parcels,
28 -Thence turning and running generally north with the western boundary of Lot 79
29 Dillard Subdivision identified on Jackson County tax map 7549(02) as parcel 7549-
30 80-7281 to the northeasternmost corner of Lot 79 Dillard Subdivision identified on
31 Jackson County tax map 7549(02) as parcel 7549-80-7281,
32 -Thence turning and running generally southeast with the eastern boundary of Lot 79
33 Dillard Subdivision identified on Jackson County tax map 7549(02) as parcel 7549-
34 80-7281 to the northeasternmost corner of Lot 79 Dillard Subdivision identified on
35 Jackson County tax map 7549(02) as parcel 7549-80-7281,
36 -Thence turning and running generally northeast for approximately 400 feet with the
37 northern boundary of an unidentified parcel shown on Jackson County tax map
38 7548(02) to the northwesternmost corner of Lot 84 Dillard Subdivision identified on
39 Jackson County tax map 7548(02) as parcel 7548-99-4947,
40 -Thence turning and running generally southeast with the northeast boundary of Lot
41 84, Dillard Subdivision identified on Jackson County tax map 7548(02) as parcel
42 7548-99-4947 to the northeasternmost corner of Lot 84, Dillard Subdivision identified
43 on Jackson County tax map 7548(02) as parcel 7548-99-4947,

1 -Thence turning and running generally northeast with the northwest boundary of
2 parcel 7548-99-8653 on Jackson County tax map 7548(02) to the northernmost corner
3 of parcel 7548-99-8653 identified on Jackson County tax map 7548(02),
4 -Thence turning and running generally southeast with the northeast boundary of
5 parcel 7548-99-8653 identified on Jackson County tax map 7548(02) to the
6 intersection of the northern edge of State Road 1330, Dillard Farm Road, as shown
7 on Jackson County tax map 7548(02),
8 -Thence turning and running generally east with the north side of State Road 1330,
9 Dillard Farm Road, for approximately 210 ft to the southwesternmost corner of
10 parcel 7558-09-3995 identified on Jackson County tax map 7558(05),
11 -Thence turning and running north with the western boundary of parcel 7558-09-3995
12 as identified on Jackson County tax map 7558(02) to the northwesternmost corner of
13 parcel 7558-09-3995 as identified on Jackson County tax map 7558(02),
14 -Thence turning and running northeast with the northern boundaries of parcels 7558-
15 09-3995 and 7558-09-7459 identified on Jackson County tax map 7558(05) to the
16 northeasternmost corner of parcel 7558-09-7459 identified on Jackson County tax
17 map 7558(05),
18 -Thence turning and running generally southeast with the northeast boundary of
19 parcel 7558-09-7459 identified on Jackson County tax map 7558(05) to the
20 southeasternmost corner of parcel 7558-09-7459 identified on Jackson County tax
21 map 7558(05),
22 -Thence turning and running generally north and northwest with the western
23 boundary of parcel 7559-10-1074 identified on Jackson County tax map 7559(17) to
24 the northwesternmost corner of parcel 7559-10-1074 identified on Jackson County tax
25 map 7559(17),
26 -Thence turning and running generally northeast with the northwest boundary of
27 parcel 7559-10-1074 identified on Jackson County tax map 7559(17) to the
28 northeasternmost corner of parcel 7559-10-1074 identified on Jackson County tax
29 map 7559(17),
30 -Thence turning and running generally southeast with the northeast boundary of
31 parcel 7559-10-1074 identified on Jackson County tax map 7559(17) to the
32 intersection with the north side of State Road 1330, Dillard Farm Road,
33 -Thence turning and running generally northeast for approximately 1050 feet with the
34 north side of State Road 1330, Dillard Farm Road, identified on Jackson County tax
35 map 7559(17) to the point of BEGINNING. All references to 'tax maps' refer to
36 Jackson County Tax Maps as of March 3, 1997.

37 "CHAPTER III.

38 "GOVERNING BODY.

39 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing
40 body of the Village of Forest Hills is the Village Council, which has four members
41 and the Mayor.

42 "Section 3.2. **Manner of Electing Village Council.** The qualified voters of the
43 entire Village of Forest Hills shall elect the members of the Village Council.

1 "Section 3.3. **Term of Office for Village Council Members.** Members of the
2 Village Council are elected to four-year terms, except for the initial election in 1997.
3 In 1997, two members of the Village Council shall be elected to four-year terms, and
4 two members of the Village Council shall be elected to two-year terms. Thereafter,
5 each member of the Village Council shall be elected for four-year terms.

6 "Section 3.4. **Selection of Mayor; Term of Office.** The Mayor is elected to a two-
7 year term. The qualified voters of the entire Village of Forest Hills shall elect a
8 Mayor. A Mayor shall be elected in 1997 and biennially thereafter for a two-year
9 term.

10 "CHAPTER IV.

11 "ELECTIONS.

12 "Section 4.1. **Conduct of Village Elections.** Village officers shall be elected on a
13 nonpartisan basis, and the results determined by the plurality method.

14 "CHAPTER V.

15 "ADMINISTRATION.

16 "Section 5.1. **Mayor-Council Plan.** The Village of Forest Hills operates under the
17 Mayor-Council Plan as provided by Part 3 of Article 7 of Chapter 160B of the
18 General Statutes. The Mayor shall vote only in those cases necessary to break a tie.

19 "Section 5.2. **Interim Mayor and Village Council.** Until members of the Village
20 Council are elected in 1997 in accordance with the Village Charter and the law of
21 North Carolina, Irene M. Hooper shall serve as interim Mayor; and Jean Adams,
22 Lawrence G. Kolenbrander, James W. Pearce, and Harold J. Williford shall serve as
23 interim members of the Village Council, with all powers and authority as if they had
24 been duly elected."

25 Section 2. On or before September 1, 1997, the Jackson County Board of
26 Elections shall conduct a special election for the purpose of submission to the
27 qualified voters of the area described in Section 2.1 of the Charter of the Village of
28 Forest Hills, the question of whether or not such area shall be incorporated as the
29 Village of Forest Hills.

30 Section 3. In the election, the question on the ballot shall be:

31 "[]FOR []AGAINST

32 Incorporation of the Village of Forest Hills".

33 Section 4. In the election, if a majority of the votes are cast "For the
34 incorporation of the Village of Forest Hills", this Charter becomes effective on the
35 date that the Jackson County Board of Elections certifies the results of the election.
36 Otherwise, Sections 1 through 3 of this act shall have no force and effect.

37 Section 5. If a majority of the voters approve an incorporation of the
38 Village of Forest Hills, the election of the Village Council and Mayor shall take place
39 at an election held on the general election on the Tuesday after the first Monday in
40 November 1997.

41 Section 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 773

Short Title: Bald Head Island Charter.

(Local)

Sponsors: Representatives Redwine and Hill (Cosponsors).

Referred to: Ways and Means.

April 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE
3 OF BALD HEAD ISLAND.

4 Whereas, Bald Head Island is suitably located in a subtropic environment
5 and blessed with temperate climates from the Atlantic Ocean and is conducive to the
6 maintenance of permanent and retirement residences and other buildings and
7 structures with an emphasis on environmental controls and a planned community;
8 and

9 Whereas, the Village of Bald Head Island, in company with all its
10 residents and property owners and their representatives, is fully aware of the unique
11 nature of Bald Head Island with its combination of structures, land, and vegetation,
12 including the oldest standing lighthouse along the coast of the State and
13 approximately 172 acres of publicly owned prime maritime forest, that exist in a
14 delicate ecological balance requiring careful planning, nurture, and support, as
15 evidenced in the development plan for the island; and

16 Whereas, Bald Head Island is solely situated between the waters of the
17 Atlantic Ocean and the Cape Fear River and is not connected to the mainland of the
18 State by either natural or man-made structures, necessitating a unique form of
19 transportation unlike any other in the State; and

20 Whereas, the Village of Bald Head Island recognizes the inordinately
21 large numbers of nonresident property owners and values their past contributions to
22 the orderly and successful development of Bald Head Island; and

23 Whereas, while there exists no formal arrangement to continue an
24 ongoing obligatory relationship with the nonresident property owners, the Village of

1 **"ARTICLE X. MOTOR VEHICLE REGULATION.**

2 **"Section 10.1. Motor Vehicle Regulation.** The Village may by ordinance exempt
3 from the provisions of Articles 3, 3A, 11, and 13 of Chapter 20 of the General
4 Statutes, in whole or in part, the registration, licensing, regulation, inspection, or
5 equipping of motor vehicles and may regulate the use, operation, possession, and
6 ownership of motor vehicles within the jurisdiction of the Village of Bald Head
7 Island. Additionally, notwithstanding the provisions of Chapter 20 of the General
8 Statutes or any other statute, and in addition to those powers now or hereafter
9 conferred by law, the Village shall have the authority to regulate motor vehicles and
10 other means of transportation within the jurisdiction of the Village, including the
11 following:

12 (1) Regulation of the use and operation of all vehicles, as defined in G.S. 20-
13 4.01(49).

14 (2) Regulation of all electrically powered vehicles or vehicles powered by fossil
15 fuel or internal combustion engines.

16 (3) Regulation of the size, weight, lighting, safety standards, and engine or motor
17 size or power characteristics of all vehicles or other means of transportation within
18 the jurisdiction of the Village.

19 **"Section 10.2. Street Regulation.** In order to establish and preserve the unique
20 character and aesthetics of Bald Head Island, the Village may adopt, by ordinance,
21 such standards for the establishment and maintenance of streets and roads within the
22 jurisdiction of the Village as it deems appropriate. The streets and roads within the
23 jurisdiction of the Village shall not be under the authority of the North Carolina
24 Department of Transportation. The provisions of Articles 2 and 2A of Chapter 136
25 of the General Statutes shall not apply within the jurisdiction of the Village. The
26 Village shall be exempt from the provisions of G.S. 136-66.2.

27 **"ARTICLE XI. SEA TURTLE SANCTUARY.**

28 **"Section 11.1. Sea Turtle Sanctuary.** The Village of Bald Head Island may create
29 and establish a sea turtle sanctuary within the areas of the Village limits above the
30 mean low watermark, to include the foreshore. Any ordinances adopted by the
31 Village to regulate activities within the sea turtle sanctuary that may or will disturb or
32 destroy a sea turtle, a sea turtle nest, or sea turtle eggs, must be consistent with the
33 ordinance powers found in G.S. 160A-174, G.S. 160A-308, and any other law. The
34 ordinances adopted by the Village may by cross-reference incorporate the criminal
35 statutes regarding the taking of sea turtles at G.S. 113-189 and G.S. 113-337. It shall
36 be unlawful for any person within the sea turtle sanctuary to disturb or destroy a sea
37 turtle, a sea turtle nest, or sea turtle eggs in violation of an ordinance adopted by the
38 Village of Bald Head Island."

39 Section 2. The purpose of this act is to revise the Charter of the Village
40 of Bald Head Island and to consolidate certain acts concerning the property, affairs,
41 and government of the Village. It is intended to continue without interruption those
42 provisions of prior acts which are expressly consolidated into this act, so that all
43 rights and liabilities which have accrued are preserved and may be enforced.

1 Section 3. This act does not repeal or affect any acts concerning the
2 property, affairs, or government of public schools or any acts validating official
3 actions, proceedings, contracts, or obligations of any kind.

4 Section 4. The provisions of Chapter 156 of the 1985 Session Laws,
5 except for the provisions of Section 4-3(f), (g), and (h), having served the purposes
6 for which they were enacted or having been consolidated into this act, are expressly
7 repealed. The provisions of Section 4-3(f), (g), and (h) of Chapter 156 of the 1985
8 Session Laws are expressly not repealed and shall continue as authorized.

9 Section 5. The Mayor and Council members serving on the date of
10 ratification of this act shall serve until the expiration of their terms or until their
11 successors are elected and qualified. Thereafter those offices shall be filled as
12 provided in Articles II and III of Section 1 of this Charter.

13 Section 6. This act does not affect any rights or interests which arose
14 under any provisions repealed by this act.

15 Section 7. All existing ordinances, resolutions, and other provisions of
16 the Village of Bald Head Island not inconsistent with the provisions of this act shall
17 continue in effect until repealed or amended.

18 Section 8. No action or proceeding pending on the effective date of this
19 act by or against the Village or any of its departments or agencies shall be abated or
20 otherwise affected by this act.

21 Section 9. Whenever a reference is made in this act to a particular
22 provision of the General Statutes, and that provision is later amended, superseded, or
23 recodified, the reference shall be deemed amended to refer to the amended General
24 Statute or to the General Statute that most clearly corresponds to the statutory
25 provision that is superseded or recodified.

26 Section 10. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 773

Short Title: Bald Head Island Charter.

(Local)

Sponsors: Representatives Redwine and Hill (Cosponsors).

Referred to: Ways and Means.

April 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE
3 OF BALD HEAD ISLAND.

4 Whereas, Bald Head Island is suitably located in a subtropic environment
5 and blessed with temperate climates from the Atlantic Ocean and is conducive to the
6 maintenance of permanent and retirement residences and other buildings and
7 structures with an emphasis on environmental controls and a planned community;
8 and

9 Whereas, the Village of Bald Head Island, in company with all its
10 residents and property owners and their representatives, is fully aware of the unique
11 nature of Bald Head Island with its combination of structures, land, and vegetation,
12 including the oldest standing lighthouse along the coast of the State and
13 approximately 172 acres of publicly owned prime maritime forest, that exist in a
14 delicate ecological balance requiring careful planning, nurture, and support, as
15 evidenced in the development plan for the island; and

16 Whereas, Bald Head Island is solely situated between the waters of the
17 Atlantic Ocean and the Cape Fear River and is not connected to the mainland of the
18 State by either natural or man-made structures, necessitating a unique form of
19 transportation unlike any other in the State; and

20 Whereas, the Village of Bald Head Island recognizes the inordinately
21 large numbers of nonresident property owners and values their past contributions to
22 the orderly and successful development of Bald Head Island; and

23 Whereas, while there exists no formal arrangement to continue an
24 ongoing obligatory relationship with the nonresident property owners, the Village of

1 Bald Head Island has long recognized such a relationship to be beneficial to all
2 persons who have an interest in the island and the advisability of continuing to call
3 upon nonresidents for their expertise and counsel; and

4 Whereas, the Village of Bald Head Island has served and will continue to
5 serve as a model for cooperation between government and property owners and their
6 representatives in efficient service and good planning without duplication in
7 expenditures or unnecessary taxation; and

8 Whereas, Bald Head Island with its variance in seasonal population has
9 benefited from the advantages of a municipal form of government, with the
10 modifications and limitations as specified herein, in order to achieve its goals as a
11 planned community; Now, therefore,

12 The General Assembly of North Carolina enacts:

13 Section 1. The Charter of the Village of Bald Head Island is revised and
14 consolidated to read as follows:

15 "THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND.

16 "ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

17 "Section 1.1. **Incorporation.** The Village of Bald Head Island, North Carolina, in
18 Brunswick County, and the inhabitants thereof shall continue to be a municipal body
19 politic and corporate, under the name of the 'Village of Bald Head Island',
20 hereinafter at times referred to as the 'Village'.

21 "Section 1.2. **Powers.** The Village shall have and may exercise all of the powers,
22 duties, rights, privileges, and immunities conferred upon the Village of Bald Head
23 Island specifically by this Charter or upon municipal corporations by general law.
24 The term 'general law' is employed herein as defined in G.S. 160A-1.

25 "Section 1.3. **Corporate Boundaries.** The corporate boundaries shall be those
26 existing at the time of ratification of this Charter, as set forth on the official map of
27 the Village and as they may be altered from time to time in accordance with law. An
28 official map of the Village, showing the current municipal boundaries, shall be
29 maintained permanently in the office of the Village Clerk and shall be available for
30 public inspection. Upon alteration of the corporate limits pursuant to law, the
31 appropriate changes to the official map shall be made and copies shall be filed in the
32 offices of the Secretary of State, the Brunswick County Register of Deeds, and the
33 appropriate board of elections.

34 "ARTICLE II. GOVERNING BODY.

35 "Section 2.1. **Village Governing Body; Composition.** The Mayor and the Village
36 Council shall be the governing body of the Village.

37 "Section 2.2. **Village Council; Composition; Terms of Office.** The Council shall be
38 composed of five members to be elected by all the qualified voters of the Village for
39 terms of four years, or until their successors are elected and qualified.

40 "Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by the
41 Council from among its membership, to serve for a term of two years. The Mayor
42 shall be the official head of the Village government and preside at meetings of the
43 Council, shall have the right to vote on all matters before the Council, but shall not
44 have the power to vote again in instances where there is an equal division on a

1 question, and shall exercise the powers and duties conferred by law or as directed by
2 the Council.

3 "Section 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as
4 Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence
5 or disability, in accordance with general law.

6 "Section 2.5. **Meetings.** In accordance with general law, the Council shall
7 establish a suitable time and place for its regular meetings. Special and emergency
8 meetings may be held as provided by general law.

9 "Section 2.6. **Quorum; Voting Requirements.** Official actions of the Council and
10 all votes shall be taken in accordance with applicable provisions of general law,
11 particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

12 "Section 2.7. **Qualifications for Office; Compensation; Vacancies.** The
13 qualifications of the Mayor and Council members shall be in accordance with general
14 law. The Mayor and Council members shall receive no compensation for their
15 services but may be reimbursed for ordinary and necessary expenses. Vacancies shall
16 be filled as provided in G.S. 160A-63.

17 "ARTICLE III. ELECTIONS.

18 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
19 held in each odd-numbered year in accordance with the uniform municipal election
20 laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the
21 results determined using the nonpartisan plurality method as provided in G.S. 163-
22 292.

23 "Section 3.2. **Election of Council Members.** The Council members serving on the
24 date of ratification of this Charter shall serve until the expiration of their terms or
25 until their successors are elected and qualified. Except for the filling of vacancies as
26 provided for in G.S. 160A-63, two Council members shall be elected at the regular
27 municipal election in 1997 and every four years thereafter, and three Council
28 members shall be elected at the regular municipal election in 1999 and every four
29 years thereafter.

30 "Section 3.3. **Special Elections and Referenda.** Special elections and referenda
31 may be held only as provided by general law or applicable local acts of the General
32 Assembly.

33 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

34 "Section 4.1. **Form of Government.** The Village shall operate under the council-
35 manager form of government, in accordance with G.S. 160A, Article 7, Part 2.

36 "Section 4.2. **Village Manager; Appointment; Powers and Duties.** The Council
37 shall appoint a Village Manager who shall be responsible for the administration of all
38 departments of the Village government. The Village Manager shall have all the
39 powers and duties conferred by general law, except as expressly limited by the
40 provisions of this Charter, and the additional powers and duties conferred by the
41 Council, so far as authorized by general law.

42 "Section 4.3. **Manager's Personnel Authority; Role of Elected Officials.** As chief
43 administrator, the Village Manager shall have the power to appoint, suspend, and
44 remove all officers, department heads, and employees in the administrative service of

1 the Village, with the exception of the Village Attorney, the Village Clerk, and any
2 other official whose appointment or removal is specifically vested in the Council by
3 this Charter or by general law. Neither the Council nor any of its members shall take
4 part in the appointment or removal of officers and employees in the administrative
5 service of the Village, except as provided by this Charter. Except for the purpose of
6 inquiry, or for consultation with the Village Attorney, the Council and its members
7 shall deal with the administrative service solely through the Village Manager, Acting
8 Manager, or Interim Manager, and neither the Council nor any of its members shall
9 give any specific orders to any subordinates of the Village Manager, Acting Manager,
10 or Interim Manager, either publicly or privately.

11 "Section 4.4. **Village Attorney.** The Village Council shall appoint a Village
12 Attorney licensed to practice law in North Carolina. It shall be the duty of the
13 Village Attorney to represent the Village, advise Village officials, and perform other
14 duties required by law or as the Council may direct.

15 "Section 4.5. **Village Clerk.** The Village Council shall appoint a Village Clerk to
16 keep a journal of the proceedings of the Council, to maintain official records and
17 documents, to give notice of meetings, and to perform such other duties required by
18 law or as the Council may direct.

19 "Section 4.6. **Tax Collector.** The Village shall have a Tax Collector to collect all
20 taxes owed to the Village, subject to general law, this Charter, and Village ordinances
21 and to perform those duties specified in G.S. 105-350 and such other duties as
22 prescribed by law or assigned by the Village Manager. Notwithstanding the
23 provisions of G.S. 105-349, the Village Manager is authorized to appoint and remove
24 the Tax Collector and any deputy tax collectors.

25 "Section 4.7. **Finance Director.** The Village Manager shall appoint a Finance
26 Officer to perform the duties designated in G.S. 159-25 and such other duties as may
27 be prescribed by law or as the Council may direct, or the Village Council may, at its
28 election, confer the duties of Finance Officer on the Village Manager as Budget
29 Officer. The Finance Officer may be entitled 'Accountant,' 'Treasurer,' 'Finance
30 Director,' 'Finance Officer,' or any other reasonably descriptive title.

31 "Section 4.8. **Other Administrative Officers and Employees.** The Council may
32 authorize other positions to be filled by appointment by the Village Manager, and
33 may organize the Village government as deemed appropriate, subject to the
34 requirements of general law.

35 "ARTICLE V. FINANCE AND TAXATION.

36 "Section 5.1. **Room Occupancy and Tourism Development Tax.** The authority of
37 the Village to levy a room occupancy and tourism tax shall continue as authorized by
38 Chapter 664 of the 1991 Session Laws, and any subsequent acts.

39 "ARTICLE VI. CONTRACT POST OFFICE.

40 "Section 6.1. **Contract Post Office.** The authority of the Village to operate a
41 contract post office shall continue as authorized by Chapter 16 of the 1991 Session
42 Laws, as amended by Chapter 350 of the 1991 Session Laws, and any subsequent acts.

43 "ARTICLE VII. NO-WAKE SPEED ZONE.

1 "Section 7.1. **'No-Wake' Speed Zone.** The 'no-wake' speed zone established by
2 Chapter 688 of the 1987 Session Laws, and any subsequent acts, shall continue as
3 authorized.

4 "ARTICLE VIII. MISCELLANEOUS.

5 "Section 8.1. **Motorboat Operation.** The Village may regulate the speed and
6 operation of motorboats within the Village jurisdiction to preserve the tranquillity
7 and environment of the Village.

8 "Section 8.2. **Sand Dunes.** The Village may construct, reconstruct, plant, and
9 maintain sand dunes and regulate access to and across dunes to prevent or repair
10 damage to dunes so as to provide protection against erosion or overwash.

11 "Section 8.3. **Beach Regulation.** The Village may, by ordinance, establish
12 standards of dress, conduct, and decorum on the beaches of Bald Head Island and
13 may otherwise regulate the use of those beaches within the Village jurisdiction.

14 "ARTICLE IX. PHASED DEVELOPMENT PLAN.

15 "Section 9.1. **Phased Development Plan.** In accordance with an act to incorporate
16 the Village of Bald Head Island, Chapter 156 of the 1985 Session Laws, the Village
17 Council was required to adopt by ordinance plans of development consistent with the
18 historical land-use patterns and densities in existence on Bald Head Island at the time
19 of ratification of the act. The Village Council, after public hearing and upon
20 recommendation of its Planning Board, adopted a zoning ordinance for the
21 undeveloped portions of Bald Head Island consistent with those historical land-use
22 patterns and densities. Such zoning ordinance is based upon a 'Phased Development
23 Plan' (as that term is defined in G.S. 160A-385.1(b)(3)), which plan was prepared by
24 Bald Head Island Limited.

25 "Section 9.2. **Vested Rights.** The owners of the undeveloped portions of Bald
26 Head Island are declared hereby to have acquired vested rights in accordance with
27 G.S. 160A-385.1 as to the 'Phased Development Plan' entitled 'Revised June 29, 1995
28 STAGE 2 MASTER PLAN BALD HEAD ISLAND NORTH CAROLINA BALD
29 HEAD ISLAND PLANNING DEPARTMENT' and approved by the State Division
30 of Coastal Management on August 7, 1995. Notwithstanding the provisions of G.S.
31 160A-385.1(d), these vested rights shall be valid through December 31, 1999, and no
32 longer. Nothing in this section shall be construed to prohibit the further granting of
33 vested rights by the Village pursuant to the provisions of G.S. 160A-385.1.

34 "Section 9.3. **Alteration of Vested Rights.** As specifically authorized by G.S.
35 160A-385.1(e)(1)a., the vested rights herein granted may only be changed, prior to
36 December 31, 1999, as allowed by the exceptions set forth in G.S. 160A-385.1(e). In
37 addition, subject to the approval of the Village and within the limits established by
38 the Village zoning and other land-use ordinances, vested densities may be transferred
39 within the area depicted on the Stage 2 Master Plan referred to in Section 9.2 of this
40 Charter so long as the density of development within the total area is not increased.

41 "Section 9.4. **Land-Use Regulation.** Except as herein expressly provided, nothing
42 in this Charter shall be construed to prohibit the Village from amending its current
43 land-use regulatory ordinances, in whole or in part, or otherwise regulating the use of
44 land within the planning and zoning jurisdiction of the Village.

1 **"ARTICLE X. MOTOR VEHICLE REGULATION.**

2 **"Section 10.1. Motor Vehicle Regulation.** The Village may by ordinance exempt
3 from the provisions of Articles 3, 3A, 11, and 13 of Chapter 20 of the General
4 Statutes, in whole or in part, the registration, licensing, regulation, inspection, or
5 equipping of motor vehicles and may regulate the use, operation, possession, and
6 ownership of motor vehicles within the jurisdiction of the Village of Bald Head
7 Island. Additionally, notwithstanding the provisions of Chapter 20 of the General
8 Statutes or any other statute, and in addition to those powers now or hereafter
9 conferred by law, the Village shall have the authority to regulate motor vehicles and
10 other means of transportation within the jurisdiction of the Village, including the
11 following:

12 (1) Regulation of the use and operation of all vehicles, as defined in G.S. 20-
13 4.01(49).

14 (2) Regulation of all electrically powered vehicles or vehicles powered by fossil
15 fuel or internal combustion engines.

16 (3) Regulation of the size, weight, lighting, safety standards, and engine or motor
17 size or power characteristics of all vehicles or other means of transportation within
18 the jurisdiction of the Village.

19 **"Section 10.2. Street Regulation.** In order to establish and preserve the unique
20 character and aesthetics of Bald Head Island, the Village may adopt, by ordinance,
21 such standards for the establishment and maintenance of streets and roads within the
22 jurisdiction of the Village as it deems appropriate. The streets and roads within the
23 jurisdiction of the Village shall not be under the authority of the North Carolina
24 Department of Transportation. The provisions of Articles 2 and 2A of Chapter 136
25 of the General Statutes shall not apply within the jurisdiction of the Village. The
26 Village shall be exempt from the provisions of G.S. 136-66.2.

27 **"ARTICLE XI. SEA TURTLE SANCTUARY.**

28 **"Section 11.1. Sea Turtle Sanctuary.** The Village of Bald Head Island may create
29 and establish a sea turtle sanctuary within the areas of the Village limits above the
30 mean low watermark, to include the foreshore. Any ordinances adopted by the
31 Village to regulate activities within the sea turtle sanctuary that may or will disturb or
32 destroy a sea turtle, a sea turtle nest, or sea turtle eggs, must be consistent with the
33 ordinance powers found in G.S. 160A-174, G.S. 160A-308, and any other law. The
34 ordinances adopted by the Village may by cross-reference incorporate the criminal
35 statutes regarding the taking of sea turtles at G.S. 113-189 and G.S. 113-337. It shall
36 be unlawful for any person within the sea turtle sanctuary to disturb or destroy a sea
37 turtle, a sea turtle nest, or sea turtle eggs in violation of an ordinance adopted by the
38 Village of Bald Head Island."

39 Section 2. The purpose of this act is to revise the Charter of the Village
40 of Bald Head Island and to consolidate certain acts concerning the property, affairs,
41 and government of the Village. It is intended to continue without interruption those
42 provisions of prior acts which are expressly consolidated into this act, so that all
43 rights and liabilities which have accrued are preserved and may be enforced.

1 Section 3. This act does not repeal or affect any acts concerning the
2 property, affairs, or government of public schools or any acts validating official
3 actions, proceedings, contracts, or obligations of any kind.

4 Section 4. The provisions of Chapter 156 of the 1985 Session Laws,
5 except for the provisions of Section 4-3(f), (g), and (h), having served the purposes
6 for which they were enacted or having been consolidated into this act, are expressly
7 repealed. The provisions of Section 4-3(f), (g), and (h) of Chapter 156 of the 1985
8 Session Laws are expressly not repealed and shall continue as authorized.

9 Section 5. The Mayor and Council members serving on the date of
10 ratification of this act shall serve until the expiration of their terms or until their
11 successors are elected and qualified. Thereafter those offices shall be filled as
12 provided in Articles II and III of Section 1 of this Charter.

13 Section 6. This act does not affect any rights or interests which arose
14 under any provisions repealed by this act.

15 Section 7. All existing ordinances, resolutions, and other provisions of
16 the Village of Bald Head Island not inconsistent with the provisions of this act shall
17 continue in effect until repealed or amended.

18 Section 8. No action or proceeding pending on the effective date of this
19 act by or against the Village or any of its departments or agencies shall be abated or
20 otherwise affected by this act.

21 Section 9. Whenever a reference is made in this act to a particular
22 provision of the General Statutes, and that provision is later amended, superseded, or
23 recodified, the reference shall be deemed amended to refer to the amended General
24 Statute or to the General Statute that most clearly corresponds to the statutory
25 provision that is superseded or recodified.

26 Section 10. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 595*

Short Title: Reidsville Annexations (Rockingham).

(Local)

Sponsors: Representatives Cole; Allred and Reynolds.

Referred to: Local and Regional Government II, if favorable, Finance.

March 24, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE
3 EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND
4 TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE
5 CEILING ON SATELLITE ANNEXATIONS.

6 The General Assembly of North Carolina enacts:

7 Section 1. The Charter of the City of Reidsville, being Chapter 957,
8 Session Laws of 1989, is amended by adding the following new sections:

9 "Sec. 1.4. **Effective date of annexation ordinances.**

10 (a) The provisions of G.S. 160A-31(d), 160A-58.2, and 160A-58.7 notwithstanding,
11 the city council may make annexation ordinances adopted pursuant to Part 1 or 4 of
12 Article 4A of Chapter 160A of the General Statutes effective on any specified date
13 within four years from the date of passage of the annexation ordinance.

14 (b) The provisions of G.S. 160A-49(e)(4) notwithstanding, the city council may fix
15 the effective date of annexation ordinances adopted pursuant to Part 3 of Article 4A
16 of Chapter 160A of the General Statutes for any date not less than 40 days nor more
17 than four years from the date of passage of the ordinances.

18 (c) This section applies only to the following described area:

19 Being a tract of land located in Reidsville Township, Rockingham County, North
20 Carolina.

21 BEGINNING at a concrete right-of-way monument at the southwest quadrant
22 intersection of N.C. Highway 87 and U.S. Highway 29; specifically, said beginning
23 monument being located by North Carolina Grid system tie North 69 deg. 13 min. 47
24 sec. West 416.92 feet from North Carolina Grid monument 'Holiday Inn,' a brass disc

1 set in concrete on the north side of the N. C. Highway 87 bridge over U.S. Highway
2 29 and approximately situated over the western edge of the east lane of U. S.
3 Highway 29; thence, from said beginning monument along and with the western
4 controlled access right-of-way of U. S. Highway 29 the following courses and
5 distances:

6 South 10 deg. 29 min. 32 sec. West 329.37 feet to a concrete monument, South 02
7 deg. 25 min. 31 sec. West 214.10 feet to a concrete monument, South 02 deg. 27 min.
8 59 sec. East 109.57 feet to a concrete monument, South 01 deg. 05 min. 19 sec. East
9 192.01 feet to a concrete monument, South 05 deg. 26 min. 27 sec. West 243.44 feet
10 to a concrete monument, South 16 deg. 37 min. 08 sec. West 1,242.82 feet to an
11 existing iron pipe, a corner with Laidlaw Environmental Services, Inc.; thence leaving
12 the controlled access right-of-way of U. S. Highway 29 and with the line of Laidlaw
13 Environmental Services North 80 deg. 35 min. 23 sec. West 952.84 feet to an existing
14 iron pipe in the east right-of-way of Watlington Industrial Drive (SR 2664); thence
15 continuing with said right-of-way, North 00 deg. 27 min. 49 sec. East 632.38 feet to an
16 iron pipe set at the P. C. of a curve; thence continuing with said right-of-way along
17 the arc of a curve right with a radius of 1,442.45 feet, a distance of 456.49 feet to an
18 iron pipe set; said curve having a chord of North 09 deg. 31 min. 47 sec. East 454.59
19 feet; thence North 18 deg. 35 min. 45 sec East 754.96 feet to an iron pipe set in said
20 right-of-way of Watlington Industrial Drive and being the P. C. of a curve; thence
21 continuing along with said right-of-way the arc of said curve right with a radius of
22 1,424.90 feet, a distance of 393.88 feet to an iron pipe set, said curve having a chord
23 of North 26 deg. 30 min. 54 sec. East 392.63 feet; thence continuing said right-of-way
24 North 34 deg. 25 min. 31 sec. East 544.62 feet to an iron pipe set in the right-of-way
25 at the southeast quadrant intersection of Watlington Industrial Drive and N. C.
26 Highway 87; thence along and with the right-of-way of N. C. Highway 87 at the
27 following courses and distances: South 51 deg. 21 min. 01 sec. East 386.10 feet to a
28 concrete right-of-way monument, South 48 deg. 48 min. 36 sec. East 247.82 feet to a
29 concrete right-of-way monument, South 48 deg. 54 min. 44 sec. East 115.28 feet to a
30 concrete right-of-way monument, the point of beginning and containing 60.269 Acres
31 as per survey dated May 24, 1993, by Obie M. Chambers and Associates, R. L. S.,
32 Reidsville, North Carolina.

33 "Sec. 1.5. **Satellite annexations.** The area annexed by an annexation ordinance
34 adopted by the City of Reidsville on April 13, 1995, shall not be included in any
35 calculations made under G.S. 160A-58.1(b)(5)."

36 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 653*

Short Title: Wentworth Charter Amendments.

(Local)

Sponsors: Representatives Sexton; and Allred.

Referred to: Local and Regional Government II.

March 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE TOWN OF WENTWORTH,
3 SUBJECT TO A REFERENDUM.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter 76 of the Private Laws of 1798 is amended by adding
6 a new section to read:
7 "VII. The Charter of the Town of Wentworth is revised and consolidated to read:
8 "CHARTER OF THE TOWN OF WENTWORTH.
9 "CHAPTER I.
10 "INCORPORATION AND CORPORATE POWERS.
11 "Sec. 1.1. The inhabitants of the Town of Wentworth are a body corporate and
12 politic under the name 'Town of Wentworth'. Under that name they have all the
13 powers, duties, rights, privileges, and immunities conferred and imposed upon cities
14 by the general law of North Carolina.
15 "CHAPTER II.
16 "CORPORATE BOUNDARIES.
17 "Sec. 2.1. Until changed in accordance with law, the boundaries of the Town of
18 Wentworth are as follows:
19 BEGINNING at a point in the centerline of the intersection of Sandy Cross Road and
20 Irvin Farm Road; thence with the centerline of Sandy Cross Road in a northerly
21 direction to its intersection with the centerline of Dairy Road; thence with the course
22 of the centerline of Dairy Road (if projected in an easterly direction) to a point 400
23 feet east of the centerline of Sandy Cross Road; thence a line 400 feet from and
24 parallel to the centerline of Sandy Cross Road in a northeasterly direction to a point

1 in the centerline of NC Highways 65 and 87; thence the centerline of Highways 65
2 and 87 in a northwesterly direction to a point 400 feet south of the intersection of the
3 centerlines of Highways 65 and 87 and the first reached intersection of Wentworth
4 Street and Highways 65 and 87; thence a line 400 feet south of and parallel to the
5 centerline of Wentworth Street in a northeasterly direction to a point 820 feet past its
6 intersection with the centerline of Parkland Road; thence north 800 feet to a point
7 400 feet north of the centerline of Wentworth Street; thence a line 400 feet north of
8 and parallel to the centerline of Wentworth Street in a southwesterly direction to a
9 point 400 feet from its intersection with NC State Road 2009; thence a line 400 feet
10 east of and parallel to the centerline of NC State Road 2009 in a northerly direction
11 to a point 400 feet from its intersection with Talley Road; thence a line 400 feet south
12 of and parallel to the centerline of Talley Road in a northeasterly direction to the end
13 of Talley Road; thence north 800 feet to a point 400 feet north of the centerline of
14 Talley Road; thence a line 400 feet north of and parallel to the centerline of Talley
15 Road in a southwesterly direction to a point 400 feet from its intersection with NC
16 State Road 2009; thence a line 400 feet east of and parallel to the centerline of State
17 Road 2009 in a northerly direction to the centerline of Carroll Creek; thence with the
18 centerline of Carroll Creek in an easterly direction to its intersection with the
19 centerline of Cedar Lane; thence with the centerline of Cedar Lane in a southerly
20 direction to a point in the centerline of Salem Church Road; thence with the
21 centerline of Salem Church Road in a northeasterly direction 200 feet; thence a line
22 in a northwesterly direction parallel to and 200 feet from the centerline of Cedar
23 Lane to a point 200 feet south of College Lane; thence a line in a northeasterly
24 direction 200 feet south of and parallel to the centerline of College Lane to the end
25 of College Lane; thence a straight line in a northerly direction to a point 400 feet
26 north of the intersection of the centerlines of Berrymore Road and Hudspeth Park
27 Road; thence a line 400 feet north of and parallel to the centerline of Berrymore road
28 in a westerly direction to a point 400 feet due east of the intersection of the
29 centerlines of Berrymore Road and Ashley Loop Road; thence a line 400 feet east of
30 and parallel to the centerline of Ashley Loop Road to a point 400 feet east of the
31 intersection of Ashley Loop Road and Richardson Road; thence a straight line in a
32 westerly direction to the intersection of Roach Creek and the Gas Transmission
33 Pipeline; thence with Roach Creek to Dan River; thence with Dan River in a
34 southwesterly direction to Rockhouse Creek; thence with Rockhouse Creek to its
35 intersection with the centerline of Baker Crossroad Road; thence with the centerline
36 of Baker Crossroad Road southeasterly to a point 400 feet past the intersection of the
37 centerlines of Baker Crossroad Road and Vernon Road; thence a line 400 feet south
38 of and parallel to the centerline of Vernon Road to its intersection with the centerline
39 of Sandy Cross Road; thence with the centerline of Sandy Cross Road in an easterly
40 direction to the POINT OF BEGINNING.

41 "CHAPTER III.

42 "GOVERNING BODY.

43 "Sec. 3.1. The governing body of the Town of Wentworth is the Town Council,
44 which has five members.

1 "Sec. 3.2. The qualified voters of the entire Town elect the members of the Town
2 Council.

3 "Sec. 3.3. From the effective date of this Charter until the organizational meeting
4 of the Town Council after the 1999 municipal election, the members of the Town
5 Council shall be Cassandra Broadnax, Evelyn Conner, George Murphy, Larry Terrell,
6 and Dennis Paschal.

7 "Sec. 3.4. At the regular town election in 1999, five Town Council members shall
8 be elected. The persons receiving the three highest numbers of votes shall be elected
9 for four-year terms, and the two persons receiving the next highest numbers of votes
10 shall be elected for two-year terms. In 2001 and quadrennially thereafter, two Town
11 Council members shall be elected for four-year terms. In 2003 and quadrennially
12 thereafter, three Town Council members shall be elected for four-year terms.

13 "Sec. 3.5. At the organizational meeting of the initial Town Council and at the
14 organizational meeting after each election, the council shall elect one of its members
15 to serve at its pleasure as Mayor.

16 "CHAPTER IV.

17 "ELECTIONS.

18 "Sec. 4.1. The Town Council shall be elected on the nonpartisan basis and the
19 results determined by plurality in accordance with G.S. 163-292.

20 "Sec. 4.2. Elections shall be conducted in accordance with Chapter 163 of the
21 General Statutes.

22 "CHAPTER V.

23 "ADMINISTRATION.

24 "Sec. 5.1. The Town of Wentworth shall operate under the mayor-council plan as
25 provided in Part 3 of Article 7 of Chapter 160A of the General Statutes."

26 Section 2. From and after the effective date of the revival of the Charter,
27 the citizens and property in the Town of Wentworth shall be subject to municipal
28 taxes levied for the year beginning July 1, 1997, and for that purpose the Town shall
29 obtain from Rockingham County a record of property in the area herein incorporated
30 which was listed for taxes as of January 1, 1997, and the businesses in the Town shall
31 be liable for privilege license tax from the effective date of the privilege license tax
32 ordinance. The Town may adopt a budget ordinance for fiscal year 1997-98 without
33 following the timetable in the Local Government Budget and Fiscal Control Act, but
34 shall follow the sequence of actions in the spirit of the act insofar as is practical. For
35 fiscal year 1997-98, ad valorem taxes may be paid at par or face amount within 90
36 days of adoption of the budget ordinance, and thereafter in accordance with the
37 schedule in G.S. 105-360 as if the taxes had been due and payable on September 1,
38 1997.

39 Section 3. (a) The Rockingham County Board of Elections shall conduct
40 an election on November 4, 1997, for the purpose of submission to the qualified
41 voters of the area described in Section 2.1 of the Charter of Wentworth, the question
42 of whether or not the Charter of the Town of Wentworth should be revived and new
43 boundaries established. Registration for the election shall be conducted in
44 accordance with G.S. 163-288.2.

1 (b) In the election, the question on the ballot shall be:

2 "[] FOR [] AGAINST

3
4 Amendment of the Charter of the Town of Wentworth and establishment
5 of new boundaries for the town."

6 Section 4. In such election, if a majority of the votes cast shall be cast
7 "FOR Amendment of the Charter of the Town of Wentworth and establishment of
8 new boundaries for the Town", then Sections 1 and 2 of this act become effective on
9 the date that the Rockingham County Board of Elections determines the result of the
10 election. Otherwise, those sections have no effect.

11 Section 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 655
Committee Substitute Favorable 4/24/97

Short Title: Madison Annexation.

(Local)

Sponsors:

Referred to:

March 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS
3 BY THE TOWN OF MADISON.
4 The General Assembly of North Carolina enacts:
5 Section 1. Effective as of midnight June 30, 1997, the noncontiguous area
6 described herein which lies within the extraterritorial jurisdiction of the Town of
7 Madison and is delineated on the Official Zoning Map of the Town of Madison is
8 annexed to the Town of Madison:
9 BEGINNING AT A POINT being the intersection of the centerlines of State
10 Highway 704 and Grogan Lake Road (SR 1178), thence east southeast approximately
11 1540 feet along the centerline of State Highway 704 to a point being the intersection
12 of the centerline of State Highway 704 and Island Drive (SR 1169), thence south
13 approximately 2420 feet to a point on the centerline of Island Drive parallel to the
14 northernmost point of parcel 7916.16-74-6129, thence west southwest approximately
15 1910 feet along the northern boundary of said parcel to a point being the northwest
16 boundary corner of said parcel, thence north approximately 1020 feet along the
17 eastern and southeastern property boundaries of parcels 7906-65-3798 and 7906-76-
18 7040, thence east approximately 565 feet to a point in the centerline of Grogan Lake
19 Road (SR 1178), thence north approximately 320 feet to a point on the centerline of
20 Grogan Lake Road (SR 1178) parallel to the southwest property boundary corner of
21 parcel 7906-86-2975, thence east approximately 212 feet to a point being the southeast
22 property corner of said parcel, thence north approximately 546 feet along the eastern
23 property boundary lines of parcels 7906-86-2975, 7906-87-2073 and 7918-84-2298 to a

1 point being the northeast property boundary corner of parcel 7918-84-2298, thence
2 west approximately 215 feet along the northern boundary of said parcel to the
3 centerline of Grogan Lake Road (SR 1178), thence north approximately 200 feet
4 along the centerline of Grogan Lake Road (SR 1178) to a point parallel to the
5 southwest property boundary corner of parcel 7906.08-87-3727, thence east
6 approximately 215 feet along the southern boundary of said parcel to a point being
7 the southeast property boundary corner of said parcel, thence north approximately
8 400 feet along the eastern boundaries of parcels 7906.08-87-3727 and 7906.08-87-3937
9 to a point being the northeast property boundary corner of parcel 7906-87-3937,
10 thence west approximately 215 feet to a point in the centerline of Grogan Lake Road
11 (SR 1178) parallel to the northwest property boundary corner of said parcel, thence
12 north approximately 476 feet along the centerline of Grogan Lake Road (SR 1178) to
13 a point parallel to the southwest boundary corner of parcel 7915.05-28-3666, thence
14 east approximately 211 feet to a point being the southeast boundary corner of said
15 parcel, thence north approximately 221 feet to a point being the northeast boundary
16 corner of said parcel, thence west approximately 208 feet to the centerline of Grogan
17 Lake Road (SR 1178) to a point parallel to the northwest boundary corner of said
18 parcel, thence north approximately 534 feet along the centerline of Grogan Lake
19 Road (SR 1178) to the BEGINNING.

20 Section 2. G.S. 160A-58.1(b)(2) does not apply to the area set out in
21 Section 1 of this act.

22 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 844

Proposed Committee Substitute H844-PCS6230

Short Title: Reidsville Annexation Restricted.

(Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE TO
RESTRICT ANNEXATION OF THE CITY BEYOND A LINE.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Reidsville, being Chapter 957 of
the Session Laws of 1989, is amended by adding a new section to read:

"Section 1.4. **Annexation Restricted.** The City may not annex under Article 4A of
Chapter 160A of the General Statutes any territory west of the following line:

Beginning at a point in the centerline of the Iron Works Road; said point being
westerly and 400 feet perpendicular to the western right-of-way of Woolen Store
Road Extended to the centerline of the Iron Works Road; thence from said point
northerly about 430 feet to a point; said point being 400 feet perpendicular to and
northerly from the northern right-of-way of the Iron Works Road; thence from said
point in a generally northeasterly direction and being 400 feet parallel to the northern
right-of-way of the Iron Works Road and Sandy Cross Road to a point said point
being 400 feet perpendicular to and northwesterly from the northwestern right-of-way
of Sandy Cross Road and being in the southwestern line of the Calvary Baptist
Church extend northwesterly about 460 feet, thence from said point southeasterly
with the extension of said line and the southwestern line of Calvary Baptist Church
about 610 feet to a point, said point being the southwest corner of Calvary Baptist
Church, thence from said point northeasterly with the southeastern line of Calvary
Baptist Church about 410 feet to a point, said point being the southeast corner of
Calvary Baptist Church, thence from said point northeasterly with said line extended

1 about 50 feet to the centerline of N.C. Hwy. 65 and 87, thence northwesterly with the
2 centerline of N.C. Hwy. 65 and 87 about 760 feet to a point, thence from said point
3 in a northeasterly direction about 450 feet to a point; said point being 400 feet
4 perpendicular to and northeasterly from the northern right-of-way of NC Hwy. 65
5 and 87 and 400 feet perpendicular to and northwesterly from the northern right-of-
6 way of Wentworth Street; thence from said point 400 feet parallel to the northern
7 right-of-way of Wentworth Street and running in a generally northeasterly direction
8 to a point; said point being about 200 feet east of Setliff Road and 400 feet north of
9 Wentworth Street; thence in a northerly direction about 2100 feet to the northeast
10 corner of lot 7 of the Setliff Glenn Subdivision (MB 28-275); said point located about
11 850 feet east of the cul-de-sac at the end of Setliff Road; thence northeasterly about
12 2030 feet to a point at the corner of the University Estates Subdivision; thence
13 easterly about 2000 feet along the southeasterly boundary line of the University
14 Estates Subdivision to a point near Cedar Lane which intersects the boundary of the
15 existing Wentworth Fire District boundary line; thence northerly along the
16 Wentworth Fire District line about 5500 feet to a point; said point being about 400
17 feet south of the intersection of NC 1992 and Berrymore Road; thence parallel to and
18 400 feet from and on the southeast side of Berrymore Road to a point; said point
19 being on NC 14 about 400 feet southeast of the intersection of Berrymore Road and
20 NC 14."

21 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 779

Short Title: Person Occupancy Tax.

(Local)

Sponsors: Representative Wilkins.

Referred to: Ways and Means, if favorable, Finance.

April 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE PERSON COUNTY TO LEVY A ROOM
3 OCCUPANCY AND TOURISM DEVELOPMENT TAX.
4 The General Assembly of North Carolina enacts:
5 Section 1. Occupancy tax. (a) Authorization and scope. The Person
6 County Board of Commissioners may levy a room occupancy tax of up to five
7 percent (5%) of the gross receipts derived from the rental of any room, lodging, or
8 accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within
9 the county that is subject to sales tax imposed by the State under G.S. 105-
10 164.4(a)(3). Before a tax may be enacted pursuant to this section, Person County and
11 the City of Roxboro must enter into an interlocal agreement pursuant to Article 20 of
12 Chapter 160A of the General Statutes. The agreement shall contain, at the
13 minimum, the rate of tax to be levied. The board of commissioners may levy the tax
14 at a rate no greater than that agreed upon in the interlocal agreement. The county
15 and the city may modify the rate agreed upon in the interlocal agreement from time
16 to time.
17 This tax is in addition to any State or local sales tax. This tax does not
18 apply to accommodations furnished by nonprofit charitable, educational, or religious
19 organizations when furnished in furtherance of their nonprofit purpose.
20 (b) Administration. Except as otherwise provided in this section, a tax
21 levied under this section shall be levied, administered, collected, and repealed as
22 provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax
23 levied under this section.

(c) Distribution and use of tax revenue. Person County shall, on a monthly basis, remit twenty-five percent (25%) of the net proceeds of the occupancy tax to the City of Roxboro. The city may use the funds remitted to it pursuant to this subsection only for projects related to one or more of the following: travel and tourism, parks and recreation, economic development, and community development.

Person County may use twenty-five percent (25%) of the net proceeds of the occupancy tax only for projects related to one or more of the following: travel and tourism, parks and recreation, economic development, and community development.

Person County may use the remaining fifty percent (50%) of the net proceeds of the tax only for tourism-related expenditures agreed to by the county and the City of Roxboro by interlocal agreement entered into pursuant to Article 20 of Chapter 160A of the General Statutes.

The following definitions apply in this subsection:

(1) Net proceeds. -- Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed seven percent (7%) of the gross proceeds.

(2) Tourism-related expenditures. -- Expenditures that are designed to increase the use of lodging facilities in a county or to attract tourists or business travelers to the county. The term includes expenditures to construct, maintain, operate, or market a convention or meeting facility, a visitors' center, a museum, or a coliseum and other expenditures that, in the judgment of the city and county, will facilitate and promote tourism.

Section 2. (a) Article 7 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-155. Uniform provisions for room occupancy taxes.

(a) Scope. -- This section applies only to counties the General Assembly has authorized to levy room occupancy taxes.

(b) Levy. -- A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. -- Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of

1 the tax. An operator of a business who collects a room occupancy tax may deduct
2 from the amount remitted to the taxing county a discount equal to the discount the
3 State allows the operator for State sales and use tax.

4 (d) Administration. -- The taxing county shall administer a room occupancy tax it
5 levies. A room occupancy tax is due and payable to the county finance officer in
6 monthly installments on or before the 15th day of the month following the month in
7 which the tax accrues. Every person, firm, corporation, or association liable for the
8 tax shall, on or before the 15th day of each month, prepare and render a return on a
9 form prescribed by the taxing county. The return shall state the total gross receipts
10 derived in the preceding month from rentals upon which the tax is levied. A room
11 occupancy tax return filed with the county finance officer is not a public record and
12 may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

13 (e) Penalties. -- A person, firm, corporation, or association who fails or refuses to
14 file a room occupancy tax return or pay a room occupancy tax as required by law is
15 subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file
16 a return for State sales and use taxes. The governing board of the taxing county has
17 the same authority to waive the penalties for a room occupancy tax that the Secretary
18 of Revenue has to waive the penalties for State sales and use taxes.

19 (f) Repeal or reduction. -- A room occupancy tax levied by a county may be
20 repealed or reduced by a resolution adopted by the governing body of the county.
21 Repeal or reduction of a room occupancy tax shall become effective on the first day
22 of a month and may not become effective until the end of the fiscal year in which the
23 resolution was adopted. Repeal or reduction of a room occupancy tax does not affect
24 a liability for a tax that was attached before the effective date of the repeal or
25 reduction, nor does it affect a right to a refund of a tax that accrued before the
26 effective date of the repeal or reduction."

27 (b) This section applies only to Person County.

28 Section 3. This act is effective when it becomes law.

Attachment C B 4

Dear Legislators

SUBJECT: Roxboro & Person County Tourist Tax

While politicians are elected to represent their constituents, they should not do so in a matter that discriminates against certain individual businesses. A motel tax that prevents an owner from increasing his rate when needed, is a hindrance to the success of his business.

Also our clerks have to take time to explain the extra charges to our guests who are upset about the extra cost. A customer who pays \$50.00 for a room, also would pay \$2.50 tourist tax and \$3.00 sales tax via credit card. Because the credit card company deducts 3% from the total charge of \$55.50, the motel loses \$1.67 on this transaction plus the handling cost. The motel itself ends up paying part of the sales and tourist tax from this deduction.

This is unfair! The whole idea of charging our guests a tax for which they receive no benefit, is totally undemocratic and discriminating to out of town guest. This is taxation without representation. Most senior citizens object to taxes other than sales tax. If your purpose is to increase tourism, then do not antagonize the tourist.

Motel owners who co-operate in civic and charitable endeavors, can become disenchanted in future local support. If a motel owner is affronted because of a biased and unethical law, they may become less supportive in other community endeavors.

Why are other businesses exempted and motels are singled out for this tax? Why discriminate? If more tax dollars are needed, then raise sales tax!!! Please don't pick on one facet of business.

97 *Philip N. Doby* *Bookkeeper*
97 *Bob* *Fincham* *Motel*
Joe Page *Yarborough* *Days Inn*

VISITOR REGISTRATION SHEET

FINANCE/Subcommittee on Local, Regional & State Revenues April 30, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

RHETT B. WHITE

NORTH CAROLINA AQUARIUMS

Bob Daly

INNKEEPER MOTELS

[Signature]

Capital Structures

Jen Saylor

NC Press Association

Carolyn Allen

Opticians

Delinda White

Register of Deeds - Buxton Co.

Terry McLean

DEHNR

JIM HOBBS

N.C. HOTEL MOTEL ASSN

Gayle P. Holder

Register of Deeds

L. Rohan

DEHNR

Chris Carter

Carter & Assoc.

Bonnie Kinney

ELG HAS

Ralph Clark

City of Roxbury

[Signature]

DEHNR

Jan Ellington

DEHNR

Ron Atkins

Good Neighbors Assoc.

Baker Eleft

C. N. and

[Signature]

Warren Park

Patricia Reuler

NACE

David Carter

BLAIR

file apr. 30 w 24

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 460

☐ A BILL TO BE ENTITLED AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION, TO DESIGNATE WHO HAS THE DUTY TO ESTABLISH AND REVISE FEES FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL CORRECTIONS.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

Shinley - Note - should be H&H

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Gray for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☐ Committee Substitute for
H.B. 653 ☐ A BILL TO BE ENTITLED AN ACT TO AMEND THE
CHARTER OF THE TOWN OF WENTWORTH, SUBJECT TO A REFERENDUM.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
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- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
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- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title,
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- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 476

☐ A BILL TO BE ENTITLED AN ACT TO AMEND THE VITAL
RECORDS LAWS PERTAINING TO ACCESS TO, COPIES AND PUBLIC NATURE OF, AND
APPLICATION OF AUTHORIZED FEES FOR VITAL RECORDS.

REPORTED TO THE STANDING COMMITTEE ON

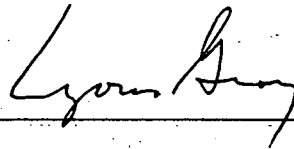
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
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- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
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- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
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- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
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(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 844

☐ A BILL TO BE ENTITLED AN ACT TO AMEND THE
CHARTER OF THE CITY OF REIDSVILLE TO RESTRICT ANNEXATION OF THE CITY
BEYOND A LINE.

REPORTED TO THE STANDING COMMITTEE ON

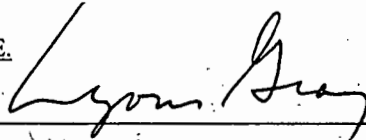
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
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- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
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- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
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- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
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- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
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(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 779

☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PERSON
COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
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- ☒ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
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- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. _____ for the Standing Committee on _____

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title,
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committee substitute bill (# _____) be referred to the Committee on _____.)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☒ WITH AN UNFAVORABLE RECOMMENDATION.

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 773

☐ A BILL TO BE ENTITLED AN ACT TO REVISE AND
CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND.

REPORTED TO THE STANDING COMMITTEE ON

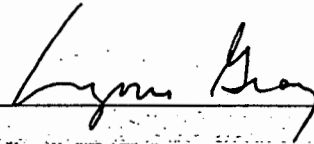
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
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- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



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- ☐ With a favorable report, as amended.
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HOUSE OF REPRESENTATIVES**

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The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☐ Committee Substitute for
H.B. 750 ☐ A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE
VILLAGE OF FOREST HILLS, SUBJECT TO A REFERENDUM.

REPORTED TO THE STANDING COMMITTEE ON

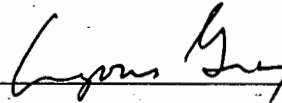
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
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- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
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- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
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Rep. Gray for the Standing Committee on FINANCE.

s/



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(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 595

☐ A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF
REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED
TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING
ON SATELLITE ANNEXATIONS.

REPORTED TO THE STANDING COMMITTEE ON

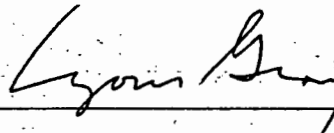
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
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- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
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- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
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- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
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(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hilli for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 655

☐ A BILL TO BE ENTITLED AN ACT CONCERNING THE
ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF MADISON.

REPORTED TO THE STANDING COMMITTEE ON

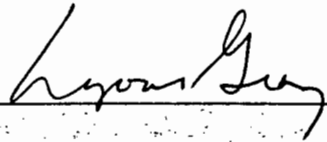
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on .)
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(PUBLIC BILLS ONLY)

4/24/97

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: Tuesday, May 5, 1997

The subcommittee met in Room 415 of the Legislative Office Building at noon. Those members in attendance were: Rep. Charles Buchanan; Rep. Pete Cunningham; Rep. Andrew Dedmon; Rep. Rick Eddins; Rep. Mia Morris, Rep. John Rayfield and Rep. Edgar Starnes.

Chairman Hill called the meeting to order and recognized Rep. Howard Hunter to come forward and support HB 506, Hertford Local Act. Rep. Hunter stated that the bill applies only to Hertford and Northampton Counties and the local boards of education for school administrative units in those counties. Chairman Hill recognized Rep. Dedmon who made the motion for a favorable report on the bill and the motion carried.

Chairman Hill recognized Rep. Barbee to come forward and support HB789, Town of Oakboro. Rep. Barbee stated that it was a local bill which revises the boundaries of the Town of Oakboro. Chairman Hill recognized Rep. Rayfield who made the motion for a favorable report and the motion carried.

Chairman Hill called upon Rep. Smith to come forward and support HB 604, Newport-Morehead Boundaries. Rep. Smith stated that this was a local bill to allow both these cities to extend extraterritorial jurisdiction no more than two miles, and there is no opposition to the bill. Chairman Hill recognized Rep. Eddins who made the motion for a favorable report on the bill and the motion carried. Rep. Smith had an additional bill on the subcommittee agenda today - HB698, Morehead-Newport Annexation. Rep. Smith stated that this bill limits the authority in annexing noncontiguous areas, and there is no opposition to the bill. Chairman Hill recognized Rep. Dedmon who made the motion for a favorable report on the bill and the motion carried.

Chairman Hill recognized Rep. Hardy to come forward and support HB722, Washington Annexation Agreements. Rep. Hardy stated that the city of Washington wishes to put a sewage line across the river and in that area is Fountain Power Boats who stated that had some concerns regarding annexation. As a result the city of Washington and Fountain Power Boats have come to an agreement whereby they will hire some low income people if the city of Washington will agree not to annex them for ten years. He stated further that there was no opposition from either principle. Chairman Hill recognized Rep. Starnes who made the motion for a favorable report on the bill and the motion carried.

Chairman Hill recognized Rep. Kiser to come forward and support HB 804, Lincoln Local Roads (2nd edition - title change - AN ACT TO GIVE LINCOLN COUNTY AUTHORITY TO BUILD AND IMPROVE ROADS WITHIN LINCOLN COUNTY THAT ARE NOT PART OF THE STATE HIGHWAY SYSTEM.

(Please see attachment Explanation of HB 804). Rep. Kiser stated that this bill was at the request of the Lincoln County Commissioners. He further stated that his area has about 36 1/2 miles of roads which need paving that are located in subdivisions. The Department of Transportation will never pave those roads so the Lincoln County Commissioners have asked to set up a revolving fund whereby 75% of the people who live on these roads request that they be paved and assessments be made over a period of some years to recoup that county money. This would bring the roads up to DOT standards and they will take the roads over.

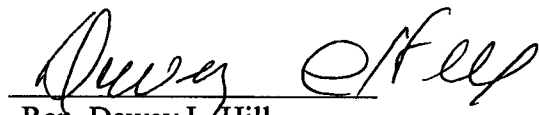
Chairman Hill called upon subcommittee counsel, Cindy Avrette who stated that what this bill does is grant some limited exceptions to allow Lincoln County to bring those roads up to DOT standards, and to assess the people who benefit from it for those improvements. It would also require that 75% of the people affected would have to give their approval.

Chairman Hill recognized Rep. Buchanan who made the motion for a favorable report on the bill and the motion carried.

There being no further business Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

A G E N D A

Subcommittee on Local, Regional & State Revenues

Tuesday, May 6, 1997

CALL TO ORDER: Rep. Dewey L. Hill, Chairman

BILLS TO BE DISCUSSED:

HB 506, Hertford Local Act - Rep. Howard Hunter

HB 604, Newport-Morehead Boundaries - Rep. Smith

HB 698, Morehead-Newport Annexation - Rep. Smith

HB 722, Washington Annexation Agreements - Rep. Hardy

HB 789 Town of Oakboro - Rep. Barbee

HB 804, Lincoln Local Roads - Rep. Kiser

ADJOURNMENT

EXPLANATION OF HOUSE BILL 506:
Hertford/Northampton School Acquisition (2nd Edition)

TO: House Finance Subcommittee
FROM: Cindy Avrette, Committee Counsel
DATE: May 5, 1997
SPONSOR: Representative Howard Hunter

House Bill 506 is a local bill that applies only to Hertford and Northampton Counties and the local boards of education for school administrative units in those counties. The substance of the bill is that same as that enacted for 53 other counties and the same as that requested in other local bills this session for Stokes and Perquimans Counties

The bill makes the following changes concerning the acquisition and financing of public school facilities:

- (1) It authorizes Hertford and Northampton Counties to acquire real or personal property for use by a school administrative unit located in those counties when requested to do so by the unit. Under current law, only those counties listed in G.S. 153A-158.1(a), have this authority. Under general law, a county is authorized to acquire real or personal property only on behalf of the county or an agency of the county and a school administrative unit is not an agency of the county.
- (2) It authorizes the local boards of education to contract with Hertford and Northampton Counties for the erection or repair of a public school building that is located on a site owned by the county. Under current general law, local boards of education are required to hold title to all school property and therefore have no authority to make contracts concerning the construction or repair of school buildings located on sites not owned by them.
- (3) It authorizes the local boards of education to transfer to the county property on which a school building in need of renovation or repair is located for any price agreed to by the board of education and the county. Current law requires transfers from a local board of education to a county to be at fair market value and allows a local board of education to transfer property to a county only if the board does not believe the property is necessary or desirable for a school.

The effect of these changes is to allow certain installment financing to be used for public school construction or renovation. The installment financing that

can be used is an installment contract secured by a security interest in the building constructed or renovated. This type of financing is available to counties but is not generally available to school administrative units. Under G.S. 160A-20, only a school administrative unit located in a county whose population exceeds 90,000 and whose local board of education can levy a school tax is authorized to use this type of financing.

One type of installment financing is the issuance of certificates of participation. A certificate of participation is a document setting out the share of a local unit's debt that is owed to that person. In practice, the holder of the certificate receives interest and principal payments in a manner similar to interest and principal payments on a bond issued by the borrowing unit. Unlike the issuance of a bond, however, the issuance of a certificate of participation is not subject to a vote of the people.

If a county builds and equips a school on behalf of a local school administrative unit, the county can receive a refund of sales and use taxes paid on the project. In contrast, the local school administrative unit could not receive a refund of these taxes if it built and equipped the school itself. This is because a local school administrative unit is not one of the governmental entities that are allowed refunds of sales and use taxes under G.S. 105-164.14(c).

EXPLANATION OF HOUSE BILL 604:
Morehead-Newport ETJ Authority (2nd Edition)

TO: House Local, Regional, and State Subcommittee
FROM: Cindy Avrette, Committee Counsel
DATE: May 5, 1997
SPONSOR: Representative Smith

House Bill 604 allows the Towns of Morehead City and Newport to regulate land-use not only within their corporate limits but also within an area two miles beyond their municipal boundaries. Under general law, the towns can only exercise land-use planning within an area one mile beyond their municipal boundaries.

Municipalities have the statutory authority to regulate land-use within their corporate limits and within an area one mile beyond their municipal boundaries. Land use regulation may take the form of zoning, subdivision regulation, minimum housing codes, and regulations governing open spaces and community appearance. The area outside the municipal limits, but under the municipality's planning authority, is called the extraterritorial land-use planning jurisdiction (ETJ). With the approval of the county commissioners, a city with a population between 10,000 and 25,000 may extend its extraterritorial land-use planning jurisdiction to two miles beyond its corporate limits; a city with a population of 25,000 or more may extend its extraterritorial land-use planning jurisdiction to three miles beyond its corporate limits. Counties have authority to regulate land use only over the parts of the county not subject to city planning.

In 1995, the estimated population of Morehead City was 7,539 and the estimated population of Newport was 2,919. Therefore, under general law, the size of the towns prohibit the county commissioners from extending the ETJ of the towns beyond the one mile radius. This local law accomplishes what cannot be accomplished under general law.

file

EXPLANATION OF HOUSE BILL 804:
Lincoln Local Roads (2nd Edition)

TO: House Local, Regional, and State Finances Subcommittee
FROM: Cindy Avrette, Committee Counsel
DATE: May 6, 1997
SPONSOR: Representative Kizer

House Bill 804 gives the county commissioners of Lincoln County the authority to build and improve roads that are not part of the State highway system and to levy an assessment on the benefited properties to finance the construction and improvement of the roads. The act is effective when it becomes law.

Counties were relieved of the responsibility of constructing and maintaining roads in the 1930s. Counties are not authorized to spend property tax revenues on roads. G.S. 136-98 prohibits counties from levying a road tax or issuing bonds for the construction or maintenance of roads. It also prohibits counties from entering into a contract to build or construct roads. This bill would create a limited exception from this prohibition for Lincoln County. Under this bill, Lincoln County may build roads, may enter into contracts to build roads, and may levy assessments to finance the construction and maintenance of roads.

Many subdivision roads are not built to State standards and therefore cannot be accepted into the State highway system. The purpose of this local act is to allow Lincoln County to make any improvements necessary to bring roads up to State standards so that they may be accepted into the State highway system.

Before the County can finance the cost of improvements to a subdivision or residential street, it must receive a petition for the improvements signed by at least 75% of the owners of property to be assessed, who must represent at least 75% of all the lineal feet of frontage of the lands abutting on the street to be improved. The bases upon which the assessments can be levied are the same as found in G.S. 153A-186, the statute that authorizes counties to levy assessments for water and sewer projects.

The provisions of Article 9 of Chapter 153A, Special Assessments, govern how the county may assess the property owners. The county commissioners must adopt a preliminary assessment resolution, hold a public hearing on the

resolution, and determine the project's total cost. After the public hearing and the determination of costs, the county commissioners will cause a preliminary assessment roll to be prepared that will detail the land assessed and the amount of each assessment. After the assessment roll is confirmed and published, each owner has 30 days to pay the assessment in full unless the county commissioners provide that the assessments may be paid in annual installments, not to exceed 10 installments. Unpaid assessments may result in a lien on a person's property and the lien may be foreclosed in the same manner as a property tax lien may be foreclosed.

The county commissioners must develop guidelines to determine which projects to pursue and in what order to pursue them. They may consider factors such as:

1. The order in which it receives petitions.
2. The number of citizens to be served per mile by the proposed project.
3. The severity of the need to be alleviated by the proposed project.
4. The funds advanced, if any, by the citizens to be served by the proposed project.

The bill specifies that the county has no liability arising from the construction of an improvement to a road or the maintenance of the street or road.

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 789

☐ A BILL TO BE ENTITLED AN ACT TO REVISE THE
BOUNDARIES OF THE TOWN OF OAKBORO.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.

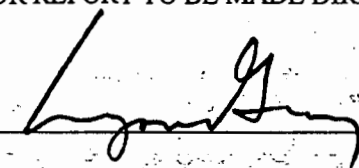
☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ 

☒ With a favorable report.

☐ With a favorable report, as amended.

☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # _____) (and recommendation that the
committee substitute bill (# _____) be referred to the Committee on _____)

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for
H.B. 722

☐ A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF
WASHINGTON TO NEGOTIATE ANNEXATION AGREEMENTS.

REPORTED TO THE STANDING COMMITTEE ON

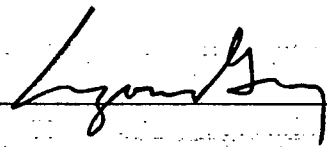
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☒ Committee Substitute for H.B. 698 ☐ A BILL TO BE ENTITLED AN ACT LIMITING THE
AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX
NONCONTIGUOUS AREAS.

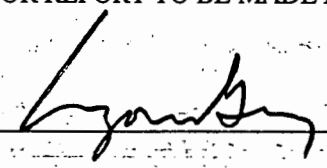
REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ 

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title,
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committee substitute bill (# _____) be referred to the Committee on _____ .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☒ Committee Substitute for H.B. 604 ☐ A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS
OF MOREHEAD CITY AND NEWPORT TO EXERCISE EXTRATERRITORIAL PLANNING
JURISDICTION OVER AN AREA EXTENDING NOT MORE THAN TWO MILES FROM THEIR
COROPORATE LIMITS.

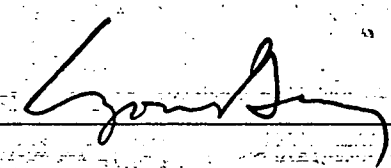
REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ 

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # _____). (and recommendation that the
committee substitute bill (# _____) be referred to the Committee on _____)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

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HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☒ Committee Substitute for
H.B. 506 ☐ A BILL TO BE ENTITLED AN ACT TO ALLOW HERTFORD
AND NORTHAMPTON COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY
BOARDS OF EDUCATION.

REPORTED TO THE STANDING COMMITTEE ON _____

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on _____
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on _____
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill _____ which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, _____ which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ _____

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # _____). (and recommendation that the
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- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

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HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 804

☐ A BILL TO BE ENTITLED AN ACT TO GIVE LINCOLN
COUNTY AUTHORITY TO BUILD AND IMPROVE ROADS WITHIN LINCOLN COUNTY
THAT ARE NOT PART OF THE STATE HIGHWAY SYSTEM.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

Rep. Gray

☒ With a favorable report.

☐ With a favorable report, as amended.

☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # _____). (and recommendation that the
committee substitute bill (# _____) be referred to the Committee on _____)

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

VISITOR REGISTRATION SHEET

Subcommittee on Local, Regional & State Revenues

Tuesday, May 6, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Danny Rogers	NC DOT
Henry Jones	Attorney - Raleigh
Edward Brackett	Asheville Citizen-Times
Ruth Sapp	NC DOT
Representative Hardy	417-A L.O.B.
Ron Atkins	Good Neighbors Assoc
Nashlie Haskins	Charlotte Chamber
BAKER EIGHT	Good Neighbors
J. M. - Ch	Good Neighbors

SUBCOMMITTEE ON LOCAL REGIONAL & STATE REVENUES

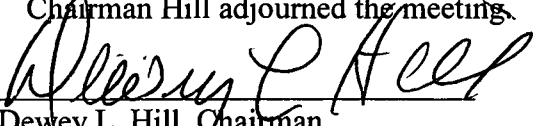
Minutes: May 7, 1997

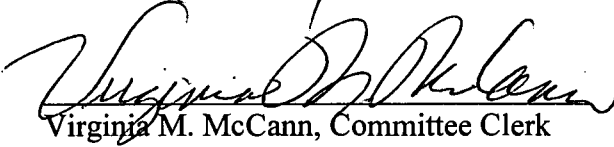
HB 653, Wentworth Charter Amendments, introduced by Rep. Sexton, was withdrawn from the House calendar and referred back to the Finance Committee. Rep. Lyons Gray, Chairman of the House Finance Committee, referred the bill back to the subcommittee. The subcommittee met around Chairman Hill's desk in the chamber on May 7th. Those members present were: Rep. Charles Buchanan; Rep. Russell Capps; Rep. Pete Cunningham; Rep. Andrew Dedmon; Rep. Mia Morris; Rep. John Rayfield, and Rep. Edgar Starnes.

Chairman Hill recognized Rep. Buchanan who made a motion that the vote by which HB 653 was given a favorable report be reconsidered. The motion carried. Rep. Buchanan then moved that a proposed committee substitute for HB 653 be adopted for discussion purposes. The motion carried.

There was little discussion on the proposed committee substitute. Rep. Cunningham questioned the difference in the original bill and the PCS. Rep. Sexton stated that there were technical changes which necessitated the substitute. After a brief discussion, all members were satisfied. Rep. Buchanan made a motion for a favorable report on the committee substitute and unfavorable as to original bill. The motion carried.

Chairman Hill adjourned the meeting.


Rep. Dewey L. Hill, Chairman


Virginia M. McCann, Committee Clerk

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Gray for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 653

☐ A BILL TO BE ENTITLED AN ACT TO AMEND THE
CHARTER OF THE TOWN OF WENTWORTH, SUBJECT TO A REFERENDUM.

REPORTED TO THE STANDING COMMITTEE ON

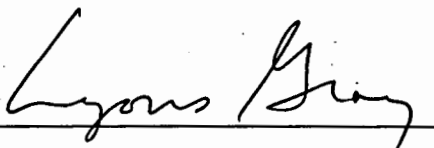
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

file

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 653*
Proposed Committee Substitute H653-PCSX1334

Short Title: Wentworth Charter Amendments.

(Local)

Sponsors:

Referred to:

March 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE TOWN OF WENTWORTH,
3 SUBJECT TO A REFERENDUM.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter 76 of the Private Laws of 1798 is amended by adding
6 a new section to read:
7 "VII. The Charter of the Town of Wentworth is revised and consolidated to read:
8 "CHARTER OF THE TOWN OF WENTWORTH.
9 "CHAPTER I.
10 "INCORPORATION AND CORPORATE POWERS.
11 "Sec. 1.1. The inhabitants of the Town of Wentworth are a body corporate and
12 politic under the name 'Town of Wentworth'. Under that name they have all the
13 powers, duties, rights, privileges, and immunities conferred and imposed upon cities
14 by the general law of North Carolina.
15 "CHAPTER II.
16 "CORPORATE BOUNDARIES.
17 "Sec. 2.1. Until changed in accordance with law, the boundaries of the Town of
18 Wentworth are as follows:
19 Beginning at a point four hundred feet northwest of the northern right-of-way of
20 Sandy Cross Road; said point being four hundred feet southwest of and perpendicular
21 to the southern right-of-way of Vernon Road; thence from said point in a generally
22 northeasterly direction and being four hundred feet parallel to the northern right-of-
23 way of the Sandy Cross Road to a point in the centerline of NC Highways 65 and 87;

1 said point being four hundred feet perpendicular to and westerly from the northern
2 right-of-way of Sandy Cross Road Extended to the centerline of NC Highways 65 and
3 87; thence from said point, westerly with the centerline of NC Highways 65 and 87
4 about fifty feet to a point; thence from said point in a northeasterly direction about
5 four hundred fifty feet to a point; said point being four hundred feet perpendicular to
6 and northeasterly from the northern right-of-way of NC Highways 65 and 87 and four
7 hundred feet perpendicular to and northwesterly from the northern right-of-way of
8 Wentworth Street; thence from said point four hundred feet parallel to the northern
9 right-of-way of Wentworth Street and running in a generally northeasterly direction
10 to a point; said point being about two hundred feet east of Setliff Road and four
11 hundred feet north of Wentworth Street; thence in a northerly direction about two
12 thousand one hundred feet to the northeast corner of lot seven of the Setliff Glenn
13 Subdivision (MB 28-275); said point located about eight hundred fifty feet to the east
14 of the cul-de-sac at the end of Setliff Road; thence northeasterly about two thousand
15 thirty feet to a point at the corner of the University Estates Subdivision; thence
16 easterly about two thousand feet along the southeasterly boundary line of the
17 University Estates Subdivision to a point near Cedar Lane which intersects the
18 boundary of the existing Wentworth Fire District boundary line; thence northerly
19 along the Wentworth Fire District line about five thousand five hundred feet to a
20 point; said point being about four hundred feet south of the intersection of NC 1992
21 and Berrymore Road; thence from said point north about eight hundred sixty feet to
22 a point; said point being four hundred feet north of and perpendicular to the
23 northern right-of-way of Berrymore Road; thence from said point in a generally
24 westerly direction and being four hundred feet parallel to the northern right-of-way
25 of Berrymore Road to a point four hundred feet east of the eastern right-of-way of
26 Ashley Loop Road; said point being four hundred feet east of and perpendicular to
27 the eastern right-of-way of Ashley Loop Road; thence from said point in a generally
28 northerly direction and being four hundred feet parallel to the eastern right-of-way of
29 Ashley Loop Road to a point; said point being about four hundred thirty feet east of
30 the intersection of Ashley Loop Road and Richardson Road; thence from said point
31 in a westerly direction about eight hundred sixty feet to a point four hundred feet
32 west of the the western right-of-way of Ashley Loop Road; said point being four
33 hundred feet west of and perpendicular to the western right-of-way of Ashley Loop
34 Road; thence from said point in a generally southerly direction and being four
35 hundred feet west of and parallel to the western right-of-way of Ashley Loop Road to
36 a point four hundred feet east of its intersection with the eastern right-of-way of NC
37 Highway 87; said point being four hundred feet east of and perpendicular to the
38 eastern right-of-way of NC Highway 87; thence from said point in a generally
39 northerly direction and being four hundred feet east of and parallel to the eastern
40 right-of-way of NC Highway 87 to a point in the center of Roach Creek; said point
41 being four hundred feet east of and perpendicular to the eastern right-of-way of NC
42 Highway 87; thence from said point in a generally westerly direction following the
43 centerline of Roach Creek about eight hundred sixty feet to a point in Roach Creek;
44 said point being four hundred feet west of and perpendicular to the western right-of-

1 way of NC Highway 87; thence from said point in a generally southerly direction and
2 being four hundred feet west of and parallel to the western right-of-way of NC
3 Highway 87 to a point four hundred feet north of its intersection with the northern
4 right-of-way of Dillard Road; said point being four hundred feet north of and
5 perpendicular to the northern right-of-way of Dillard Road; thence from said point in
6 a generally westerly direction and being four hundred feet north of and parallel to
7 the northern right-of-way of Dillard Road to a point four hundred feet north of the
8 end of the northern right-of-way of Dillard Road; said point being four hundred feet
9 north of and perpendicular to the northern right-of-way of Dillard Road; thence from
10 said point south about five hundred sixty feet to a point one hundred feet south of
11 the end of the southern right-of-way of Dillard Road; said point being one hundred
12 feet south of and perpendicular to the end of the right-of-way of Dillard Road; thence
13 from said point in a generally easterly direction and being one hundred feet south of
14 and parallel to the southern right-of-way of Dillard Road to a point four hundred feet
15 west of the western right-of-way of NC Highway 87; said point being one hundred
16 feet south of and perpendicular to the southern right-of-way of Dillard Road; thence
17 from said point in a generally southerly direction and being four hundred feet west of
18 and parallel to the western right-of-way of NC Highway 87 to a point four hundred
19 feet north of its intersection with the northern right-of-way of Pannel Road; said point
20 being four hundred feet north of and perpendicular to the northern right-of-way of
21 Pannel Road; thence from said point in a generally westerly direction and being four
22 hundred feet north of and parallel to the northern right-of-way of Pannel Road to a
23 point in the center of Rock House Creek; said point being four hundred feet north of
24 and perpendicular to the northern right-of-way of Pannel Road; thence from said
25 point in a generally southerly direction with the center of Rock House Creek to a
26 point four hundred feet south of its intersection with the southern right-of-way of NC
27 Highway 65; said point being four hundred feet south of and perpendicular to the
28 southern right-of-way of NC Highway 65; thence from said point in a generally
29 easterly direction and being four hundred feet south of and parallel to the southern
30 right-of-way of NC Highway 65 to a point on the northwest right-of-way of the
31 Transcontinental gas pipeline; said point being four hundred feet southwest of and
32 perpendicular to the southwest right-of-way of NC Highway 65; thence from said
33 point in a generally southwesterly direction and following the northwest right-of-way
34 of the Transcontinental gas pipeline to a point four hundred feet northeast of its
35 intersection with the northeast right-of-way of Gunntown Road; said point being four
36 hundred feet northeast of and perpendicular to the northeast right-of-way of
37 Gunntown Road; thence from said point in a generally northwesterly direction and
38 being four hundred feet northeast of and parallel to the northeasterly right-of-way of
39 Gunntown Road to a point four hundred feet northeast of the end of the right-of-way
40 for Gunntown Road; said point being four hundred feet northeast of and
41 perpendicular to the northeast right-of-way of Gunntown Road; thence from said
42 point southwest about eight hundred sixty feet to a point four hundred feet southwest
43 of the end of the southwest right-of-way of Gunntown Road; said point being four
44 hundred feet southwest of and perpendicular to the end of the southwest right-of-way

1 of Gunntown Road; thence from said point in a generally southeasterly direction and
2 being four hundred feet southwest of and parallel to the southwest right-of-way of
3 Gunntown Road to a point four hundred feet northwest of the northern right-of-way
4 of Carter Road; said point being four hundred feet west of and perpendicular to
5 Gunntown Road; thence from said point in a westerly direction and being four
6 hundred feet north of and parallel to the northern right-of-way of Carter Road to a
7 point four hundred feet north of the end of the northern right-of-way of Carter Road;
8 said point being four hundred feet north of and perpendicular to the northern right-
9 of-way of Carter Road; thence from said point southwest about eight hundred sixty
10 feet to a point four hundred feet south of the end of the southern right-of-way of
11 Carter Road; said point being four hundred feet southwest of and perpendicular to
12 the end of the southern right-of-way of Carter Road; thence from said point in a
13 generally easterly direction and being four hundred feet south of and parallel to the
14 southern right-of-way of Carter Road to a point four hundred feet west of the western
15 right-of-way of Spring Road; said point being four hundred feet south of and
16 perpendicular to the southern right-of-way of Carter Road; thence from said point in
17 a generally easterly direction being four hundred feet south of and parallel to the
18 southern right-of-way of Spring Road to a point four hundred feet west of the western
19 right-of-way of County Home Road; said point being four hundred feet south of and
20 perpendicular to the southern right-of-way of Spring Road; thence from said point in
21 a generally southwesterly direction and being four hundred feet northwest of and
22 parallel to the northwestern right-of-way of County Home Road to a point four
23 hundred feet northwest of its intersection of the northern right-of-way of Sims Road;
24 said point being four hundred feet north of and perpendicular to the northern right-
25 of-way of Sims Road; thence from said point in a generally westerly direction and
26 being four hundred feet north of and parallel to the northern right-of-way of Sims
27 Road to a point four hundred feet north of the end of the northern right-of-way of
28 Sims Road; said point being four hundred feet north of and perpendicular to the
29 northern right-of-way of Sims Road; thence from said point south about eight
30 hundred sixty feet to a point four hundred feet south of the southern right-of-way for
31 Sims Road; said point being four hundred feet south of and perpendicular to the
32 southern right-of-way of Sims Road; thence from said point in a generally easterly
33 direction and being four hundred feet south of and parallel to the southern right-of-
34 way of Sims Road to a point four hundred feet northwest of the northwest right-of-
35 way of County Home Road; said point being four hundred feet southwest of and
36 perpendicular to the southern right-of-way of Sims Road; thence from said point in a
37 generally southwesterly direction and being four hundred feet northwest of and
38 parallel to the northwest right-of-way of County Home Road to a point four hundred
39 feet northwest of the northern right-of-way of Sunset View Road; said point being
40 four hundred feet northwest of and perpendicular to the northern right-of-way of
41 Sunset View Road; thence from said point in a generally westerly direction and being
42 four hundred feet north of and parallel to the northern right-of-way of Sunset View
43 Road to a point four hundred feet north of the end of the northern right-of-way of
44 Sunset View Road; said point being four hundred feet north of and perpendicular to

1 the northern right-of-way of Sunset View Road; thence from said point about eight
2 hundred sixty feet south to a point four hundred feet south of the southern right-of-
3 way of Sunset View Road; said point being four hundred feet south of and
4 perpendicular to the southern right-of-way of Sunset View Road; thence from said
5 point in a generally easterly direction and being four hundred feet south of and
6 parallel to the southern right-of-way for Sunset View Road to a point four hundred
7 feet west of its intersection with the western right-of-way of County Home Road; said
8 point being four hundred feet south of and perpendicular to the southern right-of-way
9 of Sunset View Road; thence from said point in a generally southerly direction and
10 being four hundred feet west of and parallel to the western right-of-way of County
11 Home Road to a point four hundred feet north of its intersection with the northern
12 right-of-way of Vernon Road; said point being four hundred feet west of and
13 perpendicular to the western right-of-way of County Home Road; thence from said
14 point about eight hundred sixty feet south to a point four hundred feet south of the
15 southern right-of-way of Vernon Road; said point being four hundred feet south of
16 and perpendicular to the southern right-of-way of Vernon Road; thence from said
17 point in a generally easterly direction and being four hundred feet south of and
18 parallel to the southern right-of-way of Vernon Road to the point of beginning.

19 "Sec. 2.2. (a) An annexation ordinance adopted by the Town of Wentworth under
20 G.S. 160A-49(e) or G.S. 160A-37(e) shall become effective only if approved by the
21 voters of the area to be annexed in a referendum conducted under subsection (b) of
22 this section.

23 (b) The town council shall order the Rockingham County Board of Elections to
24 call an election to determine whether or not the proposed territory shall be annexed
25 to the town. Within 90 days after receiving such order from the town council, the
26 county board of elections shall proceed to hold an election on the question.

27 Such election shall be called by a resolution or resolutions of said county board of
28 elections which shall:

- 29 (1) Describe the territory proposed to be annexed to the said city or
30 town as set out in the order of the said local governing body;
31 (2) Provide that the matter of annexation of such territory shall be
32 submitted to the vote of the qualified voters of the territory
33 proposed to be annexed; and
34 (3) Provide for registration of voters in the territory proposed to be
35 annexed for said election in accordance with G.S. 163-288.2.

36 Said resolution shall be published in one or more newspapers of the said county
37 once a week for 30 days prior to the closing of the registration books. All costs of
38 holding such election shall be paid by the town. Except as herein provided, the
39 election shall be held under the same statutes, rules, and regulations as are applicable
40 to elections in the town.

41 At such election the question on the ballot shall be:

42 "[] FOR [] AGAINST
43 Annexation."

1 If at the election a majority of the votes cast from the area proposed for annexation
2 shall be 'For Annexation', the annexation ordinance shall become effective as
3 provided by Article 4A of Chapter 160A of the General Statutes, but not prior to the
4 date of certification of the results of the election.

5 "Sec. 2.3. The Town of Wentworth may not annex any territory east of the
6 following line:

7 Beginning at a point in the centerline of the Iron Works Road; said point being
8 westerly and 400 feet perpendicular to the western right-of-way of Woolen Store
9 Road Extended to the centerline of the Iron Works Road; thence from said point
10 northerly about 430 feet to a point; said point being 400 feet perpendicular to and
11 northerly from the northern right-of-way of the Iron Works Road; thence from said
12 point in a generally northeasterly direction and being 400 feet parallel to the northern
13 right-of-way of the Iron Works Road and Sandy Cross Road to a point in the
14 centerline of NC Hwy. 65 and 87; said point being 400 feet perpendicular to and
15 westerly from the northern right-of-way of Sandy Cross Road Extended to the
16 centerline of NC Hwy. 65 and 87; thence from said point, westerly with the centerline
17 of NC Hwy. 65 and 87 about 50 feet to a point; thence from said point in a
18 northeasterly direction about 450 feet to a point; said point being 400 feet
19 perpendicular to and northeasterly from the northern right-of-way of NC Hwy. 65
20 and 87 and 400 feet perpendicular to and northwesterly from the northern right-of-
21 way of Wentworth Street; thence from said point 400 feet parallel to the northern
22 right-of-way of Wentworth Street and running in a generally northeasterly direction
23 to a point; said point being about 200 feet east of Setliff Road and 400 feet north of
24 Wentworth Street; thence in a northerly direction about 2100 feet to the northeast
25 corner of lot 7 of the Setliff Glenn Subdivision (MB 28-275); said point located about
26 850 feet east of the cul-de-sac at the end of Setliff Road; thence northeasterly about
27 2030 feet to a point at the corner of the University Estates Subdivision; thence
28 easterly about 2000 feet along the southeasterly boundary line of the University
29 Estates Subdivision to a point near Cedar Lane which intersects the boundary of the
30 existing Wentworth Fire District boundary line; thence northerly along the
31 Wentworth Fire District line about 5500 feet to a point; said point being about 400
32 feet south of the intersection of NC 1992 and Berrymore Road; thence parallel to and
33 400 feet from and on the southeast side of Berrymore Road to a point; said point
34 being on NC 14 about 400 feet southeast of the intersection of Berrymore Road and
35 NC 14.

36 "CHAPTER III.

37 "GOVERNING BODY.

38 "Sec. 3.1. The governing body of the Town of Wentworth is the Town Council,
39 which has five members.

40 "Sec. 3.2. The qualified voters of the entire Town elect the members of the Town
41 Council.

42 "Sec. 3.3. From the effective date of this Charter until the organizational meeting
43 of the Town Council after the 1999 municipal election, the members of the Town

1 Council shall be Cassandra Broadnax, Evelyn Conner, George Murphy, Larry Terrell,
2 and Dennis Paschal.

3 "Sec. 3.4. At the regular town election in 1999, five Town Council members shall
4 be elected. The persons receiving the three highest numbers of votes shall be elected
5 for four-year terms, and the two persons receiving the next highest numbers of votes
6 shall be elected for two-year terms. In 2001 and quadrennially thereafter, two Town
7 Council members shall be elected for four-year terms. In 2003 and quadrennially
8 thereafter, three Town Council members shall be elected for four-year terms.

9 "Sec. 3.5. At the organizational meeting of the initial Town Council and at the
10 organizational meeting after each election, the council shall elect one of its members
11 to serve at its pleasure as Mayor.

12 "CHAPTER IV.

13 "ELECTIONS.

14 "Sec. 4.1. The Town Council shall be elected on the nonpartisan basis and the
15 results determined by plurality in accordance with G.S. 163-292.

16 "Sec. 4.2. Elections shall be conducted in accordance with Chapter 163 of the
17 General Statutes.

18 "CHAPTER V.

19 "ADMINISTRATION.

20 "Sec. 5.1. The Town of Wentworth shall operate under the mayor-council plan as
21 provided in Part 3 of Article 7 of Chapter 160A of the General Statutes."

22 Section 2. From and after the effective date of the revival of the Charter,
23 the citizens and property in the Town of Wentworth shall be subject to municipal
24 taxes levied for the year beginning July 1, 1998, and for that purpose the Town shall
25 obtain from Rockingham County a record of property in the area herein incorporated
26 which was listed for taxes as of January 1, 1998, and the businesses in the Town shall
27 be liable for privilege license tax from the effective date of the privilege license tax
28 ordinance. The Town may adopt a budget ordinance for fiscal year 1998-99 without
29 following the timetable in the Local Government Budget and Fiscal Control Act, but
30 shall follow the sequence of actions in the spirit of the act insofar as is practical. For
31 fiscal year 1998-99, ad valorem taxes may be paid at par or face amount within 90
32 days of adoption of the budget ordinance, and thereafter in accordance with the
33 schedule in G.S. 105-360 as if the taxes had been due and payable on September 1,
34 1998.

35 Section 3. (a) The Rockingham County Board of Elections shall conduct
36 an election on November 4, 1997, for the purpose of submission to the qualified
37 voters of the area described in Section 2.1 of the Charter of Wentworth, the question
38 of whether or not the Charter of the Town of Wentworth should be revived and new
39 boundaries established. Registration for the election shall be conducted in
40 accordance with G.S. 163-288.2.

41 (b) In the election, the question on the ballot shall be:

42 "[] FOR [] AGAINST
43

1 Amendment of the Charter of the Town of Wentworth and establishment
2 of new boundaries for the town."
3 Section 4. In such election, if a majority of the votes cast shall be cast
4 "FOR Amendment of the Charter of the Town of Wentworth and establishment of
5 new boundaries for the town", then Sections 1 and 2 of this act become effective July
6 1, 1998. Otherwise, those sections have no effect.
7 Section 5. This act is effective when it becomes law.

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: May 20, 1997

The subcommittee met in Room 415 of the Legislative Office Building at noon. Those members in attendance were: Rep. Charles Buchanan; Rep. Russell Capps; Rep. Andrew Dedmon; Rep. Rick Eddins; Rep. Danny McComas; Rep. Mia Morris; Rep. John Rayfield and Rep. Edgar V. Starnes.

Chairman Hill called the meeting to order and recognized Rep. Gulley to come forward and support HB 867, Matthews Annexation/Zoning. Rep. Gulley stated that bill gives some zoning authority to the Town of Matthews over some land that the county owns. The town and county are in agreement and he asked for a favorable report on the bill. Chairman Hill recognized Rep. Eddins who made the motion for a favorable report and the motion carried.

Chairman Hill recognized Rep. Culp to come forward and support HB 1137, Soil and Water Conservation Plates. Chairman Hill recognized Rep. Buchanan who made a motion that we adopt the proposed committee substitute for discussion and the motion carried. Rep. Culp stated that the bill was at the request of the NC Soil and Water Conservation Supervisors to promote soil and water conservation, and provide that a portion of the fees be used for water quality and environmental education. Chairman Hill recognized Rep. McComas who made a motion for an unfavorable report on the original bill and favorable to the committee substitute. The motion carried.

Chairman Hill recognized Rep. Sutton to come forward and support HB 1082, Native American Special Plates. Chairman Hill recognized Rep. Buchanan who made the motion that we adopt for purposes of discussion the third committee substitute for the bill and the motion carried. Rep. Sutton stated that the bill simply authorizes a plate for Native Americans. Chairman Hill recognized Committee Counsel, Cindy Avrette, to explain an amendment requested by Rep. Starnes (See attachment "A"). Chairman Hill called for a vote on the amendment and it carried. Chairman Hill recognized Rep. Capps who asked if the DOT would come forward and address the question. Ruth Sappie of the DOT said she understood that the question was how many organizations were waiting to achieve the 300 application before a special plate can be developed. She stated that as of the end of April 1997 the department has 46 colleges, civic groups and historical attractions that have not yet achieved 300 applications. Rep. Sutton stated that he had just been informed that the commissioner would bring some recommendations to the General Assembly next year as to a time limit. Chairman Hill recognized Rep. Buchanan who made the motion for an unfavorable report on the original bill and favorable as to this committee substitute. The motion carried.

Chairman Hill recognized Senator Foxx to come forward and support S 356, Reidsville Annexations/Hinson Dam Exempt. Chairman Hill recognized Rep. Buchanan who made the motion to adopt the proposed committee substitute for discussion and the motion carried. Senator Foxx stated that this particular passed the House and Senate last session, but there were problems with scheduling the ratification. The bill codified for Reidsville that they could delay annexing a place for five years - state law does not allow delaying for that length of time. She stated that Rep. Goodwin asked her if he could add an amendment to her bill and she stated that she had no objection to that if it did not damage her bill. She further stated that Rep. Goodwin assured her that it would not.

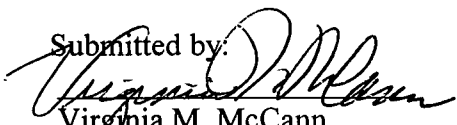
Chairman Hill recognized Rep. Buchanan who made the motion that the committee adopt the amendment and the motion carried. Chairman Hill recognized Rep. Goodwin who stated that Hinson Dam was the subject of his amendment. He further stated that the dam and a lake located in Rockingham which were donated to the Wildlife Resources Commission, and the city is interested in developing a recreational area there. However, the lake is now drained at the request of the Division of Land Resources because of a dam safety problem. This bill will require the City of Rockingham to install an early warning and detection system so that if there are any storms, people in the area will be notified and avoid it. He commended the bill to the subcommittee. Chairman Hill recognized Rep. Buchanan who made a motion to give the original bill an unfavorable report and favorable report on the committee substitute. The motion carried.

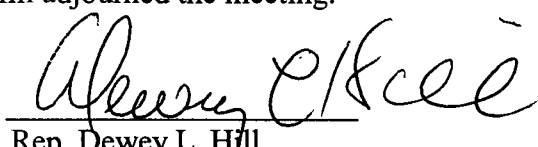
Chairman Hill recognized Rep. Cansler to come forward and support S 529, Hope Mills Annexation for Senator Rand. Rep. Cansler stated that the Weaverville portion of the bill does the same thing as the Hope Mills section, and it has the approval of Senator Rand. Rep. Cansler stated that the bill has to do with annexing noncontiguous areas, and it was totally voluntary - no opposition - he asked for the support of the subcommittee. Chairman Hill recognized Rep. Buchanan who made the motion for a favorable report and the motion carried.

Chairman Hill recognized Rep. Morris to come forward and support HB1156, March of Dimes License Plates. Chairman Hill recognized Rep. Buchanan who made a motion for the subcommittee to adopt the proposed committee substitute for the purposes of discussion and the motion carried. There was no discussion on the bill and Rep. Buchanan made the motion for a favorable report on the committee substitute and unfavorable on the original bill. The motion carried.

There being no further business, Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

A G E N D A

Subcommittee on Local, Regional & State Revenues
Meeting: Tuesday, May 20, 1997

CALL TO ORDER · Rep. Dewey L. Hill, Chairman

HB 867, Matthews Annexation/Zoning - Rep. Gulley

HB 1082, Native American Special Plates - Rep. Sutton

HB1137, Soil & Water Conservation Plates - Rep. Culp

HB 1156, March of Dimes License Plates - Rep. Morris

SB 356, Reidsville Annexations - Senator Foxx

SB 529, Hope Mills/Weaverville Annexations - Senator Rand

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1137
Committee Substitute Favorable 4/29/97

Short Title: Soil and Water Conservation Plates.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A SPECIAL LICENSE PLATE TO PROMOTE SOIL AND
3 WATER CONSERVATION AND TO PROVIDE THAT A PORTION OF THE
4 SALES REVENUE GOES TO FUND WATER QUALITY AND
5 ENVIRONMENTAL EDUCATION.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 20-79.4 is amended by adding a new subdivision to read:
8 "(22a1) Soil and Water Conservation. -- Issuable to the registered
9 owner of a motor vehicle in accordance with G.S. 20-81.12.
10 The plate shall bear a picture appropriate to the subject of
11 water quality and environmental protection in North Carolina
12 and the letters 'WO'."
13 Section 2. G.S. 20-79.7(a) reads as rewritten:
14 "(a) Fees. -- Upon request, the Division shall provide and issue free of charge one
15 registration plate to a recipient of the Congressional Medal of Honor, a 100%
16 disabled veteran, and an ex-prisoner of war. All other special registration plates are
17 subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus
18 an additional fee in the following amount:

19 <u>Special Plate</u>	<u>Additional Fee Amount</u>
20 Historical Attraction	\$30.00
21 State Attraction	\$30.00
22 Collegiate Insignia	\$25.00
23 Olympic Games	\$25.00

1	Special Olympics	\$25.00
2	Wildlife Resources	\$20.00
3	<u>Soil and Water Conservation</u>	<u>\$20.00</u>
4	Personalized	\$20.00
5	Active Member of the National Guard	None
6	All Other Special Plates	\$10.00."

7 Section 3. G.S. 20-79.7(b) reads as rewritten:

8 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
9 Collegiate and Cultural Attraction Plate Account are established within the Highway
10 Fund. The Division must credit the additional fee imposed for the special
11 registration plates listed in subsection (a) among the Special Registration Plate
12 Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA),
13 and the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-
14 77.7, as follows:

15 <u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
16 Historical Attraction	\$10	\$20	0
17 In-State Collegiate Insignia	\$10	\$15	0
18 Out-of-state Collegiate Insignia	\$10	0	\$15
19 Personalized	\$10	0	\$10
20 Special Olympics	\$10	\$15	0
21 Olympic Games	\$10	\$15	0
22 State Attraction	\$10	\$20	0
23 Wildlife Resources	\$10	\$10	0
24 <u>Soil and Water Conservation</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
25 All other Special Plates	\$10	0	0."

26 Section 4. G.S. 20-81.12 is amended by adding a new subsection to read:

27 "(b5) Soil and Water Conservation Plates. -- The Division must receive 300 or
28 more applications for a soil and water conservation plate before the plate may be
29 developed. The Division shall transfer, quarterly, the money in the Collegiate and
30 Cultural Attraction Plate Account derived from the sale of the water quality plates to
31 the Soil and Water Conservation Account established by G.S. 143B-297.1."

32 Section 5. Part 7 of Article 7 of Chapter 143B is amended by adding a
33 new section to read:

34 "§ 143B-297.1. Soil and Water Conservation Account.

35 The Soil and Water Conservation Account is established as a nonreverting fund
36 and is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter
37 147 of the General Statutes. Revenue derived from the sale of water quality license
38 plates is credited to the account. The Commission shall use the revenue from the
39 account to fund environmental education and water quality education in North
40 Carolina."

41 Section 6. This act becomes effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1137
Committee Substitute Favorable 4/29/97
PROPOSED COMMITTEE SUBSTITUTE
H1137-CSRB-1

Short Title: Soil and Water Conservation Plates. (Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A SPECIAL LICENSE PLATE TO PROMOTE SOIL AND
3 WATER CONSERVATION AND TO PROVIDE THAT A PORTION OF THE SALES
4 REVENUE GOES TO FUND WATER QUALITY AND ENVIRONMENTAL EDUCATION.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 20-79.4(b) is amended by adding a new
7 subdivision to read:
8 "(22a1) Soil and Water Conservation. -- Issuable to the
9 registered owner of a motor vehicle in
10 accordance with G.S. 20-81.12. The plate may
11 bear a phrase and picture appropriate to the
12 subject of water quality and environmental
13 protection in North Carolina."
14 Section 2. G.S. 20-79.7(a) reads as rewritten:
15 "(a) Fees. -- Upon request, the Division shall provide and
16 issue free of charge one registration plate to a recipient of the
17 Congressional Medal of Honor, a 100% disabled veteran, and an ex-
18 prisoner of war. All other special registration plates are
19 subject to the regular motor vehicle registration fee in G.S. 20-
20 87 or G.S. 20-88 plus an additional fee in the following amount:
21 Special Plate Additional Fee Amount

1	Historical Attraction	\$30.00
2	State Attraction	\$30.00
3	Collegiate Insignia	\$25.00
4	Olympic Games	\$25.00
5	Special Olympics	\$25.00
6	<u>Soil and Water Conservation</u>	<u>\$20.00</u>
7	Wildlife Resources	\$20.00
8	Personalized	\$20.00
9	Active Member of the National Guard	None
10	All Other Special Plates	\$10.00."

11 Section 3. G.S. 20-79.7(b) reads as rewritten:

12 "(b) Distribution of Fees. -- The Special Registration Plate
13 Account and the Collegiate and Cultural Attraction Plate Account
14 are established within the Highway Fund. The Division must
15 credit the additional fee imposed for the special registration
16 plates listed in subsection (a) among the Special Registration
17 Plate Account (SRPA), the Collegiate and Cultural Attraction
18 Plate Account (CCAPA), and the Natural Heritage Trust Fund
19 (NHTF), which is established under G.S. 113-77.7, as follows:

20 <u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
21 Historical Attraction	\$10	\$20	0
22 In-State Collegiate Insignia	\$10	\$15	0
23 Out-of-state Collegiate Insignia	\$10	0	\$15
24 Personalized	\$10	0	\$10
25 Special Olympics	\$10	\$15	0
26 Olympic Games	\$10	\$15	0
27 State Attraction	\$10	\$20	0
28 <u>Soil and Water Conservation</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
29 Wildlife Resources	\$10	\$10	0
30 All other Special Plates	\$10	0	0."

31 Section 4. G.S. 20-81.12 is amended by adding a new
32 subsection to read:

33 "(b5) Soil and Water Conservation Plates. -- The Division must
34 receive 300 or more applications for a soil and water
35 conservation plate before the plate may be developed. The
36 Division shall transfer quarterly the money in the Collegiate and
37 Cultural Attraction Plate Account derived from the sale of the
38 soil and water conservation plates to the Soil and Water
39 Conservation Account established in G.S. 143B-297.1."

40 Section 5. Part 7 of Article 7 of Chapter 143B is
41 amended by adding a new section to read:

42 "§ 143B-297.1. Soil and Water Conservation Account.

43 The Soil and Water Conservation Account is established as a
44 nonreverting account within the Department of Environment,

1 Health, and Natural Resources. The Account consists of revenue
2 credited to the Account from the sale of soil and water
3 conservation special license plates. The Commission shall use
4 the revenue from the account to fund environmental education and
5 water quality education in North Carolina."

6 Section 6. This act is effective when it becomes law.

Ginny

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1082
PROPOSED COMMITTEE SUBSTITUTE
H1082-CSR-2

Short Title: Native American Special Plates.

(Public)

Sponsors:

Referred to: Transportation, if favorable, Finance.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A
3 NATIVE AMERICAN REGISTRATION PLATE.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 20-79.4(b) is amended by adding a new
6 subdivision to read:
7 "(17.1) Native American. -- Issuable to the registered
8 owner of a motor vehicle in accordance with
9 G.S. 20-81.12. The plate may bear a phrase or
10 an insignia representing Native Americans.
11 The Division must receive 300 or more
12 applications for the plate before it may be
13 developed."
14 Section 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

"A"

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 1082

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) _____

Sen.) _____

1 moves to amend the bill on page 1, line s 3-5

2 () WHICH CHANGES THE TITLE

3 by rewriting the line to read:4 " 'NATIVE AMERICAN' REGISTRATION PLATE. ";

5 _____

6 on page 1, line 11, by inserting the following sentence7 after "20-81.12.": "The Division must receive 3008 or more applications for the plate before it may be9 developed. ";

10 _____

11 on page 1, line 13 through p. 2, line 35, by12 deleting these lines;

13 _____

14 and on page 2, line 36, by deleting "Section. 4."15 and substituting "Section-2."

16 _____

17 _____

18 _____

19 _____

SIGNED

E.V. Stame

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 356

Proposed Committee Substitute S356-CSLD-2

WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Reidsville Annexations/Hinson Dam Exempt. (Local)

Sponsors:

Referred to:

March 11, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE
3 DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE
4 ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE
5 ANNEXATIONS AND TO EXEMPT HINSON LAKE DAM FROM THE DAM SAFETY
6 LAW OF 1967.
7 The General Assembly of North Carolina enacts:
8 Section 1. The Charter of the City of Reidsville, being
9 Chapter 957, Session Laws of 1989, is amended by adding the
10 following new sections:
11 "Sec. 1.4. Effective date of annexation ordinances.
12 (a) The provisions of G.S. 160A-31(d), 160A-58.2, and 160A-
13 58.7 notwithstanding, the city council may make annexation
14 ordinances adopted pursuant to Part 1 or 4 of Article 4A of
15 Chapter 160A of the General Statutes effective on any specified
16 date within four years from the date of passage of the annexation
17 ordinance.
18 (b) The provisions of G.S. 160A-49(e)(4) notwithstanding, the
19 city council may fix the effective date of annexation ordinances
20 adopted pursuant to Part 3 of Article 4A of Chapter 160A of the
21 General Statutes for any date not less than 40 days nor more than
22 four years from the date of passage of the ordinances.

1 (c) This section applies only to the following described area:
2 Being a tract of land located in Reidsville Township, Rockingham
3 County, North Carolina.
4 BEGINNING at a concrete right-of-way monument at the southwest
5 quadrant intersection of N.C. Highway 87 and U.S. Highway 29;
6 specifically, said beginning monument being located by North
7 Carolina Grid system tie North 69 deg. 13 min. 47 sec. West
8 416.92 feet from North Carolina Grid monument 'Holiday Inn,' a
9 brass disc set in concrete on the north side of the N. C. Highway
10 87 bridge over U.S. Highway 29 and approximately situated over
11 the western edge of the east lane of U. S. Highway 29; thence,
12 from said beginning monument along and with the western
13 controlled access right-of-way of U. S. Highway 29 the following
14 courses and distances:
15 South 10 deg. 29 min. 32 sec. West 329.37 feet to a concrete
16 monument, South 02 deg. 25 min. 31 sec. West 214.10 feet to a
17 concrete monument, South 02 deg. 27 min. 59 sec. East 109.57 feet
18 to a concrete monument, South 01 deg. 05 min. 19 sec. East 192.01
19 feet to a concrete monument, South 05 deg. 26 min. 27 sec. West
20 243.44 feet to a concrete monument, South 16 deg. 37 min. 08 sec.
21 West 1,242.82 feet to an existing iron pipe, a corner with
22 Laidlaw Environmental Services, Inc.; thence leaving the
23 controlled access right-of-way of U. S. Highway 29 and with the
24 line of Laidlaw Environmental Services North 80 deg. 35 min. 23
25 sec. West 952.84 feet to an existing iron pipe in the east right-
26 of-way of Watlington Industrial Drive (SR 2664); thence
27 continuing with said right-of-way, North 00 deg. 27 min. 49 sec.
28 East 632.38 feet to an iron pipe set at the P. C. of a curve;
29 thence continuing with said right-of-way along the arc of a curve
30 right with a radius of 1,442.45 feet, a distance of 456.49 feet
31 to an iron pipe set; said curve having a chord of North 09 deg.
32 31 min. 47 sec. East 454.59 feet; thence North 18 deg. 35 min. 45
33 sec East 754.96 feet to an iron pipe set in said right-of-way of
34 Watlington Industrial Drive and being the P. C. of a curve;
35 thence continuing along with said right-of-way the arc of said
36 curve right with a radius of 1,424.90 feet, a distance of 393.88
37 feet to an iron pipe set, said curve having a chord of North 26
38 deg. 30 min. 54 sec. East 392.63 feet; thence continuing said
39 right-of-way North 34 deg. 25 min. 31 sec. East 544.62 feet to an
40 iron pipe set in the right-of-way at the southeast quadrant
41 intersection of Watlington Industrial Drive and N. C. Highway 87;
42 thence along and with the right-of-way of N. C. Highway 87 at the
43 following courses and distances: South 51 deg. 21 min. 01 sec.
44 East 386.10 feet to a concrete right-of-way monument, South 48

1 deg. 48 min. 36 sec. East 247.82 feet to a concrete right-of-way
2 monument, South 48 deg. 54 min. 44 sec. East 115.28 feet to a
3 concrete right-of-way monument, the point of beginning and
4 containing 60.269 Acres as per survey dated May 24, 1993, by Obie
5 M. Chambers and Associates, R. L. S., Reidsville, North Carolina.
6 "Sec. 1.5. Satellite annexations. The area annexed by an
7 annexation ordinance adopted by the City of Reidsville on April
8 13, 1995, shall not be included in any calculations made under
9 G.S. 160A-58.1(b)(5)."

10 Section 2. G.S. 143-215.25A is amended by adding a new
11 subsection to read:

12 "(c) In addition to the exemptions set forth under subsection
13 (a) of this section, this Part does not apply to any dam owned by
14 the Wildlife Resources Commission and located in Richmond County
15 at Lake Hinson. The City of Rockingham shall install, operate,
16 and maintain a detection and early warning system to alert
17 motorists of any danger presented to motorists using Secondary
18 Road 1646 in Richmond County by rising water levels in Lake
19 Hinson during storm events."

20 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 529
House Committee Substitute Favorable 5/13/97

Short Title: Hope Mills Annexations.

(Local)

Sponsors:

Referred to:

March 26, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS
3 BY THE TOWNS OF HOPE MILLS AND WEAVERVILLE.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 160A-58.1(b)(5) reads as rewritten:
6 "(5) The area within the proposed satellite corporate limits, when
7 added to the area within all other satellite corporate limits, may
8 not exceed ~~ten percent (10%)~~ twenty percent (20%) of the area
9 within the primary corporate limits of the annexing city."
10 Section 2. G.S. 160A-58.1(b)(5) reads as rewritten:
11 "(5) The area within the proposed satellite corporate limits, when
12 added to the area within all other satellite corporate limits, may
13 not exceed ~~ten percent (10%)~~ twenty-three percent (23%) of the
14 area within the primary corporate limits of the annexing city."
15 Section 3. Section 1 of this act applies only to the Town of Hope Mills.
16 Section 4. Section 2 of this act applies only to the Town of Weaverville.
17 Section 5. This act is effective when it becomes law.

Ginny

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1156
PROPOSED COMMITTEE SUBSTITUTE
H1156-CSRB-1

Short Title: March of Dimes License Plates.

(Public)

Sponsors:

Referred to: Transportation, if favorable, Finance.

April 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A
3 SPECIAL REGISTRATION PLATE FOR SUPPORTERS OF THE MARCH OF DIMES
4 AND TO PROVIDE THAT A PORTION OF THE MONEY GENERATED FROM THE
5 SPECIAL PLATES WILL BE GIVEN TO THE MARCH OF DIMES BIRTH
6 DEFECTS FOUNDATION.
7 The General Assembly of North Carolina enacts:
8 Section 1. G.S. 20-79.4(b) is amended by adding a new
9 subdivision to read:
10 "(14a) March of Dimes. -- Issuable to the registered
11 owner of a motor vehicle in accordance with
12 G.S. 20-81.12. The plate may bear a phrase
13 or an insignia representing the March of
14 Dimes Foundation."
15 Section 2. G.S. 20-79.7(a) reads as rewritten:
16 "(a) Fees. -- Upon request, the Division shall provide and
17 issue free of charge one registration plate to a recipient of the
18 Congressional Medal of Honor, a 100% disabled veteran, and an ex-
19 prisoner of war. All other special registration plates are
20 subject to the regular motor vehicle registration fee in G.S. 20-
21 87 or G.S. 20-88 plus an additional fee in the following amount:
22 Special Plate Additional Fee Amount

1	Historical Attraction	\$30.00
2	State Attraction	\$30.00
3	Collegiate Insignia	\$25.00
4	Olympic Games	\$25.00
5	Special Olympics	\$25.00
6	<u>March of Dimes</u>	<u>\$20.00</u>
7	Wildlife Resources	\$20.00
8	Personalized	\$20.00
9	Active Member of the National Guard	None
10	All Other Special Plates	\$10.00."

11 Section 3. G.S. 20-79.7(b) reads as rewritten:

12 "(b) Distribution of Fees. -- The Special Registration Plate
13 Account and the Collegiate and Cultural Attraction Plate Account
14 are established within the Highway Fund. The Division must
15 credit the additional fee imposed for the special registration
16 plates listed in subsection (a) among the Special Registration
17 Plate Account (SRPA), the Collegiate and Cultural Attraction
18 Plate Account (CCAPA), and the Natural Heritage Trust Fund
19 (NHTF), which is established under G.S. 113-77.7, as follows:

20	<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
21	Historical Attraction	\$10	\$20	0
22	In-State Collegiate Insignia	\$10	\$15	0
23	Out-of-state Collegiate Insignia	\$10	0	\$15
24	Personalized	\$10	0	\$10
25	Special Olympics	\$10	\$15	0
26	Olympic Games	\$10	\$15	0
27	State Attraction	\$10	\$20	0
28	<u>March of Dimes</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
29	Wildlife Resources	\$10	\$10	0
30	All other Special Plates	\$10	0	0."

31 Section 4. G.S. 20-81.12 is amended by adding a new
32 subsection to read:

33 "(b5) March of Dimes Plates. -- The Division must receive 300
34 or more applications for a March of Dimes plate before the plate
35 may be developed. The Division shall transfer quarterly the
36 money in the Collegiate and Cultural Attraction Plate Account
37 derived from the sale of March of Dimes plates to the March of
38 Dimes Birth Defects Foundation for use in programs in North
39 Carolina."

40 Section 5. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Subcommittee on Local, Regional & State Revenues

May 20, , 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

file

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

S.B. 356

☐ A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF
REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED
TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING
ON SATELLITE ANNEXATIONS.

REPORTED TO THE STANDING COMMITTEE ON

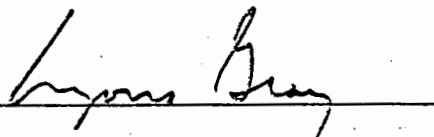
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (#), ☒ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #) (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 1156

☐ A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL
LICENSE PLATE TO PROMOTE THE 'MARCH OF DIMES' TO PROVIDE THAT A PORTION
OF THE SALES REVENUE GOES TO MARCH OF DIMES BIRTH DEFECTS FOUNDATION.

REPORTED TO THE STANDING COMMITTEE ON _____

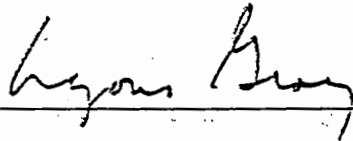
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on _____
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on _____
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill _____ which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, _____ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (# _____), ☒ which changes the title, unfavorable as to original bill (Committee Substitute Bill # _____). (and recommendation that the committee substitute bill (# _____) be referred to the Committee on _____.)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 1137

☐ A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL
LICENSE PLATE TO PROMOTE SOIL AND WATER CONSERVATION AND TO PROVIDE
THAT A PORTION OF THE SALES REVENUE GOES TO FUND WATER QUALITY AND
ENVIRONMENTAL EDUCATION.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (# 2), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # 1). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 1082

☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE
DIVISION OF MOTOR VEHICLES TO ISSUE A "NATIVE AMERICAN" REGISTRATION
PLATE WITH THE NET PROCEEDS FROM THE SALE OF THE PLATES TO BE
TRANSFERRED TO THE NORTH CAROLINA COMMISSION ON INDIAN AFFAIRS.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.

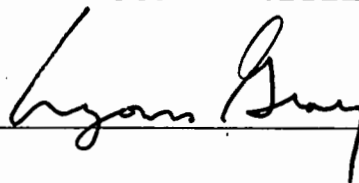
☐ Without prejudice.

☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



☐ With a favorable report.

☐ With a favorable report, as amended.

☒ With a favorable report as to committee substitute bill (#), ☒ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 867

☐ A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS AND TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTIONS.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

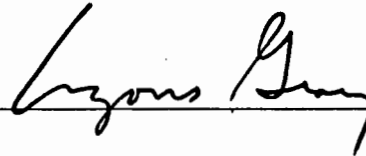
☐ Without prejudice.

☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



☒ With a favorable report.

☐ With a favorable report, as amended.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on .)

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

S.B. 529

☐ A BILL TO BE ENTITLED AN ACT CONCERNING THE
ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF HOPE MILLS AND
WEAVERVILLE.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ Lyons Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # _____). (and recommendation that the
committee substitute bill (# _____) be referred to the Committee on _____.)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1156

Short Title: March of Dimes License Plates.

(Public)

Sponsors: Representative Morris.

Referred to: Transportation, if favorable, Finance.

April 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A SPECIAL LICENSE PLATE TO PROMOTE THE
3 "MARCH OF DIMES" TO PROVIDE THAT A PORTION OF THE SALES
4 REVENUE GOES TO MARCH OF DIMES BIRTH DEFECTS FOUNDATION.
5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-79.4 is amended by adding a new subdivision to read:
7 "(14a) 'March of Dimes'. -- Issuable to the registered owner of a motor
8 vehicle in accordance with G.S. 20-81.12. The plate shall bear
9 the words 'March of Dimes' and the letters 'MOD.'"

10 Section 2. G.S. 20-79.7(a) reads as rewritten:

11 "(a) Fees. -- Upon request, the Division shall provide and issue free of charge one
12 registration plate to a recipient of the Congressional Medal of Honor, a 100%
13 disabled veteran, and an ex-prisoner of war. All other special registration plates are
14 subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus
15 an additional fee in the following amount:

16 <u>Special Plate</u>	<u>Additional Fee Amount</u>
17 Historical Attraction	\$30.00
18 State Attraction	\$30.00
19 Collegiate Insignia	\$25.00
20 Olympic Games	\$25.00
21 Special Olympics	\$25.00
22 <u>March of Dimes</u>	<u>\$20.00</u>
23 Wildlife Resources	\$20.00
24 Personalized	\$20.00

1 Active Member of the National Guard None
 2 All Other Special Plates \$10.00."

3 Section 3. G.S. 20-79.7(b) reads as rewritten:

4 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
 5 Collegiate and Cultural Attraction Plate Account are established within the Highway
 6 Fund. The Division must credit the additional fee imposed for the special
 7 registration plates listed in subsection (a) among the Special Registration Plate
 8 Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA),
 9 and the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-
 10 77.7, as follows:

11 <u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
12 Historical Attraction	\$10	\$20	0
13 In-State Collegiate Insignia	\$10	\$15	0
14 Out-of-state Collegiate Insignia	\$10	0	\$15
15 Personalized	\$10	0	\$10
16 Special Olympics	\$10	\$15	0
17 Olympic Games	\$10	\$15	0
18 State Attraction	\$10	\$20	0
19 Wildlife Resources	\$10	\$10	0
20 <u>March of Dimes</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
21 All other Special Plates	\$10	0	0."

22 Section 4. G.S. 20-81.12 is amended by adding a new subsection to read:

23 "(b5) 'March of Dimes'. -- The Division must receive 300 or more applications for
 24 a water quality plate before the plate may be developed. The Division shall transfer
 25 quarterly the money in the Collegiate and Cultural Attraction Plate Account derived
 26 from the sale of the 'March of Dimes' plates to the March of Dimes Birth Defects
 27 Foundation for use in programs in North Carolina."

28 Section 5. This act becomes effective July 1, 1997.

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: June 3, 1997

The subcommittee met in Room 415 of the Legislative Building at noon. Those members in attendance were: Rep. Charles Buchanan; Rep. Russell Capps; Rep. Pete Cunningham; Rep. Andrew Dedmon; Rep. Rick Eddins; Rep. Mia Morris; Rep. John Rayfield and Rep. Edgar V. Starnes.

Chairman Hill called the meeting to order and recognized Rep. John Nichols to come forward and support HB 335, Grantsboro Incorporated. Rep. Nichols stated that the bill was at the request of Pamlico County, and that it had the support of the county commissioners as well as the delegation. Rep. Nichols further stated that the bill calls for a referendum. Chairman Hill recognized Rep. Buchanan who made a motion that the bill receive a favorable report, and the motion carried.

Chairman Hill recognized Rep. Decker to come forward and support HB 631, Forsyth Local Act. Rep. Decker stated that the bill concerns the distribution of hotel motel tax receipts in Forsyth County. Rep. Decker stated that prior to introduction, the entire delegation was in agreement. He further stated that the receipts from these taxes would be used for economic development. Currently the tax brings in about \$2.5 million and about 1.5 is used for travel and tourism and approximately \$1 million is distributed between Winston-Salem and Forsyth County to use for economic development. Rep. Decker further stated that the bill will allow the cities of Clemmons and Kernersville to use a portion of that money that is generated in their local community for the same purposes for which Winston-Salem and Forsyth County now use it.

Chairman Hill called for discussion on the bill and Rep. Cunningham made the motion for a favorable report on the bill. Chairman Hill then recognized Mr. Jim Hobbs, Hotel Motel Association, to come forward. Mr. Hobbs stated his association's opposition to the bill. He stated that the bill has the effect of reducing the amount of money which goes into the Tourism Development Authority (TDA), and that it sets a very dangerous precedent. He further stated that the operators in Kernersville had thought the money would come back to them; however, when they learned the money was going to the General Fund - they expressed their opposition to the local delegation.

Chairman Hill then recognized Ms. Liz Harris of the Winston-Salem Chamber of Commerce. Ms. Harris thanked the chairman for allowing them to be heard today, and introduced several people from the chamber who were in attendance with her today. She further stated that Mr. Mike Mason of the Winston-Salem Convention and Visitors' Bureau would like to address the subcommittee. Ms. Harris stated the chamber's opposition.

At this point, Rep. Cunningham asked to be recognized in view of his earlier motion. Rep. Cunningham stated that after hearing the last few minutes of discussion, he felt that he, as well as the other members of the subcommittee, were being "put on the spot" with this bill. He further stated that he would like Ms. Harris to advise the subcommittee as to whether or not the entire delegation was in agreement. Ms. Harris stated that they had spoken with the entire delegation but that she did not feel comfortable making a characterization with all of them. At this point Rep. Decker stated that the bill jacket contains the signatures of the entire delegation.

Chairman Hill recognized Mr. Jerry Hancock, Travel and Tourism Coalition, to come forward and speak briefly on the bill. Mr. Hancock stated that he was concerned about consistency and uniformity state-wide. He further stated that this bill may well set a state-wide devastating precedent. Centralized administration of room tax is imperative. He urged the subcommittee not to support the bill.

Chairman Hill recognized Rep. Cunningham who asked to have his motion for a favorable report removed. Chairman Hill recognized Rep. Starnes who stated that this subcommittee had two such bill before it recently, which had the support of the entire delegation, and the subcommittee chose to give both an unfavorable report. He stated that if this bill received a favorable report, then we must give the others a favorable report as well.

Rep. Decker stated that he would be willing to amend the bill to satisfy the wishes of the subcommittee. Chairman Hill then recognized Mr. Mike Mason to come forward and state his position. Mr. Mason stated that the bill would be devastating to the travel and tourism industry in Forsyth County. He further stated that this industry provides large amounts of revenues to the county, and that the Convention and Visitors Bureau's sole function is marketing Forsyth County.

Chairman Hill recognized Rep. Cunningham who made a motion that the bill be removed from the calendar, and scheduled for a later date - at the discretion of the chairman. Rep. Decker stated that subcommittee staff was in the process of amending the bill to a 60-40 ratio, and asked for one of the subcommittee members to offer this amendment. Further discussion continued, and Rep. Decker stated that he would remove the bill from the calendar.

Chairman Hill recognized Senator Foxx to come forward and support HB 69, Stokes School Acquisition. Chairman Hill stated that the Red. Dedmon had offered an amendment to the bill (see attached) and the subcommittee accepted the amendment. Senator Foxx stated that the bill has already passed the Senate. Chairman Hill recognized Rep. Buchanan who made the motion that the subcommittee give an unfavorable report to the original bill and favorable to the committee substitute. The motion carried. Senator Foxx went on to explain SB 186, Alleghany/Delinquent Prop. Tax. The Senator stated that the bill was requested by the Alleghany Commissioners and has the support of everyone. She stated that the bill has already passed the Senate.

Chairman Hill recognized Rep. Rayfield who made the motion for a favorable report, and the motion carried.

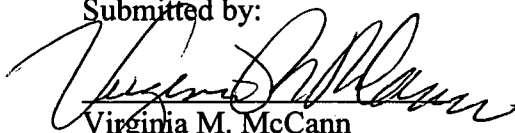
Chairman Hill recognized Senator Jenkins to come forward and support SB 198, Henderson County Annexation Agreements. Chairman Hill stated that a companion bill, HB 62 by Rep. Ives, has already passed the House. The Chairman asked Senator Jenkins to explain his bill. Senator Jenkins stated the city of Hendersonville and the town of Laurel Park have agreed to enter into annexation and payment in lieu of taxes. Chairman Hill recognized Rep. Cunningham who made the motion for a favorable report on the bill and the motion carried.

Chairman Hill recognized Rep. Ellis to come forward and support HB 614, Swift Creek Incorporated.

Rep. Ellis stated that this was a local bill. He stated that the community was concerned about its watershed and encroaching density, and that the community had formed an association which has sought incorporation. The bill allows for incorporation, after a vote of the people of Swift Creek which will be held during the general election in order to allow full participation;.

Chairman Hill recognized Rep. Starnes who made the motion for a favorable report on the bill and the motion carried. There being no further business Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

A G E N D A

Subcommittee on Local, Regional & State Revenues
Tuesday, June 2, 1997

CALL TO ORDER: Rep. Dewey L. Hill, Chairman

BILLS TO BE CONSIDERED:

HB 335, Grantsboro Incorporated - Rep. Nichols

HB 631, Forsyth Local Act - Rep. Decker

SB 69, Stokes School Acquisition - Senator Foxx

SB 186, Alleghany/Delinquent Prop. Tax - Senator Foxx

SB 198, Henderson Co. AnnexationAgreements - Senator Jenkins

HB 614, Swift Creek Incorporated - Rep. Ellis

ADJOURNMENT

VISITOR REGISTRATION SHEET

Local, Regional, & State Revenues 6-3-97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. Randy Coover
2. MICHAEL LATAR
3. RON AKINS
4. Liz Harris
5. Peggy How
6. Ed Scott
7. Margie Reiter
8. Olive Taylor
9. Paul Taylor
10. Carol Hutchison
11. GARY HUTCHISON
12. Michael Mason
13. Kim Smith
14. DAVID RICE
15. Ryan Duncan
16. Randy Price
17. John Ellington
18. Kerry Amick
19. Jeann Nunn
20. VERA SEDIVY
21. _____

Middle Creek/Swift Creek Community Alliance
SWIFT CREEK ALLIANCE
GNANC
Winston-Salem Chamber of Commerce
" " "
NCCBI
mc/sc Community Alliance
"
"
"
"
Winston-Salem Convention & Visitors Bureau
NCLM
W-S Journal
WCSR
SELF
Middle Creek - Swift Creek Alliance
NC Travel & Tourism Coalition
EGH&S
"
"

file

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for
S.B. 69

☐ A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES
COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill # _____). (and recommendation that the committee substitute bill (# _____) be referred to the Committee on _____)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for
H.B. 335
TOWN OF GRANTSBORO.

☐ A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ Lyons Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill # _____). (and recommendation that the committee substitute bill (# _____) be referred to the Committee on _____.)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☐ Committee Substitute for S.B. 186 ☐ A BILL TO BE ENTITLED AN ACT REQUIRING THE
PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING
DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
- changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # _____) (and recommendation that the
committee substitute bill (# _____) be referred to the Committee on _____)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☐ Committee Substitute for
S.B. 198 ☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY
OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO
ANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF
CERTAIN CLASSES OF MANUFACTURING PROPERTIES.

REPORTED TO THE STANDING COMMITTEE ON

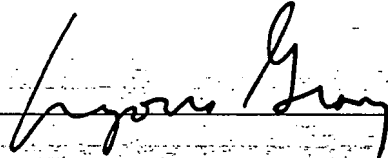
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # _____). (and recommendation that the
committee substitute bill (# _____) be referred to the Committee on _____.)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
- (PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 614

☐ A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF SWIFT CREEK.

REPORTED TO THE STANDING COMMITTEE ON

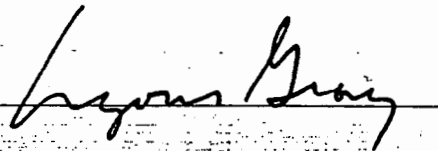
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill # _____). (and recommendation that the committee substitute bill (# _____) be referred to the Committee on _____.)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
- (PUBLIC BILLS ONLY)

4/24/97

The Convention & Visitors Bureaus Mission

**THE MISSION OF THE WINSTON-SALEM
CONVENTION AND VISITORS BUREAU
IS TO PROMOTE THE GROWTH AND
DEVELOPMENT OF THE VISITOR
INDUSTRY THROUGHOUT FORSYTH
COUNTY.**

Brief History

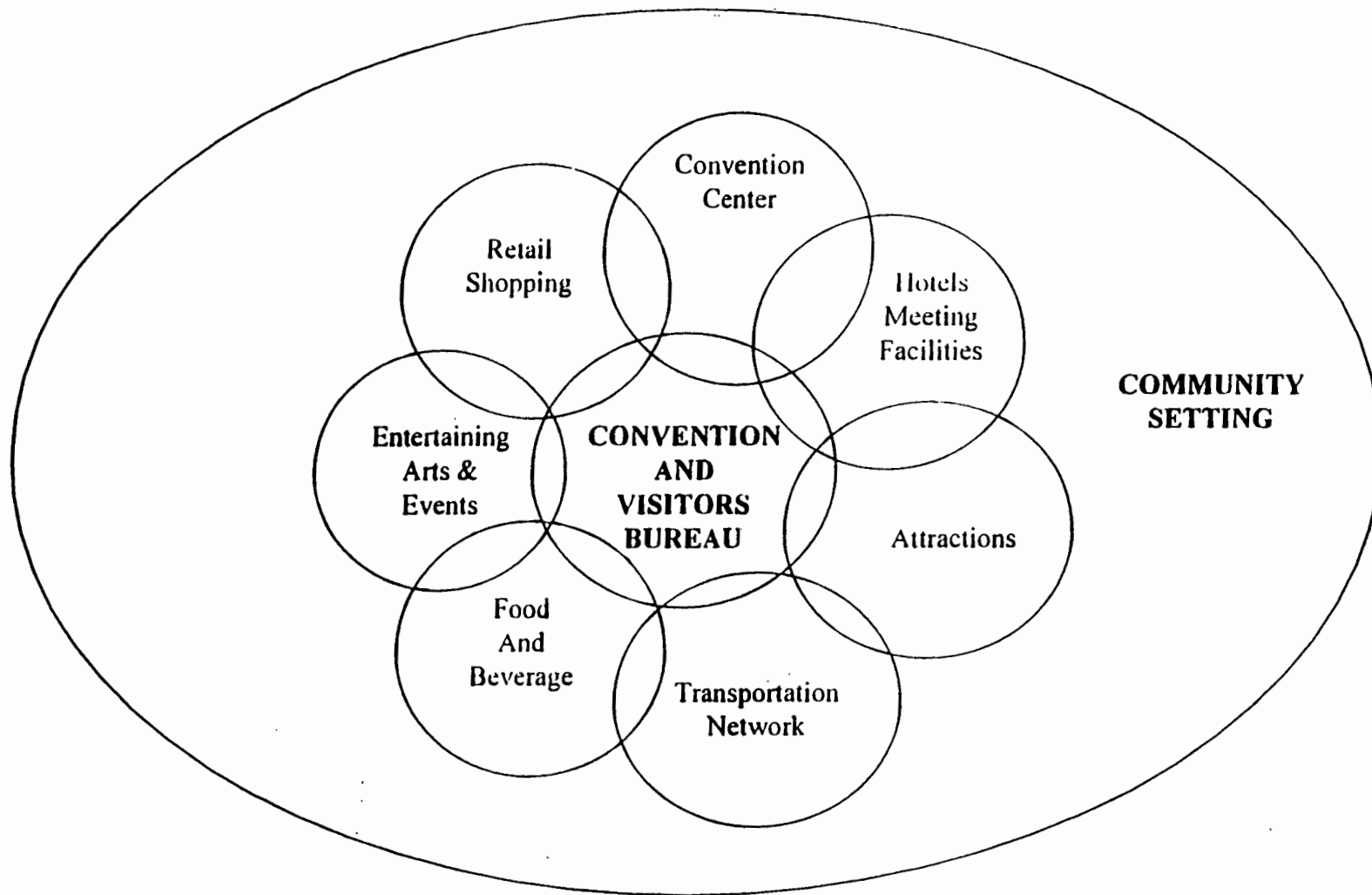
Winston-Salem Convention & Visitors Bureau

- 1960 - 1982: Chamber of Commerce operates a dedicated convention and visitor solicitation effort.
- 1965: Effort is focused into an official "Convention and Visitors Bureau"; Bureau joins the International Association of Convention and Visitors Bureaus as one of some 75 member cities.
- 1983: 2% room tax ordinance is enacted for Forsyth County; Forsyth County Tourism Development Authority is created; Chamber proposes funding various projects in the Bureau. Room tax taken effect as of October.
- 1985: Chamber hires a professional to operate Bureau.
- 1987: Room tax increased to 3%.
- 1990: Room tax increased to 6%.

What is a Convention and Visitors Bureau

A not-for-profit organization within a city, county or region with three prime responsibilities:

1. To encourage groups to hold meetings, conventions, and trade shows in the area it represents.
2. To assist these groups with meeting preparations and to provide necessary services the group requires while the meeting is in the city, county, or region.
3. To encourage leisure travelers to come and enjoy the historic, cultural, and recreational opportunities in the area.



**A Resolution Opposing House Bill 631
"Forsyth Room Tax Distribution"**

Whereas, the mission of the Forsyth County Tourism and Development Authority and the Winston-Salem Convention and Visitors Bureau(CVB) is to promote and develop the convention and tourism industry throughout Forsyth County; and

Whereas, the tourism and convention business is highly competitive; and

Whereas, the CVB maintains an effective, full time, highly trained, and professional staff which devotes its efforts to recruit conventions and tourists to Forsyth County; and

Whereas, HB 631 would reduce funding for programs that are vital to Forsyth County's competitive position in the convention and tourism market; and

Whereas, all the municipalities of Forsyth County are best served through a combined marketing effort which maximizes the effectiveness of tax dollars.

Be It Therefore Resolved, that the Greater Winston-Salem Chamber of Commerce opposes HB 631 and urges our legislative delegation, in the best interest of the convention and tourism industry in Forsyth County, to vote no on HB 631.

Adopted this _____ day of May, 1997.

DRAFT

FORSYTH COUNTY OCCUPANCY TAX DISTRIBUTION

Authorized

In 1983	2% occupancy tax with 5% distributed to municipalities in Forsyth County, other than Winston-Salem, on a prorata basis and the remaining net proceeds distributed to the Tourism Development Authority.
In 1986	1% occupancy tax with 5% distributed to municipalities in Forsyth County, other than Winston-Salem, on a prorata basis and the remaining net proceeds distributed to the Tourism Development Authority.
In 1989	3% occupancy tax with 5% distributed to municipalities in Forsyth County, other than Winston-Salem, on a prorata basis and the remaining net proceeds distributed to Winston-Salem, Forsyth County, and the Tourism Development Authority on a prorata basis.
Proposed Change	If the 5% distribution of each of the above parts of occupancy taxes are less than a municipality collected in occupancy taxes, other than Winston-Salem, then the difference would be deducted from the 95% remaining proceeds and distributed to the municipality or municipalities. The reduced remaining proceeds would be distributed to the Tourism Development Authority, Winston-Salem, and Forsyth County as specified above.

Tourism working for Clemmons and Kernersville

Motorcoach:

- Request for packaged tours was sent out last month to all Forsyth County accommodations and attractions. Packages will be promoted at targeted Group Leader trade shows in the 1997-98 fiscal year.
- United Motorcoach Association-free participation at Annual Trade show in Charlotte (1/97) offered as part of CVB's affiliation with NCACVB. Ramada Ltd., Clemmons attended.
- 614+ group tour leads sent December 1993 to present (see attached)
- Several recent group tour bookings resulting from CVB generated leads have selected the Ramada Clemmons and Cracker Barrel
- Tanglewood reported a 100% increase in tour bookings for the 1996 Festival of Lights. Tanglewood attributes this to CVB motorcoach sales and marketing activity.

Publication representation of Clemmons and Kernersville attractions, accommodations and restaurants:

- Group Tour Manual-5,000 copies used for targeted Tour Operator sales and marketing. All attractions and any hotel or restaurant that can and will accommodate groups are represented.
- Visitor Guide-400,000 copies, distributed in response to all Winston-Salem visitor inquiries, at NC Welcome Centers (9 million visitors/year), through professional brochure distribution in key visitor markets, at sales missions and trade shows, etc. All accommodations, attractions and restaurants are listed. Opportunity to buy advertising also available.
- City Map-100,000 copies distributed with Visitor Guide, at NC Welcome Centers and are available for guests free of charge for at all Forsyth County attractions and accommodations. All accommodations and attractions are located on the map.
- Cooperative Golf Brochure opportunity for all Forsyth County accommodations, golf courses, restaurants and golf related businesses. Brochure preliminary meeting 5/9/97.

Visitor Center (40,000 visitors/year):

- Accommodations kiosk represents all accommodations with locator map and phone number. Phones are attached to the kiosk for visitors to make reservations
- Accommodations brochures displayed
- Multi-media presentation represents Tanglewood
- 20,160 leisure travel leads sent March 1996-March 1997. These are the names and addresses of individuals that call the 800 number and request Winston-Salem visitor information. All attractions and properties are invited to sign up to receive the leads.

Tanglewood and Ramada Ltd., Clemmons are the only participants from either Clemmons or Kernersville. (see attached)

- VIP tours are conducted 4 times/year and include Tanglewood. This tour is designed to educate front line employees of the hospitality community on Forsyth County attractions.

Media:

- Press Kits include information on all Clemmons and Kernersville attractions. The major events at Tanglewood are given exceptional attention in these press kits.
- Holiday Media Campaign includes extensive information on the Festival of Lights, as well as photographs of the event. This mailing is a three part mailing to the entire tourism database of media representatives and tour operators (1000).
- Regular opportunities are given to all attractions and accommodations to send any newsworthy information for new press releases and new advertorial copy written and presented by the CVB. This information is sent to the tourism and convention trade, as well as to consumer and travel related publications, television and radio. Ramada Ltd., Clemmons has responded to these opportunities and releases pertaining the property have been generated as a result. TV coverage resulted from one such story pitched by the CVB. (Please see attachments)
- Media contacts are shared free of charge. Korner's Folly has benefited from this list.
- Korner's Folly has met with the CVB to discuss editorial opportunities and the attraction was recently pitched to *Southern Living Magazine* as a result.

International:

- 1996 NC International Symposium held at Ramada Ltd., Clemmons. State-wide exposure to NC travel industry supplies, as well as to the owner of a major international wholesaler and the owner of NC's United Kingdom based marketing and public relations agency. The opening reception was held at Tanglewood.
- The CVB represents Tanglewood as the premier golf facility through the NC Golf Marketing Alliance. International advertising, public relations and sales are generated on their behalf through out the year. Media buys that identify Tanglewood as a golf destination total \$21,000, with \$4000 worth of production incurred through the Alliance. 10,000 NC Golf Brochures are produced as the primary fulfillment for all advertising, in which Tanglewood is featured, and \$4,000 was spent by the Alliance to contract with an international fulfillment house. \$10,000 was spent last year in public relations contract services and Tanglewood brochures were distributed at the 1996 British Open-which produced 2000 leads for North Carolina golf courses.
- Tanglewood is involved in the 1998 bid for the International Golf Federation's World Junior Amateur Golf Championship, which would attract world-wide media exposure. The CVB wrote a formal proposal on behalf of Tanglewood and all of Forsyth County. All accommodations received an opportunity to participate with room blocks. (3,500 room nights needed)

- Tanglewood is featured in a number of international tour operator brochures, which are used by tour operators and travel agents to book group and individual travel. This representation is a result of CVB participation in international sales missions, trade shows and fam tours.
- Ramada Ltd., Clemmons is the host property for two international fam tours in April and May.
- Tanglewood will host an international golf fam in May 1997 and is on the itinerary for the April American Airlines Holidays Fam tour.
- Ramada Ltd., Clemmons is the overnight stop for Titan Tours (UK) on several of their series tours, and stands a good chance of winning the entire account in 1998 (40 departures).

Kernersville and Clemmons

Other than the obvious inclusions in the promotional materials such as the visitor guide, the CVB has taken additional steps to promote all of the area properties and attractions including those in Clemmons and Kernersville. Some examples of these efforts are listed below.

- In the standard press kit, the releases include all attractions in the county when appropriate.
- The website also includes all attractions and hotel properties in the county.
- Periodically, I broadcast fax a request for updates on area hotel properties. I attach a user-friendly form that can be completed and faxed back to me. Examples are attached. From these responses, I generate releases or create new advertorial copy for trade publications. See 'Winston-Salem' release. This material will appear in the next edition of Meeting News Meeting Guide as it is written. This article features Ramada Clemmons Limited; Kathy Mosely, the Director of Sales, responded and the facility is subsequently featured.
- In addition to the periodic requests for updates, I always preface each fax to the hotel properties with an offer to assist them in promoting events or programs taking place at their property. Some properties are more receptive to these offers than others. For example, the Ramada Limited Clemmons has alerted me of accolades or newsworthy events taking place at their property. I have attached the releases generated for these items. I have also been able to incorporate the successes of Ramada Limited Clemmons into advertorial copy. See 'Zero Complaints' release. The 'No Small Affair' release generated television coverage for an event at this property as well.
- I have shared my media contacts with attractions including Korner's Folly and have offered our assistance in promoting this attraction in a meeting with Joan D'Ambrogio at the attraction several months ago. Please note that Ms. D'Ambrogio has only recently taken over the management of the attraction and that it is open primarily in the Summer months. These factors limit the promotional efforts during the off season. I have however pitched the attraction and its reemergence as a player to Joe Rada of *Southern Living Magazine*. He has been forwarded information and has expressed interest in pursuing it at some point in the future.
- The events at Tanglewood from the Festival of Lights and the North Carolina Chili Championship to the Vantage, the Steeplechase and Music at Sunset are promoted heavily in all of our materials. Each of these entities are featured on the calendar of highlighted events in the 1997-98 Visitor Guide. Golf and other outdoor activities are given extensive attention in all materials generated by the CVB as well.
-

FORSYTH COUNTY OCCUPANCY TAX DISTRIBUTION

Authorized

In 1983	2% occupancy tax with 5% distributed to municipalities in Forsyth County, other than Winston-Salem, on a prorata basis and the remaining net proceeds distributed to the Tourism Development Authority.
In 1986	1% occupancy tax with 5% distributed to municipalities in Forsyth County, other than Winston-Salem, on a prorata basis and the remaining net proceeds distributed to the Tourism Development Authority.
In 1989	3% occupancy tax with 5% distributed to municipalities in Forsyth County, other than Winston-Salem, on a prorata basis and the remaining net proceeds distributed to Winston-Salem, Forsyth County, and the Tourism Development Authority on a prorata basis.
Proposed Change	If the 5% distribution of each of the above parts of occupancy taxes are less than a municipality collected in occupancy taxes, other than Winston-Salem, then the difference would be deducted from the 95% remaining proceeds and distributed to the municipality or municipalities. The reduced remaining proceeds would be distributed to the Tourism Development Authority, Winston-Salem, and Forsyth County as specified above.



49 edmon

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 69

S69-ARH-001

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 1

Date _____, 1997

Comm. Sub. []
Amends Title []

Representative

- 1 moves to amend the bill on page 2, line 8, by inserting after the
2 word "Franklin," the word "Gates,";
3
4 and on page 2, line 10, by inserting after "New Hanover," the word
5 "Onslow,".
6
7

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____

EXPLANATION OF SENATE BILL 198:
Henderson County Annexation Agreements

TO: House Finance Subcommittee
FROM: Robin S. Johnson, Staff Attorney *Robin*
DATE: June 3, 1997
SPONSOR: Senator Jenkins

House Bill 62 is a local bill affecting the City of Hendersonville and the Town of Laurel Park. The bill is effective when it becomes law.

The bill authorizes these two municipalities to enter into a contract with certain manufacturing industrial property owners to accept annual payments in lieu of taxes in an amount agreed to in the contract and, as part of the contract, to agree not to annex the property described in the contract for a period not to exceed 20 years from the effective date of the contract. In determining the amount of the annual payments in lieu of taxes, the parties to the contract may consider the economic benefits to the city that are derived from the industry, the number of people employed by the industry, and the industry's potential for future growth and expansion.

The Town of Eden set the precedent for this type of local legislation in 1993. (Chapter 418 of the 1993 Session Laws) That legislation authorized the City of Eden to accept payments in lieu of taxes on certain property and to agree not to annex the property before December 30, 2003. The City of Washington in Beaufort County and the Town of Stanley in Gaston County have similar local legislation. (Chapter 713 of the 1993 Session Laws)

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: June 25, 1997

The subcommittee met in Room 415 of the Legislative Office Building at 8:30 A.M. Those members in attendance were: Rep. Charles Buchanan; Rep. Russell Capps; Rep. Pete Cunningham; Rep. Andrew Dedmon; Rep. Rick Eddins; Rep. Mia Morris; Rep. John Rayfield; Rep. Edgar Starnes and Ex Officio Member, Rep. Steve Wood.

Chairman Hill called the meeting to order and recognized two Pages who were serving at the General Assembly, Morgan Cates and Shawn Weir. Chairman Hill then recognized Rep. Saunders to come forward and explain HB 262, Huntersville Annexation Agreement. Rep. Saunders stated that the bill allows the town of Huntersville to enter into an agreement for payments in lieu of annexation. There was no discussion on the bill and Rep. Rayfield was recognized to make a motion for a favorable report on the bill, and the motion carried.

Rep. Saunders had another bill on the subcommittee's agenda, HB 390, Huntersville Annexation. Chairman Hill stated that there was a technical amendment for the bill and staff read the amendment to the members. Rep. Cunningham moved that the subcommittee adopt those amendments for purposes of discussion, and the motion carried. Rep. Saunders stated that the bill simply gives the town the authority to annex. An agreement has been reached on this bill, and Rep. Buchanan was recognized to roll the amendment into a committee substitute with a favorable report and unfavorable to the original bill. The motion carried.

Chairman Hill recognized Rep. Thompson to come forward and support HB 417, Mitchell River Rafting Charges. Chairman Hill recognized Rep. Buchanan who made the motion that the proposed committee substitute be adopted for purposes of discussion. The motion carried. Rep. Thompson stated that the PCS allows the counties of Mitchell and Madison to levy a tax on businesses which provide river rafting. He further stated that Mitchell county commissioners had requested this by unanimous resolution. (Please see attached copy of bill explanation).

Chairman Hill stated that there were several people in attendance who had requested time to speak on the bill, and he recognized Mr. Ron West from Walnut in Madison County. Mr. West stated that the people in the river rafting business are opposed to this tax, and that this would be double taxation if this user fee is imposed upon the outfitters in Madison County. He stated these business have been experiencing financial difficulties, and this bill would only exacerbate their present situation.

Chairman Hill recognized Elizabeth Johns from Swain County. She stated her opposition to the bill stating that it was neither fair nor wise. Ms. Johns stated that some outfitters would be put out of business, and that this money would be passed on to their customers. She felt that they would not be able to do that and this would prohibit raising staff salaries. She stated that the overall profit margin in this industry was 4%.

Chairman Hill recognized Sandy Melton who stated that she had been in the business since 1985. She questioned the State of North Carolina following the lead of Tennessee on this issue and stated that Tennessee does not have the income tax that North Carolina does. She brought to the attention of the members a map (see attachment) which details roads with access to EMS service, and stated that their industry had little need for such services.

Chairman Hill recognized Rep. Rex Baker to come forward and speak on the bill as well. Rep. Baker stated that he represents 5 counties in the northern part of the state including Watauga which has two river rafting facilities. He stated that his constituents had contacted him to oppose this tax which they state is very unfair. He further stated that he had been informed that Mitchell County has never come to the rescue of anyone, because they do not have the equipment or the training to do so. He stated that there was not a great deal of money involved here, and that further imposition of such a tax on one segment of the industry was grossly unfair.

Rep. Thompson asked to be recognized and stated again that this was a local bill for Mitchell and Madison county, and that Rep. Beall and Rep. Ramsey both asked that Madison County be added to this bill.

Chairman Hill recognized Rep. Ramsey who stated that he was in agreement with most of what had been said today, and that very few counties would be effected by this, because they do not have the swift running waters necessary. He stated his concerns with regard to rescue squads, and that he felt the county commissioners were in fact being very reasonable - the counties need to protect the people who use these services. He asked the subcommittee members to look with favor on the bill.

Chairman Hill recognized Mr. Jim Hobbs, NC Hotel, Motel Association, who stated that he had received a telephone call advising him that the Madison County Chamber of Commerce voted by resolution to oppose this tax as well as Haywood County. He stated that this is a tax on outfitters. He stated that the tourism industry feel that this is unfair to tax any segment of the industry for a general fund purpose.

Chairman Hill recognized Rep. Buchanan who stated that the Sheriff Department in Poplar is burdened with trips to the rafting area each week. He stated that he feels it is a fairness issue that the property owners pay the sheriff department. He further stated that the local people have contacted him indicating that they feel the people and outfitters using the river should pay their portion as well. Rep. Buchanan further stated that at this

time he would like to move for a favorable report on the bill. Rep. Starnes asked to be recognized. He stated that he had questions with regard how many counties actually have rafting facilities, and Mr. Hobbs stated that there were 23. Further discussion continued and Rep. Capps stated that this would be the first time the General Assembly enacts a tax on river recreation, and that he felt it would be setting a precedent. Rep. Starnes stated his reluctance to vote for the bill as well.

Chairman Hill then called for the vote and there was a division - Chairman Hill called for a show of hands and the count was four (4) to (4). Chairman Hill stated his yes vote on the bill indicating that it would go to the floor where further discussion would continue.

The next bill on the agenda HB 751, Cabarrus five-year Sales Tax/Schools. Chairman Hill recognized Rep. Moore to come forward and support the bill. Rep. Buchanan moved that the subcommittee adopt the proposed committee substitute for purposes of discussion and the motion carried. Rep. Moore stated that the bill authorized the county to levy a temporary sales and use tax of one percent, if approved by the voters of the county, for public school construction. Support for the bill has been unanimous. Rep. Dedmon sent forth an amendment (see attachment). Rep. Morris moved that the PCS with the added amendment be rolled into a committee substitute and the motion carried. Rep. Morris moved for a favorable report on the proposed committee substitute and unfavorable on the original bill. The motion carried.

Chairman Hill recognized Senator Foxx to come forward and support SB 548. Senator Foxx stated that the bill was identical to a bill recently passed by the subcommittee for Allegheny County, and that the bill has the unanimous support of the county commissioners. At this point, Chairman Hill recognized Rep. Baker who asked to speak on the bill.

Rep. Baker stated that Stokes County is his home county and he is opposed to the bill for two reasons. One in philosophical, and the second is that dozens of his constituents are opposed to it. He further stated that there is not unanimous support for the bill, and it was not introduced at the request of the Stokes County Commissioners rather at the request of the Stokes County Manager. Rep. Baker further stated that he is opposed to any government intervention in buying and selling property. He expressed his agreement that people must pay taxes, but this is a new intrusion of government into the rights of the people. It is basically a bad policy bill - solely for the convenience of the county commissioners. Rep. Baker urged the subcommittee to defeat this bill.

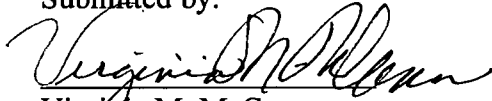
Senator Foxx stated that she had a resolution from the county commissioner and there was unanimous support. Discussion continued on this issue, and it was stated that particularly in the mountain area many people there do not use attorneys in the transfer of property. Chairman Hill recognized staff counsel, Cindy Avrette who stated that taxes follow the property. Further discussion continued and Rep. Starnes stated his opposition

to the bill as well. Rep. Dedmon stated that he felt this was an intrusion into the real estate industry. Senator Foxx stated that she would like to pull the bill at this time.

Chairman Hill then recognized Senator Horton to come forward and support SB615, Kernersville Vehicle Tax. Senator Horton stated that the bill permits the town of Kernersville to levy a motor vehicle tax of up to ten dollars. He stated that he knew of no opposition to the bill, and Chairman Hill recognized Rep. Buchanan who made the motion to give the bill a favorable report. The motion carried.

There being no further business, Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 262*
House Committee Substitute Favorable 4/14/97

Short Title: Huntersville Annexation Agreement.

(Local)

Sponsors:

Referred to:

February 27, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO
3 AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.
4 The General Assembly of North Carolina enacts:
5 Section 1. Notwithstanding any applicable provision of the General
6 Statutes or any other public or local law, the Town of Huntersville is granted certain
7 contract powers as follows:
8 (1) The Town of Huntersville may, by agreement, provide that certain
9 property described in the agreement as the "McGuire Nuclear
10 Station Property" may not be involuntarily annexed by the Town
11 prior to December 31, 2027, under the General Statutes as they
12 now exist or may be subsequently amended. The Town of
13 Huntersville shall not seek to repeal this act upon its approval by
14 the General Assembly. Nothing in this act impairs the right of the
15 General Assembly to annex any such property by special local act.
16 (2) Any agreement entered into as provided in subdivision (1) of this
17 section is specifically determined to be consistent with the public
18 policy of the State of North Carolina.
19 (3) Any agreement entered into as provided in subdivision (1) of this
20 section is a continuing agreement and is binding on and
21 enforceable against the current and future members of the Board
22 of Commissioners of the Town of Huntersville during the full term
23 of such agreement and any extension thereof.

(4) The parties to any agreement entered into as provided in subdivision (1) of this section authorized by this section to modify, amend, and extend such agreement on mutual written consent, without the approval of the General Assembly, provided that any such modification or amendment does not materially alter the concept of the agreement.

Section 2. The Town of Huntersville may accept, as consideration for such agreement, "Payments in lieu of taxes".

Section 3. The agreement under Section 1 of this act shall apply to the McGuire Nuclear Station Property described as follows:

EXHIBIT A

Parcel 1: That certain tract of land containing 25.25 acres, more or less, beginning at a point in the easterly boundary of County Road No. 2134 and running thence N 88-52-58 E 653.8 feet to a point; thence S 7-19-56 E 237.1 feet to a point; thence S 77-32-50 E 1130.4 feet to a point; thence S 45-37-01 W 1310.6 feet to a point; thence N 30-20-20 W 1144.1 feet to a point; thence N 84-16-48 W 245.8 feet to a point in the easterly boundary of County Road No. 2134; thence with said Road N 4-25-22 W 372.1 feet to the point of Beginning and being shown as Tax Parcels Nos. 16, 17 and 18 on tax map recorded in Book 13 at page 13 of the Mecklenburg County Registry.

Parcel 2: That certain tract of land containing 1,239.0 acres, more or less and being more particularly described as BEGINNING at a point in the Catawba River, said point being located in the Mecklenburg/Lincoln County line and running thence from said beginning point in a generally easterly direction with the boundary of the Cowans Ford Hydroelectric Project (Lake Norman) a distance of 13,136 feet to a point; thence S 2-50-59 W 176.6 feet to a point; thence S 25-09-08 E 147.8 feet to a point; thence with the boundary of the Cowans Ford Hydroelectric Project (Lake Norman) a distance of 711.4 feet to a point; thence leaving the boundary of the Cowans Ford Hydroelectric Project S 11-37 E 47.9 feet to a point; thence S 4-55 W 85.1 feet to a point; thence S 25-41 W 63.9 feet to a point; thence N 74-37 W 29.5 feet to an iron pipe; thence N 80-24 W 13.1 feet to a stake; thence S 1-11 E-291.7 feet to an iron pin; thence S 5-50 W-151.3 feet to the centerline of road 2182; thence S 5-50 W-120.8 feet to an iron; thence S 11-22 W-241.7 feet to an iron pin; thence S 16-54 W-241.7 feet to an iron pin; thence S 22-26 W-241.7 feet to an iron pin; thence S 27-58 W-128.8 feet to an iron pin; thence N 61-15 E-489.9 feet to an iron pin; thence S 51-07 E-214.9 feet to an iron pipe; thence S 11-42 E-444.5 feet to an iron pin; thence S 12-54 E-40.2 feet to an iron pipe; thence S 12-14 E-173 feet to an iron pin; thence S 12-20 E-152.0 feet to an iron pipe; thence S 82-15 W-444.2 feet to an iron pipe; thence N 7-51 W-224.9 feet to an iron pipe; thence S 82-13 W-150.3 feet to an iron pipe; thence S 8-07 E-225.2 feet to an iron pipe; thence S 82-30 W-252.5 feet to an iron; thence crossing NC Hwy. 73; S 41-36 W-155.1 feet to an iron pipe; thence N 82-26 E-304.6 feet to a concrete monument; thence N 82-14 E-591.0 feet to an iron pipe; thence S 8-47 E-210.6 feet to an iron pipe; thence N 81-52 E-210.5 feet to an iron pin; thence S 12-37 E-527.1 feet to an iron pipe; thence N 67-05 E-99.0 feet to a stake; thence S 74-55 E 1082.5 feet to a stake; thence S 23-15 W-2128.0 feet to an iron pipe;

1 thence S 87-51 W-341.6 feet to a stake; thence S72-56'W-662.7 feet to a stake; thence
2 N13-47'W-363.2 feet to an iron pin; thence S 62-54 W-375.0 feet to an iron pin;
3 thence S 59-08 W-797.9 feet to an iron pipe; thence S 17-17 W-1048.5 feet to an iron
4 pin in an old road bed; thence following the old road bed S-81-46 E-232.6 feet to an
5 iron pin; thence S 88-02 E-614.5 feet to the centerline of Cashion Road; thence with
6 Cashion Road S 41-23 W-42.5 feet to an iron pin; thence S 58-52 W-317.6 feet to an
7 iron pin; thence S 55-13 W-212.0 feet to an iron pin; thence S 52-39 W-136.4 feet to
8 an iron pin; thence S 39-21 W-115.4 feet to an iron pin; thence S 27-28 W-374.7 feet
9 to an iron pin; thence S 33-29 W-191.2 feet to an iron pipe in the centerline of road;
10 thence leaving Cashion Road S 79-04 W-1003.2 feet to a bolt; thence S 52-29'E-499.0
11 feet to a hickory; thence S 24-27 W-369.0 feet to a hickory; thence N 88-34 W 2484.4
12 feet to a point; thence S 4-24 E 488.0 feet to a point; thence S 4-24 E 488.0 feet to an
13 iron pipe; thence S31-08 W 33.5 feet to an iron pipe; thence S 31-08 W 33.5 feet to
14 an iron pipe; thence S 26-31-50 E 81.29 feet to a point; thence S 11-18-01 E 140.80
15 feet to a point; thence S 36-40-59 E 85.20 feet to a point; thence S 54-46-13 E 99.3
16 feet to a point; thence S 48-26-06 E 165.1 feet to a point; thence S 78-47-39 W 44.3
17 feet to a point; thence N 70-23-55 W 64.0 feet to a point; thence N 62-38-07 W 119.2
18 feet to a point; thence N 46-16-58 W 115.6 feet to a point; thence S 20-53-48 W 64.2
19 feet to a point; thence S 72-56-18 W 69.8 feet to a point; thence N 17-25-07 W 60.8
20 feet to a point; thence N 41-16-04 W 90.8 feet to a point; thence S 31-08 W 117.0 feet
21 to a point; thence S 6-57-15 E 121.0 feet to a point; thence S 38-21-58 E 154.8 feet to
22 a point; thence S 31-49-57 E 128.6 feet to a point; thence S 21-44-01 E 150.1 feet to a
23 point; thence S 24-46-05 E 163.0 feet to a point; thence S 20-00-04 E 152.5 feet to a
24 point; thence S 13-33-03 E 115.1 feet to a point; thence S 10-37-00 E 135.7 feet to a
25 point; thence S 3-15-45 W 80.3 feet to a point; thence S 1-48-59 E 87.7 feet to a point;
26 thence S 81-29-08 E 141.3 feet to a point; thence S 86-05-51 E 126.8 feet to a point;
27 thence N 35-45-45 E 77.0 feet to a point; thence N 4-18-05 W 95.6 feet to a point;
28 thence N 28-03-50 W 120.2 feet to a point; thence N 34-32-57 W 142.6 feet to a point;
29 thence N 7-27-12 W 208.3 feet to a point; thence S 74-55-06 E 128.4 feet to a point;
30 thence N 70-39-55 E 214.3 feet to a point; thence S 34-57-12 E 85.2 feet to a point;
31 thence S 14-09-08 W 120.9 feet to a point; thence S 36-38-57 W 142.8 feet to a point;
32 thence S 43-56-01 E 90.8 feet to a point; thence S 09-24-14 E 135.5 feet to a point;
33 thence S 05-20-06 E 81.2 feet to a point; thence S 26-38-06 W 102.7 feet to a point;
34 thence S 6-48-38 E 40.9 feet to a point; thence S 58-54-04 E 211.7 feet to a point;
35 thence S 88-34 13 E 102.0 feet to a point; thence S 38-39-48 E 73.8 feet to a point;
36 thence S 1-21-43 E 85.0 feet to a point; thence S 62-52-04 E 149.1 feet to a point;
37 thence S 4-42-28 E 27.3 feet to a point; thence S 87-41-57 W 2089.2 feet to a point in
38 the Catawba River (Mecklenburg/Lincoln County Line); thence with the
39 Mecklenburg/Lincoln County line 12,055 feet to the point of BEGINNING.

40 Section 4. No portion of the McGuire Nuclear Station Property shall be
41 subject to involuntary annexation, or designation as an urban tax district or otherwise
42 subjected to the power of a municipal taxing authority by Huntersville or any other
43 town or municipality or consolidated government during the term of the agreement
44 referenced in Section 1 of this act.

1 Section 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 390
Proposed Committee Substitute S390-PCS4622

Short Title: Huntersville Annexation.

(Local)

Sponsors:

Referred to:

March 13, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF
3 HUNTERSVILLE, MECKLENBURG COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Effective as of midnight, June 30, 1997, the corporate limits of
6 the Town of Huntersville are extended to include the following area and territory
7 lying in Mecklenburg County, which area and territory shall be deemed annexed to
8 and part of the Town of Huntersville:

9 AREA 96-A-I.a

10 BEGINNING AT A POINT being on the existing municipal boundary line of the
11 Town of Huntersville at its intersection with the eastern right-of-way boundary line of
12 Interstate Highway Number 77 (I-77), said point being approximately 1,875 feet north
13 of the intersection of said highway right-of-way with the centerline of Sam Furr
14 Road, SR 2145; thence northwesterly approximately 1,338 feet to a point being the
15 intersection of Northcross Drive with the western right-of-way boundary line of I-77;
16 thence southwest along the centerline of Northcross Drive approximately 964 feet to a
17 point being the intersection of said centerline with the eastern extension of the
18 northern property boundary line of parcel 62-9, tax map 05-06; thence westerly along
19 the northern property boundary lines of said parcel and parcel 62-1 approximately
20 2,584 feet to a point being a corner of said parcel, said point also being the
21 southwestern property boundary corner of parcel 62-2, tax map 05-06; thence
22 southwesterly in a straight line from said point approximately 1,394 feet to a point
23 being the southeast property boundary corner of parcel 61-3, tax map 05-06; thence

1 continuing southwesterly along the southern property boundary line of said parcel
2 and parcels 61-14, 61-16, 61-8, 61-12 and 61-18 approximately 2,831 feet to a point
3 being the intersection of said property boundary lines with the centerline of NC
4 Highway 73; thence southwest along said centerline approximately 6,278 feet to a
5 point being the intersection of said centerline and the centerline of Oliver Hager
6 Road, SR 2142; thence southeast approximately 61 feet to a point being the northwest
7 property boundary corner of parcel 11-6, tax map 09-01; thence easterly along the
8 northern property boundary lines of parcels 11-6 and 11-16 approximately 651 feet to
9 a point being the northeast property boundary corner of parcel 11-16, tax map 09-01;
10 thence south along the eastern property boundary line of parcel 11-16 approximately
11 157 feet to a point being the intersection of said boundary line and the centerline of a
12 branch of McDowell Creek; thence southeast with the centerline of said branch
13 approximately 5,776 feet to a point being the intersection of the centerline of said
14 branch and the centerline of McDowell Creek, said point also being on the existing
15 municipal boundary line of the Town of Huntersville; thence northeast with said
16 municipal boundary line approximately 11,107 feet to the POINT OF BEGINNING.
17 Tract 96-A-I.a encompasses 1026.35 Acres more or less.

18 AREA 96-A-I.b

19 BEGINNING AT A POINT being on the existing municipal boundary line of the
20 Town of Huntersville at its intersection with the centerline of McDowell Creek, said
21 point being located northeast approximately 2,720 feet from the centerline
22 intersection of Ervin Cook Road, SR 2137, and Gilead Road, SR 2136; thence
23 southwesterly with the centerline of McDowell Creek approximately 2,975 feet to a
24 point being the intersection of the centerline of McDowell Creek and the centerline
25 of Torrence Creek; thence easterly with the centerline of Torrence Creek
26 approximately 411 feet to a point being the intersection of the centerline of Torrence
27 Creek and the existing municipal boundary line of the Town of Huntersville; thence
28 southeasterly with said municipal boundary line approximately 13,543 feet to the
29 POINT OF BEGINNING.

30 Tract 96-A-I.b encompasses 224.76 Acres more or less.

31 AREA 96-A-I.c

32 BEGINNING AT A POINT being on the existing municipal boundary line of the
33 Town of Huntersville at its intersection with the northern right-of-way boundary line
34 of McIlwaine Road, SR 2130, said point being located east approximately 610 feet
35 from the centerline intersection of McIlwaine Road, SR 2130, and Crabapple Lane;
36 thence southerly at a right angle from the northern right-of-way boundary line of
37 McIlwaine Road, SR 2130, approximately 23 feet to a point on the centerline of
38 McIlwaine Road, SR 2130; thence westerly along the centerline of McIlwaine Road,
39 SR 2130, approximately 1,590 feet to a point being the centerline intersection of
40 McIlwaine Road, SR 2130, and McIntosh Drive; thence northerly with the centerline
41 of McIntosh Drive approximately 1,600 feet to a point being the intersection of the
42 centerline of McIntosh Drive and the southwestern extension of the northwestern
43 property boundary line of parcel 282-1, tax map 015-28; thence northeasterly along
44 the northwestern property boundary line of parcel 282-1 approximately 629 feet to a

1 point being a corner in the northern property boundary line of parcel 282-1; thence
2 northeasterly in a straight line from said point approximately 479 feet to a point being
3 a corner on the existing municipal boundary line of the Town of Huntersville; thence
4 southerly with said municipal boundary line approximately 2,772 feet to the POINT
5 OF BEGINNING.

6 Tract 96-A-I.c encompasses 63.27 Acres more or less.

7 AREA 96-A-I.d

8 BEGINNING AT A POINT being on the existing municipal boundary line of the
9 Town of Huntersville at its intersection with the centerline of Hambright Road, SR
10 2117, said point being located west approximately 1,434 feet from the centerline
11 intersection of Hambright Road, SR 2117, and U. S. Highway 21; thence westerly
12 along the centerline of Hambright Road, SR 2117, approximately 11,367 feet to a
13 point being the centerline intersection of Hambright Road, SR 2117, and McCoy
14 Road, SR 2138; thence northeasterly along the centerline of McCoy Road, SR 2138,
15 approximately 899 feet to a point being the intersection of McCoy Road, SR 2138,
16 and the southeastward extension of the northern right-of-way of McIlwaine Road, SR
17 2130; thence to the northwest with said right-of-way extension approximately 21 feet
18 to a point being the intersection of the northern right-of-way for McIlwaine Road and
19 the western right-of-way for McCoy Road, SR 2138, said point being a corner on the
20 existing municipal boundary line of the Town of Huntersville; thence eastward with
21 said municipal boundary line approximately 12,949 feet to the POINT OF
22 BEGINNING.

23 Tract 96-A-I.d encompasses 551.06 Acres more or less.

24 Section 2. Effective as of midnight, June 30, 1998, the corporate limits of
25 the Town of Huntersville are extended to include the following area and territory
26 lying in Mecklenburg County, North Carolina, which area and territory shall be
27 deemed annexed to and part of the Town of Huntersville:

28 AREA 96-A-II

29 BEGINNING AT A POINT being on the existing municipal boundary line of the
30 Town of Huntersville, said point being the centerline intersection of NC Highway 73
31 and Oliver Hager Road, SR 2142; thence west along the centerline of NC Highway 73
32 approximately 10,304 feet to a point being the intersection of said centerline and the
33 southern extension of the western property boundary line of parcel 11-6, tax map 01-
34 01; thence northward with the western property boundary lines of parcels 11-6, 11-15,
35 11-16, 11-17, 11-18, 11-10, 11-9, and 11-19 of tax map 01-01 approximately 1,159 feet
36 to a point being the southwestern property boundary corner of parcel 11-19; thence
37 southwesterly with the southern property boundary lines of parcels 11-7 and 11-8 of
38 tax map 01-01 approximately 490 feet to a point being the southwestern property
39 boundary corner of parcel 11-8; thence northward with the western property
40 boundary line of parcel 11-8, crossing the Hagers Ferry Road right-of-way, and with
41 the western property boundary lines for parcels 13-41 and 13-2 of tax map 01-01
42 approximately 1,613 feet to a point being a property boundary corner for parcel 13-2,
43 said point also being a point being the intersection of said property boundary lines
44 with the shore line of the impounded body of water known as Lake Norman; thence

1 easterly along said shoreline approximately 38,932 feet to a point being the
2 intersection of said shoreline with a northeastern property boundary corner of parcel
3 24-18, tax map 01-02; thence southeasterly with the northern property boundary lines
4 of parcels 24-18 and 24-11, tax map 01-02, approximately 1,173 feet to a point being
5 the intersection of the southeastern extension of the northern property boundary line
6 of parcel 24-11 and the centerline of NC Highway 73, said point also being on the
7 existing municipal boundary line of the Town of Huntersville; thence westward with
8 said municipal boundary line approximately 92 feet to the POINT OF BEGINNING.
9 Tract 96-A-II encompasses 415.84 Acres more or less.

10 Section 3. Effective as of midnight, June 30, 1999, the corporate limits of
11 the Town of Huntersville are extended to include the following area and territory
12 lying in Mecklenburg County, North Carolina, which area and territory shall be
13 deemed annexed to and part of the Town of Huntersville:

14 AREA 96-A-III

15 BEGINNING AT A POINT being on the existing municipal boundary line of the
16 Town of Huntersville, said point being the centerline intersection of NC Highway 73
17 and Beatties Ford Road, SR 2128; thence southward with the centerline of Beatties
18 Ford Road, SR 2128, approximately 1,659 feet to a point being the centerline
19 intersection of Beatties Ford Road, SR 2128, and Gilead Road, SR 2136; thence
20 southeast with the centerline of Gilead Road, SR 2136, approximately 6,460 feet to a
21 point being the centerline intersection of Gilead Road, SR 2136, and Bud Henderson
22 Road, SR 2131; thence southwesterly with the centerline of Bud Henderson Road, SR
23 2131, approximately 5,657 feet to a point being the intersection of the centerline of
24 Bud Henderson Road, SR 2131, and the centerline of a branch of Torrence Creek;
25 thence southerly with the centerline of a branch of Torrence Creek approximately
26 3,343 feet to a point being the intersection of the centerline of a branch of Torrence
27 Creek and the centerline of Torrence Creek; thence southwesterly with the centerline
28 of Torrence Creek approximately 10,040 feet to a point being the intersection of the
29 centerline of Torrence Creek and the centerline of Neck Road, SR 2074; thence
30 easterly along the centerline of said road approximately 8,677 feet to a point being
31 the intersection of said road centerline and the centerline of Beatties Ford Road, SR
32 2128; thence southeasterly along said road centerline approximately 13,491 feet to a
33 point being the intersection of said road centerline and the centerline of Overhill
34 Road, SR 2122; thence east along said road centerline approximately 517 feet to a
35 point being the intersection of said road centerline and the centerline of Pembroke
36 Road, SR 2121; thence northeast along said road centerline approximately 336 feet to
37 a point being the intersection of said road centerline and the northwest extension of
38 the western property boundary line of parcel 264-44, map 15-26; thence southeasterly
39 along said property boundary line, said line also being a northern property boundary
40 line of parcel 264-43, tax map 15-26, approximately 230 feet to a point being a
41 property boundary corner of said parcel; thence southeasterly along the northern
42 property boundary lines of said parcel approximately 1,578 feet to a point being an
43 eastern property boundary corner at its intersection with the northern property
44 boundary lines of parcel 264-29, tax map 15-26; thence easterly along the northern

1 property boundary lines of said parcel approximately 1,236 feet to a point being the
2 intersection of said property boundary lines extended to the centerline of Mount
3 Holly - Huntersville Road, SR 2004; thence northeasterly along said road centerline
4 approximately 8,076 feet to a point being the intersection of said road centerline and
5 the centerline of Alexanderana Road, SR 2116; thence east along said road centerline
6 approximately 5,577 feet to a point being the intersection of said road centerline and
7 the western right-of-way boundary line of US Highway 21, said point being on the
8 existing municipal boundary line of the Town of Huntersville; thence northerly along
9 the existing municipal boundary line approximately 45,475 feet to the POINT OF
10 BEGINNING.

11 Tract 96-A-III encompasses 6582.88 Acres more or less.

12 Section 4. Effective as of midnight, June 30, 2000, the corporate limits of
13 the Town of Huntersville are extended to include the following area and territory
14 lying in Mecklenburg County, North Carolina, which area and territory shall be
15 deemed annexed to and part of the Town of Huntersville:

16 AREA 96-A-IV

17 BEGINNING AT A POINT being on the existing municipal boundary line of the
18 Town of Huntersville, said point being the southwestern boundary corner of parcel
19 11-6, tax map 01-01, said point also being located west approximately 1400 feet from
20 the centerline intersection of Hagers Ferry Road and NC Highway 73; thence with
21 the eastern property boundary line of parcel 11-6 approximately 20 feet to a point
22 being the southeastern property boundary corner of parcel 11-5, tax map 01-01;
23 thence westerly along the southern property boundary lines of parcels 11-5, 11-4, 11-
24 3, and 11-13 of tax map 01 approximately 438 feet to a point being the southeastern
25 property boundary corner of parcel 11-2, tax map 01-01; thence northerly, westerly,
26 and then southerly with the property boundary lines of parcel 11-2 approximately 600
27 feet to the southwestern property boundary corner of parcel 11-2; thence westerly
28 with the southern boundary line of parcels 11-13 and 11-1 of tax map 01-01
29 approximately 387 feet to the southwestern property boundary corner of parcel 11-1;
30 thence southwesterly with the southwestern extension of the western property
31 boundary line of parcel 11-1 approximately 160 feet to a point being a property
32 boundary corner in the northern property boundary line of parcel 151-2, tax map 13-
33 15; thence easterly with said property line approximately 900 feet to the northwestern
34 property boundary corner of parcel 141-8, tax map 13-14; thence southerly, easterly,
35 and then southerly with the eastern property boundary line of parcel 151-2
36 approximately 947 feet to a point being the southwestern property boundary corner
37 of parcel 141-7, tax map 13-14, said point also being on the property boundary line of
38 parcel 141-9, tax map 13-14; thence easterly, southeasterly, and then westerly with the
39 eastern and southern property boundary lines of parcel 141-9 approximately 4,309
40 feet to the southwestern boundary corner of parcel 141-9; thence northerly and then
41 southwesterly with the northern property boundary lines of parcel 151-8, tax map 13-
42 15 approximately 1,535 feet to the northwestern property boundary corner of parcel
43 151-8; thence southerly with the western property boundary lines of parcels 151-8,
44 151-3, 151-10, and 151-6 of tax map 13-15 approximately 969 feet to the southwestern

1 property boundary corner of parcel 151-6; thence easterly with the southern property
2 boundary lines of parcels 151-6 and 151-5 of tax map 13-15 approximately 897 feet to
3 a point being the intersection of the eastern extension of the southern property
4 boundary line of parcel 151-5 and the centerline of Cashion Road, SR 2133; thence
5 southwesterly with the centerline of Cashion Road, SR 2133, approximately 780 feet
6 to a point being the intersection of the eastern extension of the northern property
7 boundary line of parcel 151-1, tax map 13-15, and the centerline of Cashion Road,
8 SR 2133; thence westerly with the northern property boundary line of parcel 151-1
9 approximately 1044 feet to a point being the northwestern property boundary corner
10 of parcel 151-1; thence southeasterly with the southwestern property boundary line of
11 parcel 151-1 approximately 529 feet to a point being the intersection of the
12 southeastern extension of the southwestern property boundary line of parcel 151-1
13 and the centerline of Cashion Road, SR 2133; thence to the southwest with the
14 centerline of Cashion Road, SR 2133, approximately 298 feet to a point being the
15 intersection of the centerline of Cashion Road, SR 2133, and the eastern extension of
16 the northern property boundary line of parcel 111-4, tax map 13-11; thence westerly
17 with the northern property boundary line of parcel 111-4 approximately 2,484 feet to
18 a point being the northwestern property boundary corner of parcel 111-4; thence
19 southerly with the western property boundary line of parcel 111-4 approximately
20 5,504 feet to the southwestern property boundary corner of parcel 111-4; thence
21 westerly with the northern property boundary line of parcel 161-2, tax map 13-16
22 approximately 2,060 feet to a point being the intersection of the westward extension
23 of said property boundary line with the centerline of the Catawba River, said point
24 being on the Mecklenburg County line; thence southerly along said county line, said
25 line also lying within the Catawba River approximately 7,247 feet to a point being the
26 confluence of the Catawba River and an unnamed tributary flowing north-northwest;
27 thence southeasterly along said unnamed tributary approximately 2,460 feet to a point
28 being the intersection of said unnamed tributary and the western property boundary
29 line of parcel 41-6, tax map 13-04; thence southeasterly along the southern property
30 boundary lines of said parcel and parcels 41-3 and 41-2, tax map 13-04 approximately
31 1,917 feet, to a point being the intersection of said property boundary lines extended
32 and the centerline of Neck Road, SR 2074; thence southeasterly with the centerline of
33 Neck Road, SR 2074, approximately 4,470 feet to a point being the intersection of the
34 centerline of Torrence Creek and the centerline of Neck Road, SR 2074, said point
35 being on the existing municipal boundary line of the Town of Huntersville; thence
36 northerly along the existing municipal boundary line approximately 33,395 feet to the
37 POINT OF BEGINNING.

38 Save and except the following tract:

39 BEGINNING AT A POINT being the northwestern property boundary corner for
40 parcel 131-16, tax map 13-13, said point being south approximately 810 feet from the
41 centerline intersection of NC Highway 73 and Hubbard Road, SR 2134; thence
42 easterly with the northern property boundary line of parcels 131-16, 131-18, and 131-
43 17 of tax map 13-13 approximately 2035' to a point being the northeastern property
44 boundary corner of parcel 131-17; thence southwesterly with the southeastern

1 property boundary lines of parcels 131-17 and 131-18 approximately 1311 feet to a
2 point being the intersection of the southwestern extension of the said property
3 boundary lines and the southeastward extension of the western property boundary
4 line for parcel 131-18; thence northwesterly with the western property boundary lines
5 of parcels 131-18 and 131-16 approximately 1144 feet to a point being a corner on the
6 southern property line of parcel 131-16; thence westerly with the southern property
7 line of parcel 131-16 approximately 300 feet to a point being the southeastern
8 property boundary corner of parcel 131-16; thence northerly with the western
9 property boundary line of parcel 131-16 approximately 379 feet to the POINT OF
10 BEGINNING.

11 This save and except tract encompasses 25.73 Acres more or less.

12 Tract 96-A-IV encompasses 3846.35 Acres more or less (without the save and except
13 tract described).

14 Section 5. From and after the effective date of each such annexation, the
15 territory and its citizens and property shall be subject to all debts, laws, ordinances
16 and regulations in force in the Town of Huntersville, and shall be entitled to the
17 same privileges and benefits as other parts of the Town of Huntersville.

18 The area so annexed shall receive services provided by the Town of
19 Huntersville on substantially the same basis and in the same manner, and according
20 to the same policies as such services are provided by the Town of Huntersville within
21 the rest of the municipality prior to each such annexation. Each such annexation
22 shall have the same effect as if adopted pursuant to Part 3 of Article 4A of Chapter
23 160A of the General Statutes of North Carolina.

24 Section 6. The provisions of G.S. 160A-49.1 and G.S. 160A-49.2 shall
25 apply to each annexation made by this act.

26 Section 7. A map of the area annexed under each such annexation shall
27 be duly recorded in the same manner as set forth in G.S. 160A-51, but without the
28 necessity of filing any ordinance.

29 Section 8. Nothing herein shall prevent the owner or owners of property
30 within any of the annexation areas from voluntarily seeking annexation to the Town
31 of Huntersville pursuant to the provisions of G.S. 160A-31 or Part 4 of Article 4A of
32 Chapter 160A of the North Carolina General Statutes, and any such voluntary
33 annexation shall not in any manner affect the subsequent annexations of territory as
34 set forth in this act.

35 Section 9. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 390

Short Title: Huntersville Annexation.

(Local)

Sponsors: Senator Odom.

Referred to: State Government, Local Government, and Personnel.

March 13, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF
3 HUNTERSVILLE, MECKLENBURG COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Effective as of midnight, June 30, 1997, the corporate limits of
6 the Town of Huntersville are extended to include the following area and territory
7 lying in Mecklenburg County, which area and territory shall be deemed annexed to
8 and part of the Town of Huntersville:

9 AREA 96-A-I.a

10 BEGINNING AT A POINT being on the existing municipal boundary line of the
11 Town of Huntersville at its intersection with the eastern right-of-way boundary line of
12 Interstate Highway Number 77 (I-77), said point being approximately 1,875 feet north
13 of the intersection of said highway right-of-way with the centerline of Sam Furr
14 Road, SR 2145; thence northwesterly approximately 1,338 feet to a point being the
15 intersection of Northcross Drive with the western right-of-way boundary line of I-77;
16 thence southwest along the centerline of Northcross Drive approximately 964 feet to a
17 point being the intersection of said centerline with the eastern extension of the
18 northern property boundary line of parcel 62-9, tax map 05-06; thence westerly along
19 the northern property boundary lines of said parcel and parcel 62-1 approximately
20 2,584 feet to a point being a corner of said parcel, said point also being the
21 southwestern property boundary corner of parcel 62-2, tax map 05-06; thence
22 southwesterly in a straight line from said point approximately 1,394 feet to a point
23 being the southeast property boundary corner of parcel 61-3, tax map 05-06; thence
24 continuing southwesterly along the southern property boundary line of said parcel

1 and parcels 61-14, 61-16, 61-8, 61-12 and 61-18 approximately 2,831 feet to a point
2 being the intersection of said property boundary lines with the centerline of NC
3 Highway 73; thence southwest along said centerline approximately 6,278 feet to a
4 point being the intersection of said centerline and the centerline of Oliver Hager
5 Road, SR 2142; thence southeast approximately 61 feet to a point being the northwest
6 property boundary corner of parcel 11-6, tax map 09-01; thence easterly along the
7 northern property boundary lines of parcels 11-6 and 11-16 approximately 651 feet to
8 a point being the northeast property boundary corner of parcel 11-16, tax map 09-01;
9 thence south along the eastern property boundary line of parcel 11-16 approximately
10 157 feet to a point being the intersection of said boundary line and the centerline of a
11 branch of McDowell Creek; thence southeast with the centerline of said branch
12 approximately 5,776 feet to a point being the intersection of the centerline of said
13 branch and the centerline of McDowell Creek, said point also being on the existing
14 municipal boundary line of the Town of Huntersville; thence northeast with said
15 municipal boundary line approximately 11,107 feet to the POINT OF BEGINNING.
16 tract 96-A-I.a encompasses 1026.35 Acres more or less.

17 AREA 96-A-I.b

18 BEGINNING AT A POINT being on the existing municipal boundary line of the
19 Town of Huntersville at its intersection with the centerline of McDowell Creek, said
20 point being located northeast approximately 2,720 feet from the centerline
21 intersection of Ervin Cook Road, SR 2137, and Gilead Road, SR 2136; thence
22 southwesterly with the centerline of McDowell Creek approximately 2,975 feet to a
23 point being the intersection of the centerline of McDowell Creek and the centerline
24 of Torrence Creek; thence easterly with the centerline of Torrence Creek
25 approximately 411 feet to a point being the intersection of the centerline of Torrence
26 Creek and the existing municipal boundary line of the Town of Huntersville; thence
27 southeasterly with said municipal boundary line approximately 13,543 feet to the
28 POINT OF BEGINNING.

29 Tract 96-A-I.b encompasses 224.76 Acres more or less.

30 AREA 96-A-I.c

31 BEGINNING AT A POINT being on the existing municipal boundary line of the
32 Town of Huntersville at its intersection with the northern right-of-way boundary line
33 of McIlwaine Road, SR 2130, said point being located east approximately 610 feet
34 from the centerline intersection of McIlwaine Road, SR 2130, and Crabapple Lane;
35 thence southerly at a right angle from the northern right-of-way boundary line of
36 McIlwaine Road, SR 2130, approximately 23 feet to a point on the centerline of
37 McIlwaine Road, SR 2130; thence westerly along the centerline of McIlwaine Road,
38 SR 2130, approximately 1,590 feet to a point being the centerline intersection of
39 McIlwaine Road, SR 2130, and McIntosh Drive; thence northerly with the centerline
40 of McIntosh Drive approximately 1,600 feet to a point being the intersection of the
41 centerline of McIntosh Drive and the southwestern extension of the northwestern
42 property boundary line of parcel 282-1, tax map 015-28; thence northeasterly along
43 the northwestern property boundary line of parcel 282-1 approximately 629 feet to a
44 point being a corner in the northern property boundary line of parcel 282-1; thence

1 northeasterly in a straight line from said point approximately 479 feet to a point being
2 a corner on the existing municipal boundary line of the Town of Huntersville; thence
3 southerly with said municipal boundary line approximately 2,772 feet to the POINT
4 OF BEGINNING.

5 Tract 96-A-I.c encompasses 63.27 Acres more or less.

6 AREA 96-A-I.d

7 BEGINNING AT A POINT being on the existing municipal boundary line of the
8 Town of Huntersville at its intersection with the centerline of Hambright Road, SR
9 2117, said point being located west approximately 1,434 feet from the centerline
10 intersection of Hambright Road, SR 2117, and U. S. Highway 21; thence westerly
11 along the centerline of Hambright Road, SR 2117, approximately 11,367 feet to a
12 point being the centerline intersection of Hambright Road, SR 2117, and McCoy
13 Road, SR 2138; thence northeasterly along the centerline of McCoy Road, SR 2138,
14 approximately 899 feet to a point being the intersection of McCoy Road, SR 2138,
15 and the southeastward extension of the northern right-of-way of McIlwaine Road, SR
16 2130; thence to the northwest said right-of-way extension approximately 21 feet to a
17 point being the intersection of the northern right-of-way for McIlwaine Road and the
18 western right-of-way for McCoy Road, SR 2138, said point being a corner on the
19 existing municipal boundary line of the Town of Huntersville; thence eastward with
20 said municipal boundary line approximately 12,949 feet to the POINT OF
21 BEGINNING.

22 Tract 96-A-I.d encompasses 551.06 Acres more or less.

23 Section 2. Effective as of midnight, June 30, 1998, the corporate limits of
24 the Town of Huntersville are extended to include the following area and territory
25 lying in Mecklenburg County, North Carolina, which area and territory shall be
26 deemed annexed to and part of the Town of Huntersville:

27 AREA 96-A-II

28 BEGINNING AT A POINT being on the existing municipal boundary line of the
29 Town of Huntersville, said point being the centerline intersection of NC Highway 73
30 and Oliver Hager Road, SR 2142; thence west along the centerline of NC Highway 73
31 approximately 10,304 feet to a point being the intersection of said centerline and the
32 southern extension of the western property boundary line of parcel 11-6, tax map 01-
33 01; thence northward with the western property boundary lines of parcels 11-6, 11-15,
34 11-16, 11-17, 11-18, 11-10, 11-9, and 11-19 of tax map 01-01 approximately 1,159 feet
35 to a point being the southwestern property boundary corner of parcel 11-19; thence
36 southwesterly with the southern property boundary lines of parcels 11-7 and 11-8 of
37 tax map 01-01 approximately 490 feet to a point being the southwestern property
38 boundary corner of parcel 11-8; thence northward with the western property
39 boundary line of parcel 11-8, crossing the Hagers Ferry Road right-of-way, and with
40 the western property boundary lines for parcels 13-41 and 13-2 of tax map 01-01
41 approximately 1,613 feet to a point being a property boundary corner for parcel 13-2,
42 said point also being a point being the intersection of said property boundary lines
43 with the shore line of the impounded body of water known as Lake Norman; thence
44 easterly along said shoreline approximately 38,932 feet to a point being the

1 intersection of said shoreline with a northeastern property boundary corner of parcel
2 24-18, tax map 01-02; thence southeasterly with the northern property boundary lines
3 of parcels 24-18 and 24-11, tax map 01-02, approximately 1,173 feet to a point being
4 the intersection of the southeastern extension of the northern property boundary line
5 of parcel 24-11 and the centerline of NC Highway 73, said point also being on the
6 existing municipal boundary line of the Town of Huntersville; thence westward with
7 said municipal boundary line approximately 92 feet to the POINT OF BEGINNING.
8 Tract 96-A-II encompasses 415.84 Acres more or less.

9 Section 3. Effective as of midnight, June 30, 1999, the corporate limits of
10 the Town of Huntersville are extended to include the following area and territory
11 lying in Mecklenburg County, North Carolina, which area and territory shall be
12 deemed annexed to and part of the Town of Huntersville:

13 AREA 96-A-III

14 BEGINNING AT A POINT being on the existing municipal boundary line of the
15 Town of Huntersville, said point being the centerline intersection of NC Highway 73
16 and Beatties Ford Road, SR 2128; thence southward with the centerline of Beatties
17 Ford Road, SR 2128, approximately 1,659 feet to a point being the centerline
18 intersection of Beatties Ford Road, SR 2128, and Gilead Road, SR 2136; thence
19 southeast with the centerline of Gilead Road, SR 2136, approximately 6,460 feet to a
20 point being the centerline intersection of Gilead Road, SR 2136, and Bud Henderson
21 Road, SR 2131; thence southwesterly with the centerline of Bud Henderson Road, SR
22 approximately 5,657 feet to a point being the intersection of the centerline Bud
23 Henderson Road, SR 2131, and the centerline of a branch of Torrence Creek; thence
24 southerly with the centerline of a branch of Torrence Creek approximately 3,343 feet
25 to a point being the intersection of the centerline of a branch of Torrence Creek and
26 the centerline of Torrence Creek; thence southwesterly with the centerline of
27 Torrence Creek approximately 10,040 feet to a point being the intersection of the
28 centerline of Torrence Creek and the centerline of Neck Road, SR 2074; thence
29 easterly along the centerline of said road approximately 8,677 feet to a point being
30 the intersection of said road centerline and the centerline of Beatty's Ford Road, SR
31 2128; thence southeasterly along said road centerline approximately 13,491 feet to a
32 point being the intersection of said road centerline and the centerline of Overhill
33 Road, SR 2122; thence east along said road centerline approximately 517 feet to a
34 point being the intersection of said road centerline and the centerline of Pembroke
35 Road, SR 2121; thence northeast along said road centerline approximately 336 feet to
36 a point being the intersection of said road centerline and the northwest extension of
37 the western property boundary line of parcel 264-44, map 15-26; thence southeasterly
38 along said property boundary line, said line also being a northern property boundary
39 line of parcel 264-43, tax map 15-26, approximately 230 feet to a point being a
40 property boundary corner of said parcel; thence southeasterly along the northern
41 property boundary lines of said parcel approximately 1,578 feet to a point being an
42 eastern property boundary corner at its intersection with the northern property
43 boundary lines of parcel 264-29, tax map 15-26; thence easterly along the northern
44 property boundary lines of said parcel approximately 1,236 feet to a point being the

1 intersection of said property boundary lines extended to the centerline of Mount
2 Holly - Huntersville Road, SR 2004; thence northeasterly along said road centerline
3 approximately 8,076 feet to a point being the intersection of said road centerline and
4 the centerline of Alexanderana Road, SR 2116; thence east along said road centerline
5 approximately 5,577 feet to a point being the intersection of said road centerline and
6 the western right-of-way boundary line of US Highway 21, said point being on the
7 existing municipal boundary line of the Town of Huntersville; thence northerly along
8 the existing municipal boundary line approximately 45,475 feet to the POINT OF
9 BEGINNING.

10 Tract 96-A-III encompasses 6582.88 Acres more or less.

11 Section 4. Effective as of midnight, June 30, 2000, the corporate limits of
12 the Town of Huntersville are extended to include the following area and territory
13 lying in Mecklenburg County, North Carolina, which area and territory shall be
14 deemed annexed to and part of the Town of Huntersville:

15 AREA 96-A-IV

16 BEGINNING AT A POINT being on the existing municipal boundary line of the
17 Town of Huntersville, said point being the southwestern boundary corner of parcel
18 11-6, tax map 01-01, said point also being located west approximately 1400 feet from
19 the centerline intersection of Hagers Ferry Road and NC Highway 73; thence with
20 the eastern property boundary line of parcel 11-6 approximately 20 feet to a point
21 being the southeastern property boundary corner of parcel 11-5, tax map 01-01;
22 thence westerly along the southern property boundary lines of parcels 11-5, 11-4, 11-
23 3, and 11-13 of tax map 01 approximately 438 feet to a point being the southeastern
24 property boundary corner of parcel 11-2, tax map 01-01; thence northerly, westerly,
25 and then southerly with the property boundary lines of parcel 11-2 approximately 600
26 feet to the southwestern property boundary corner of parcel 11-2; thence westerly
27 with the southern boundary line of parcels 11-13 and 11-1 of tax map 01-01
28 approximately 387 feet to the southwestern property boundary corner of parcel 11-1;
29 thence southwesterly with the southwestern extension of the western property
30 boundary line of parcel 11-1 approximately 160 feet to a point being a property
31 boundary corner in the northern property boundary line of parcel 151-2, tax map 13-
32 15; thence easterly with said property line approximately 900 feet to the northwestern
33 property boundary corner of parcel 141-8, tax map 13-14; thence southerly, easterly,
34 and then southerly with the eastern property boundary line of parcel 151-2
35 approximately 947 feet to a point being the southwestern property boundary corner
36 of parcel 141-7, tax map 13-14, said point also being on the property boundary line of
37 parcel 141-9, tax map 13-14; thence with the easterly, southeasterly, and then westerly
38 with the eastern and southern property boundary lines of parcel 141-9 approximately
39 4,309 feet to the southwestern boundary corner of parcel 141-9; thence northerly and
40 then southwesterly with the northern property boundary lines of parcel 151-8, tax
41 map 13-15 approximately 1,535 feet to the northwestern property boundary corner of
42 parcel 151-8; thence southerly with the western property boundary lines of parcels
43 151-8, 151-3, 151-10, and 151-6 of tax map 13-15 approximately 969 feet to the
44 southwestern property boundary corner of parcel 151-6; thence easterly with the

1 southern property boundary lines of parcels 151-6 and 151-5 of tax map 13-15
2 approximately 897 to a point being the intersection of the eastern extension of the
3 southern property boundary line of parcel 151-5 and the centerline of Cashion Road,
4 SR 2133; thence southwesterly with the centerline of Cashion Road, SR 2133,
5 approximately 780 feet to a point being the intersection of the eastern extension of
6 the northern property boundary line of parcel 151-1, tax map 13-15, and the
7 centerline of Cashion Road, SR 2133; thence westerly with the northern property
8 boundary line of parcel 151-1 approximately 1044 feet to a point being the
9 northwestern property boundary corner of parcel 151-1; thence southeasterly with the
10 southwestern property boundary line of parcel 151-1 approximately 529 feet to a
11 point being the intersection of the southeastern extension of the southwestern
12 property boundary line of parcel 151-1 and the centerline of Cashion Road, SR 2133;
13 thence to the southwest with the centerline of Cashion Road, SR 2133, approximately
14 298 feet to a point being the intersection of the centerline of Cashion Road, SR 2133,
15 and the eastern extension of the northern property boundary line of parcel 111-4, tax
16 map 13-11; thence westerly with the northern property boundary line of parcel 111-4
17 approximately 2,484 feet to a point being the northwestern property boundary corner
18 of parcel 111-4; thence southerly with the western property boundary line of parcel
19 111-4 approximately 5,504 feet to the southwestern property boundary corner of
20 parcel 111-4; thence westerly with the northern property boundary line of parcel 161-
21 2, tax map 13-16 approximately 2,060 feet to a point being the intersection of the
22 westward extension of said property boundary line with the centerline of the Catawba
23 River, said point being on the Mecklenburg County line; thence southerly along said
24 county line, said line also lying within the Catawba River approximately 7,247 feet to
25 a point being the confluence of the Catawba River and an unnamed tributary flowing
26 north-northwest; thence southeasterly along said unnamed tributary approximately
27 2,460 feet to a point being the intersection of said unnamed tributary and the western
28 property boundary line of parcel 41-6, tax map 13-04; thence southeasterly along the
29 southern property boundary lines of said parcel and parcels 41-3 and 41-2, tax map
30 13-04 approximately 1,917 feet, to a point being the intersection of said property
31 boundary lines extended and the centerline of Neck Road, SR 2074; thence
32 southeasterly with the centerline of Neck Road, SR 2074, approximately 4,470 feet to
33 a point being the intersection of the centerline of Torrence Creek and the centerline
34 of Neck Road, SR 2074, said point being on the existing municipal boundary line of
35 the Town of Huntersville; thence northerly along the existing municipal boundary
36 line approximately 33,395 feet to the POINT OF BEGINNING.

37 Save and except the following tract:

38 BEGINNING AT A POINT being northwestern property boundary corner for parcel
39 131-16, tax map 13-13, said point being south approximately 810 feet from the
40 centerline intersection of NC Highway 73 and Hubbard Road, SR 2134; thence
41 easterly with the northern property boundary line of parcels 131-16, 131-18, and 131-
42 17 of tax map 13-13 approximately 2035' to a point being the northeastern property
43 boundary corner of parcel 131-17; thence southwesterly with the southeastern
44 property boundary lines of parcels 131-17 and 131-18 approximately 1311 feet to a

1 point being the intersection of the southwestern extension of the said property
2 boundary lines and the southeastward extension of the western property boundary
3 line for parcel 131-18; thence northwesterly with the western property boundary lines
4 of parcels 131-18 and 131-16 approximately 1144 feet to a point being a corner on the
5 southern property line of parcel 131-16; thence westerly with the southern property
6 line of parcel 131-16 approximately 300 feet to a point being the southeastern
7 property boundary corner of parcel 131-16; thence northerly with the western
8 property boundary line of parcel 131-16 approximately 379 feet to the POINT OF
9 BEGINNING.

10 This save and except tract encompasses 25,73 Acres more or less.

11 Tract 96-A-IV encompasses 3846.35 Acres more or less (without the save and except
12 tract described).

13 Section 5. From and after the effective date of each such annexation, the
14 territory and its citizens and property shall be subject to all debts, laws, ordinances
15 and regulations in force in the Town of Huntersville, and shall be entitled to the
16 same privileges and benefits as other parts of the Town of Huntersville.

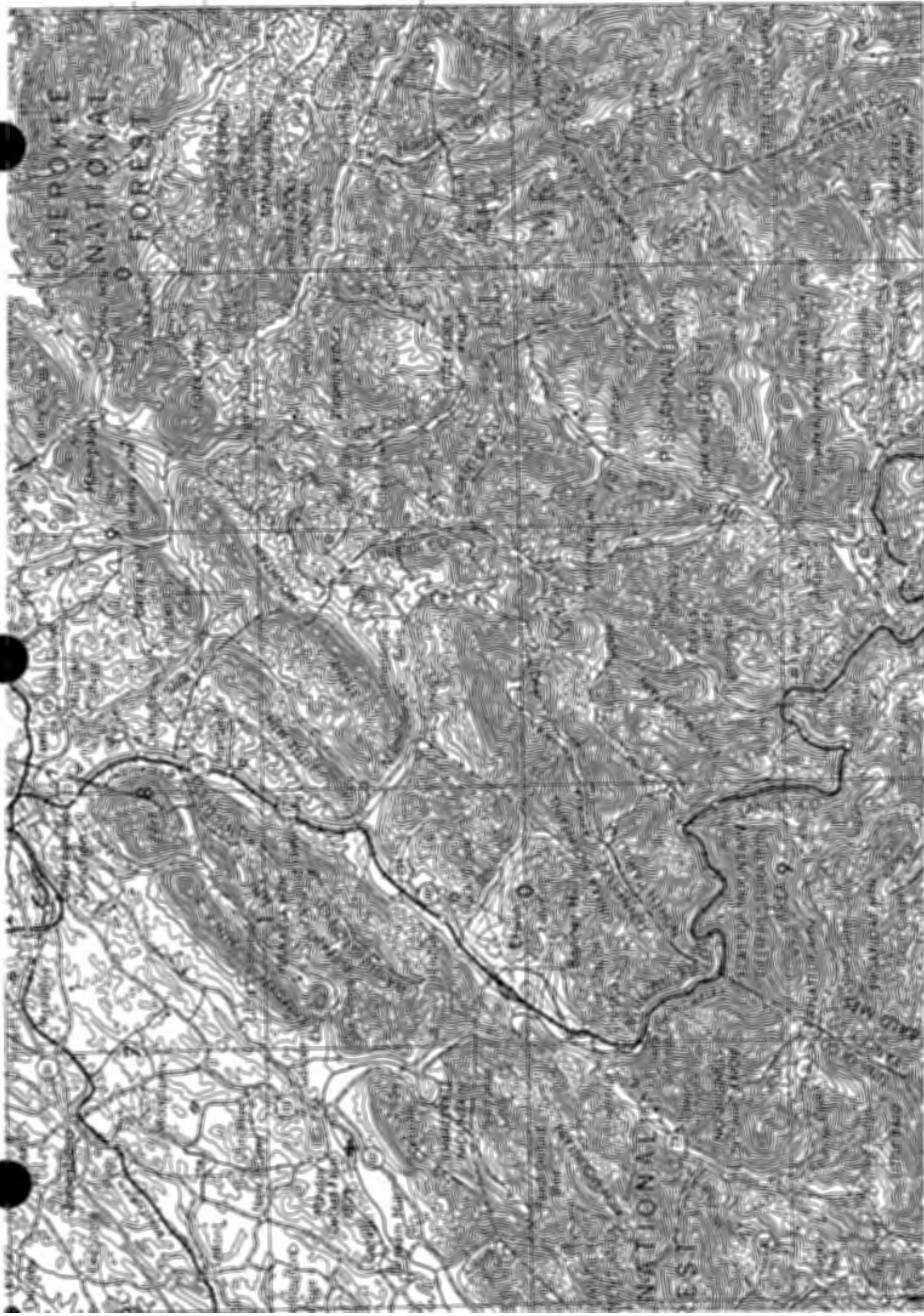
17 The area so annexed shall receive services provided by the Town of
18 Huntersville in substantially the same basis and in the same manner, and according to
19 the same policies as such services are provided by the Town of Huntersville within
20 the rest of the municipality prior to each such annexation. Each such annexation
21 shall have the same effect as if adopted pursuant to Part 3 of Article 4A of Chapter
22 160A of the General Statutes of North Carolina.

23 Section 6. The provisions of G.S. 160A-49.1 and G.S. 160A-49.2 shall
24 apply to each annexation made by this act.

25 Section 7. A map of the area annexed under each such annexation shall
26 be duly recorded in the same manner as set forth in G.S. 160A-51, but without the
27 necessity of filing any ordinance.

28 Section 8. Nothing herein shall prevent the owner or owners of property
29 within any of the annexation areas from voluntarily seeking annexation to the Town
30 of Huntersville pursuant to the provisions of G.S. 160A-31 or Part 4 of Article 4A of
31 Chapter 160A of the North Carolina General Statutes, and any such voluntary
32 annexation shall not in any manner affect the subsequent annexations of territory as
33 set forth in this act.

34 Section 9. This act is effective when it becomes law.



to Asheville

in Mitchell Co.

in Unicoi Co. - hospital

to Spruce Pine

#917

EXPLANATION OF HOUSE BILL 417:
Proposed Committee Substitute
Mitchell/Madison River Rafting Charges

TO: House Finance Committee
FROM: Martha H. Harris, Staff Attorney
DATE: June 24, 1997
SPONSOR: Representative Thompson

House Bill 417 authorizes Mitchell County and Madison County to levy a tax on businesses that provide river rafting in their county. The tax would be at the rate of 1%, 2%, or 3% of the businesses' gross receipts from the river rafting business conducted in the county. River rafting is defined as renting vessels or flotation devices for use on a river, providing river tours, or providing any other form of recreation or activity on a river. River rafting is considered to be provided in a county if the customer enters or exits the river in that county.

A vessel is any description of watercraft or structure, other than a seaplane on the water, used or capable of being used as a means of transportation or habitation on the water. A personal flotation device includes an inner tube or a life jacket.

This would be the first tax on river recreation to be authorized in North Carolina. There are two other local option taxes authorized on certain types of recreation: a tax on admissions to large arenas authorized for the City of Greensboro and a tax on race tracks authorized for Cabarrus County. Local option occupancy taxes and local option prepared meals taxes are similar taxes that have been authorized for some localities.

The tax, which is called a "charge" in the bill, would be levied by resolution of the board of county commissioners. The county may, by resolution, choose to repeal or reduce the tax; the repeal or reduction would become effective at the end of the fiscal year in which the resolution was adopted.

The tax is similar to a sales tax. The retailer will add the tax to the price charged each customer and pass it on to the customer. The retailer must remit the tax monthly to the county. A tax return is not a public record and may not be disclosed.

The county must use the net tax proceeds as follows: at least 50% for economic development, promotion of travel and tourism, or tourism-related expenditures; and the remainder for any lawful purpose. The county may retain its costs of collecting the tax, not to exceed 7%.

The bill provides that the penalties for failing to file a return or pay the tax are the same as for the sales tax. The relevant penalties are as follows:

1. Failure to file return is 5% per month up to a maximum of 25%.
2. Failure to pay tax is 10%.
3. Negligent failure to comply with the law is 10%, but may be 25% if the negligence resulted in a substantial understatement of tax.
4. Fraud is 50%; Intentional tax evasion is a Class I felony.
5. Intentional failure to collect, file, or pay is a Class 1 misdemeanor.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 417

Committee Substitute Favorable 5/21/97

Proposed Finance Committee Substitute H417-CSLCX-5/27

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Mitchell/Madison River Rafting Charges. (Local)

Sponsors:

Referred to:

March 6, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE MITCHELL COUNTY AND MADISON COUNTY TO IMPOSE
3 A CHARGE ON THE BUSINESS OF PROVIDING RIVER RAFTING IN THE
4 COUNTY.

5 Whereas, a number of businesses operate in both North
6 Carolina and Tennessee providing river rafting services; and

7 Whereas, the State of Tennessee imposes a tax on these
8 businesses conducted in North Carolina as well as in Tennessee;
9 and

10 Whereas, the operation of river rafting businesses in
11 Mitchell County and Madison County requires the counties to
12 provide emergency medical and rescue services to customers of the
13 businesses; and

14 Whereas, as a result of the influx of river rafters in
15 Mitchell County and Madison County, the counties must provide
16 services and facilities that create a financial burden to the
17 counties; Now, therefore,

18 The General Assembly of North Carolina enacts:

19 Section 1. This act applies only to Madison and
20 Mitchell Counties.

1 Section 2. Definitions. -- The following definitions
2 apply in this act:

3 (1) Net proceeds. -- Gross proceeds less the cost to
4 the county of administering and collecting the
5 charge, as determined by the finance officer, not
6 to exceed seven percent (7%) of the gross proceeds.

7 (2) Providing river rafting. -- Renting vessels or
8 personal flotation devices for use on a river,
9 providing river tours, or providing any other form
10 of recreation or activity on a river.

11 (3) Vessel. -- Defined in G.S. 75A-2.

12 Section 3. County river rafting charge. (a) Levy. --
13 The board of commissioners of a county may, by resolution, levy a
14 river rafting charge at the rate of one percent (1%), two percent
15 (2%), or three percent (3%) of the gross receipts derived from
16 the business of providing river rafting in the county. River
17 rafting is provided in a county if the customer enters the river
18 in that county, exits the river in that county, or both. This
19 river rafting charge is in addition to any State or local sales
20 tax.

21 (b) Effective Date of Levy. -- Collection of the charge,
22 and liability therefor, shall begin and continue only on and
23 after the first day of a calendar month set by the board of
24 commissioners in the resolution levying the charge. The
25 effective date of a charge levied under this act may not be
26 earlier than the first day of the second succeeding calendar
27 month after the date the resolution is adopted.

28 (c) Use of Charge Proceeds. -- A county shall use at
29 least fifty percent (50%) of the net proceeds of a charge levied
30 under this act only for economic development, promotion of travel
31 and tourism, or tourism-related expenditures. The county may use
32 the remainder of the net proceeds for any lawful purpose.

33 (d) Repeal or Reduction in Rate. -- A charge levied
34 under this act may be repealed or reduced to a rate of two
35 percent (2%) or one percent (1%) by a resolution adopted by the
36 board of commissioners of the county. Repeal or reduction of a
37 charge levied under this act shall become effective on the first
38 day of a month and may not become effective until the end of the
39 fiscal year in which the repeal or reduction resolution was
40 adopted. Repeal or reduction of a charge levied under this act
41 does not affect a liability for a charge that was attached before
42 the effective date of the repeal or reduction, nor does it affect
43 a right to a refund of a charge that accrued before the effective
44 date of the repeal or reduction.

1 Section 4. Collection and administration of the charge.
2 (a) Collection. -- Every operator of a business subject to the
3 charge levied under this act shall, on and after the effective
4 date of the levy of the charge, collect the charge. This charge
5 shall be collected as part of the price charged for providing
6 river rafting subject to the charge. The charge shall be stated
7 and charged separately from the sales records, and shall be paid
8 by the customer to the operator of the business as trustee for
9 and on account of the county. The charge shall be added to the
10 price of the river rafting and shall be passed on to the customer
11 instead of being borne by the operator of the business. The
12 county shall design, print, and furnish to all appropriate
13 businesses and persons in the county the necessary forms for
14 filing returns and instructions to ensure the full collection of
15 the charge. An operator of a business who collects the river
16 rafting charge levied under this act may deduct from the amount
17 remitted to the county a discount equal to the discount the State
18 allows the operator for State sales and use tax.

19 (b) Administration. -- The county shall administer a
20 charge levied under this act. A charge levied under this act is
21 due and payable to the county finance officer in monthly
22 installments on or before the 15th day of the month following the
23 month in which the charge accrues. Every person, firm,
24 corporation, or association liable for the charge shall, on or
25 before the 15th day of each month, prepare and render a return on
26 a form prescribed by the county. The return shall state the
27 total gross receipts derived in the preceding month from
28 providing river rafting.

29 A return filed with the county finance officer under
30 this act is not a public record and may not be disclosed except
31 in accordance with G.S. 153A-148.1.

32 Section 5. Penalties. A person, firm, corporation, or
33 association who fails or refuses to file the return or pay the
34 charge required by this act is subject to the civil and criminal
35 penalties set by G.S. 105-236 for failure to pay or file a return
36 for State sales and use taxes. The board of commissioners of the
37 levying county has the same authority to waive the penalties for
38 the river rafting charge that the Secretary of Revenue has to
39 waive the penalties for State sales and use taxes.

40 Section 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 417
Committee Substitute Favorable 5/21/97
Proposed Committee Substitute H417-PCSX7337

Short Title: Mitchell/Madison River Rafting Charges.

(Local)

Sponsors:

Referred to:

March 6, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE MITCHELL COUNTY AND MADISON COUNTY TO
3 IMPOSE A CHARGE ON THE BUSINESS OF PROVIDING RIVER RAFTING
4 IN THE COUNTY.

5 Whereas, a number of businesses operate in both North Carolina and
6 Tennessee providing river rafting services; and

7 Whereas, the State of Tennessee imposes a tax on these businesses
8 conducted in North Carolina as well as in Tennessee; and

9 Whereas, the operation of river rafting businesses in Mitchell County and
10 Madison County requires the counties to provide emergency medical and rescue
11 services to customers of the businesses; and

12 Whereas, as a result of the influx of river rafters in Mitchell County and
13 Madison County, the counties must provide services and facilities that create a
14 financial burden to the counties; Now, therefore,

15 The General Assembly of North Carolina enacts:

16 Section 1. This act applies only to Madison and Mitchell Counties.

17 Section 2. Definitions. -- The following definitions apply in this act:

18 (1) Net proceeds. -- Gross proceeds less the cost to the county of
19 administering and collecting the charge, as determined by the
20 finance officer, not to exceed seven percent (7%) of the gross
21 proceeds.

(2) Providing river rafting. -- Renting vessels or personal flotation devices for use on a river, providing river tours, or providing any other form of recreation or activity on a river.

(3) Vessel. -- Defined in G.S. 75A-2.

Section 3. County river rafting charge. (a) Levy. -- The board of commissioners of a county may, by resolution, levy a river rafting charge at the rate of one percent (1%), two percent (2%), or three percent (3%) of the gross receipts derived from the business of providing river rafting in the county. River rafting is provided in a county if the customer enters the river in that county, exits the river in that county, or both. This river rafting charge is in addition to any State or local sales tax.

(b) Effective Date of Levy. -- Collection of the charge, and liability therefor, shall begin and continue only on and after the first day of a calendar month set by the board of commissioners in the resolution levying the charge. The effective date of a charge levied under this act may not be earlier than the first day of the second succeeding calendar month after the date the resolution is adopted.

(c) Use of Charge Proceeds. -- A county shall use at least fifty percent (50%) of the net proceeds of a charge levied under this act only for economic development, promotion of travel and tourism, or tourism-related expenditures. The county may use the remainder of the net proceeds for any lawful purpose.

(d) Repeal or Reduction in Rate. -- A charge levied under this act may be repealed or reduced to a rate of two percent (2%) or one percent (1%) by a resolution adopted by the board of commissioners of the county. Repeal or reduction of a charge levied under this act shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal or reduction resolution was adopted. Repeal or reduction of a charge levied under this act does not affect a liability for a charge that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a charge that accrued before the effective date of the repeal or reduction.

Section 4. Collection and administration of the charge. (a) Collection. -- Every operator of a business subject to the charge levied under this act shall, on and after the effective date of the levy of the charge, collect the charge. This charge shall be collected as part of the price charged for providing river rafting subject to the charge. The charge shall be stated and charged separately from the sales records and shall be paid by the customer to the operator of the business as trustee for and on account of the county. The charge shall be added to the price of the river rafting and shall be passed on to the customer instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the charge. An operator of a business who collects the river rafting charge levied under this act may deduct from the amount remitted to the county a discount equal to the discount the State allows the operator for State sales and use tax.

1 (b) Administration. -- The county shall administer a charge levied under
2 this act. A charge levied under this act is due and payable to the county finance
3 officer in monthly installments on or before the 15th day of the month following the
4 month in which the charge accrues. Every person, firm, corporation, or association
5 liable for the charge shall, on or before the 15th day of each month, prepare and
6 render a return on a form prescribed by the county. The return shall state the total
7 gross receipts derived in the preceding month from providing river rafting.

8 A return filed with the county finance officer under this act is not a
9 public record and may not be disclosed except in accordance with G.S. 153A-148.1.

10 Section 5. Penalties. A person, firm, corporation, or association who
11 fails or refuses to file the return or pay the charge required by this act is subject to
12 the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return
13 for State sales and use taxes. The board of commissioners of the levying county has
14 the same authority to waive the penalties for the river rafting charge that the
15 Secretary of Revenue has to waive the penalties for State sales and use taxes.

16 Section 6. This act is effective when it becomes law.

EXPLANATION OF HOUSE BILL:
Proposed Committee Substitute
Mitchell/Madison River Rafting Charges

TO: House Finance Committee
FROM: Martha H. Harris, Staff Attorney
DATE: May 28, 1997
SPONSOR: Representative Thompson

This bill authorizes Mitchell County and Madison County to levy a tax on businesses that provide river rafting in their county. The tax would be at the rate of 1%, 2%, or 3% of the businesses' gross receipts from the river rafting business conducted in the county. River rafting is defined as renting vessels or flotation devices for use on a river, providing river tours, or providing any other form of recreation or activity on a river. River rafting is considered to be provided in a county if the customer enters or exits the river in that county.

The tax, which is called a "charge" in the bill, would be levied by resolution of the board of county commissioners. The county may, by resolution, choose to repeal or reduce the tax; the repeal or reduction would become effective at the end of the fiscal year in which the resolution was adopted.

The tax is similar to a sales tax. The retailer will add the tax to the price charged each customer and pass it on to the customer. The retailer must remit the tax monthly to the county. A tax return is not a public record and may not be disclosed.

The county must use the net tax proceeds as follows: at least 50% for economic development, promotion of travel and tourism, or tourism-related expenditures; and the remainder for any lawful purpose. The county may retain its costs of collecting the tax, not to exceed 7%.

The bill provides that the penalties for failing to file a return or pay the tax are the same as for the sales tax. The relevant penalties are as follows: Failure to file return is 5% per month up to a maximum of 25%

1. Failure to pay tax is 10%
2. Negligent failure to comply with the law is 10%, but may be 25% if the negligence resulted in a substantial understatement of tax
3. Fraud is 50%; Intentional tax evasion is a Class I felony
4. Intentional failure to collect, file, or pay is a Class 1 misdemeanor.

**Nantahala
Outdoor
Center**

Employee Owned

June 17, 1997

To: Members of House Subcommittee on Local, Regional, and State Revenues
From: Sandy Melton, Nantahala Outdoor Center
Re: Unprecedented Specific Attractions Tax, HR 417

Summary. We oppose HR 417, An Act To Authorize Mitchell County To Impose A Charge On The Business Of Providing River Rafting In Mitchell County, a 1% to 3% tax on persons enjoying a single type of attraction, whitewater rafting. Such an attraction type-specific tax is a major precedent that the legislature and tourism industry should not enter into without careful deliberation. While HR 417 is currently applicable to Mitchell County, it can easily be amended to include others.

If any new business tax is ultimately necessary, it should be discussed in advance with the businesses to be taxed. Its purpose should be more clearly defined and based on actual facts. If there is a problem, the affected businesses should be part of the discussions seeking a solution, not taxed out of the blue. As a tourism business we are willing to bear our fair share of government, but we oppose taxes targeted at the travel and tourism industry alone.

Bill Background. The reasons given for the bill are emergency services for outfitter company customers and undefined economic development activities. The facts are: 1. Very few, if any, outfitter customers have required emergency services, though some people who bring their own watercraft have. 2. For economic development funding, Mitchell County already has the lodging tax and the legislature-funded resources of Advantage West.

Nantahala Outdoor Center Background. Nantahala Outdoor Center is an employee-owned outfitting business founded in 1972. It offers whitewater rafting in Macon, Swain, Mitchell, and Madison Counties. Our regional and national promotion bring in tourists who contribute to local economies by using lodging, restaurants, service stations, and other local services.

Thank you for this opportunity to discuss Bill 417 and I look forward to your questions and a continuing dialogue on this and other issues.

Financial Statement Comparison

↓ ↓
1994 1995
Average Average
1995 1995
High Low
By # of
Companies
reporting
Line item

Income Statement Information

Other Expenses

Referring companies

Other Expenses

Other payroll

Management wages	6.87%	7.58%	16.00%	2.00%	7.81%
Training wages		0.14%	1.00%	0.00%	0.42%
Reservationist/office wages	7.94%	3.32%	7.00%	0.00%	4.37%
Marketing wages	0.98%	0.77%	4.00%	0.00%	1.92%
Other compensation	3.77%	1.99%	5.00%	0.00%	3.58%
Payroll taxes	4.44%	2.43%	5.00%	1.00%	2.77%
Employee benefits	0.83%	0.74%	4.00%	0.00%	1.08%
Total other payroll cost		16.98%			

Transportation costs

Maintenance vehicle	1.76%	1.74%	6.00%	1.00%	1.81%
Fuel and oil vehicle	1.07%	1.76%	5.00%	1.00%	1.83%
Other transportation services		2.10%	7.00%	0.00%	2.91%
Total transportation costs		5.60%			

Insurance cost

Insurance river liability	1.21%	1.76%	3.00%	0.00%	1.84%
Insurance workmen's comp	1.48%	1.66%	4.00%	0.00%	1.82%
Insurance vehicle	0.70%	0.97%	3.00%	0.00%	1.28%
Total insurance cost		4.56%			

Advertising & printing

Advertising (magazine TV & radio)	4.37%	2.86%	7.00%	0.00%	4.21%
Internet advertising		NA	NA	NA	NA
Printing	2.59%	1.66%	4.00%	0.00%	2.59%
Total advertising & printing		7.30%			

Office costs

Bank & credit card charges	1.14%	1.25%	4.00%	0.00%	1.30%
Commission expense	0.40%	0.67%	3.00%	0.00%	1.11%
Computer support & supplies		0.70%	2.00%	0.00%	1.03%
Professional fees		1.32%	3.00%	0.00%	1.38%
Rent	2.32%	2.40%	6.00%	0.00%	2.85%
Telephone	2.29%	2.21%	4.00%	1.00%	2.21%
Total office costs		8.55%			

Other costs

Access/franchise fees (Fed., state, local, private)	1.95%	2.89%	9.00%	0.00%	3.45%
Depreciation expense (Use Tax Depreciation)		4.50%	9.00%	0.00%	5.53%
Depreciation (179 expense)		0.57%	5.00%	0.00%	3.05%
Operating supplies		1.96%	9.00%	0.00%	2.58%
River equipment repair & maintenance	0.98%	1.22%	3.00%	0.00%	1.52%
Jet boat repair & maintenance		0.00%	NA	NA	NA
Jet boat fuel & oil		0.00%	NA	NA	NA
Expenses for water or water releases		0.23%	6.00%	0.00%	1.83%
Miscellaneous		1.37%			2.63%
Interest Expense	1.00%	0.84%	3.00%	0.00%	1.61%
Repair & Maintenance Building		0.80%	5.00%	0.00%	1.67%
Other costs		5.67%	16.00%	0.00%	6.98%
Total other costs		21.25%			
Total all other expenses		64.23%			

→ Net Income (A-B)

(This should equal your book net income) 5.25%
(Total all Gross Margin's - Total other expenses) 5.25%

4.11% 12.00% -11.00%

America Outdoors Study of 25 outfitters who
voluntarily submitted financial data.

NANTAHALA OUTDOOR CENTER, INC.

Additional Schedules

Schedule 4 - Financial Statistics

Schedule 5 - ESOP Analysis

1996 to 1992

	<u>1996</u>	<u>1995</u>	<u>1994</u>	<u>1993</u>	<u>1992</u>
FINANCIAL STATISTICS					
Market Value per share	\$359.00	\$352.00	\$297.00	\$265.00	\$212.00
Book Value per share	\$356.54	\$329.71	\$282.15	\$248.85	\$206.06
Earnings per share	\$25.76	\$46.18	\$31.27	\$42.18	\$24.75
Revenues (in 000's)	\$13,412	\$13,323	\$11,870	\$10,480	\$9,709
Net Income (in 000's)	\$370	\$676	\$462	\$623	\$372
Profit Margin	2.72%	5.07%	3.89%	5.94%	3.80%
Debt to Equity Ratio	1:1.9	1:3	1:2.5	1:2.6	1:2.7
Number of Shares Outstanding at Year End	14,054	14,507	14,772	14,772	15,021

ESOP ANALYSIS

Shares					
Vested	unavailable	7,600	7,338	7,319	6,915
Unvested	unavailable	197	215	248	254
Suspense	535	713	891	1,072	1,241
Total Outstanding	8,420	8,510	8,444	8,639	8,410
% Held by ESOP	59.91%	58.66%	57.16%	58.48%	56.01%
Market Value (in 000's)	\$3,023	\$2,996	\$2,508	\$2,289	\$1,784
Number of Staff Making Deferrals	162	138	129	148	132
Number of Members Eligible to Vote	119	121	110	118	104
Number of Other Eligible Voters	52	48	39	45	39



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Memorandum

Date: May 28, 1997
To: Representative Ramsey
From: Martha H. Harris, Staff Attorney, Bill Drafting Division
Fax: (919) 715-5459; Marthah@ms.ncga.state.nc.us
Subject: Revised Rafting Bill and Explanation

I am enclosing a summary of the proposed committee substitute for H417 as well as a revised version of the bill. There was a technical error in the draft I sent you yesterday. Please substitute this bill. I hope this information is useful. If I can be of further assistance, please let me know.

MAY 28 REC

EXPLANATION OF HOUSE BILL 751 (PCS):
Cabarrus Three-year Sales Tax/Schools

TO: House Finance Committee, Subcommittee
FROM: Martha H. Harris, Staff Attorney
DATE: June 17, 1997
SPONSOR: Representative Tallent

House Bill 751 authorizes the Cabarrus County Board of Commissioners to levy an additional 1% sales and use tax within the county if approved by the voters of the county. The board must pass a resolution by at least 4/5 of its members directing the Board of Elections to hold an advisory referendum on whether the tax should be levied. The board of commissioners must also hold a public hearing at least 30 days in advance of the referendum.

If the majority of the voters approve, the board may levy the tax for a three-year period. Like the existing local sales taxes, the tax will be collected by the Department of Revenue. The net proceeds of the tax will be remitted quarterly to the county, to be used only for public school building capital outlay projects. Public school capital outlay includes planning, construction, reconstruction, enlargement, improvement, repair, or renovation and the purchase of land for public school buildings. The tax proceeds may not be used to retire debt or for a project that will be financed in part by debt.

The tax expires after three years unless, during the third year, the board of commissioners calls another election and the voters approve an extension in a new referendum. In addition, if the tax expires, a new tax may be enacted if the county calls another referendum and the voters approve the tax; this referendum may be held no earlier than 90 days after the expiration of the earlier tax.

The act applies only to Cabarrus County and is effective when it becomes law. The bill is drafted so that other counties could be added on by amending Section 1 of the bill.

Under current law, all counties are authorized to levy a total of two cents local sales and use taxes. The net proceeds of the first one-cent tax are distributed to counties on a point of origin basis and the net proceeds of the two additional half-cent taxes are distributed to counties on a per capita basis. The amount distributed to each county is then divided between the county and its municipalities. Local governments may use the first one-cent tax for any lawful purpose. Counties must use part of the proceeds of the two additional half-cent taxes for public school capital outlay and municipalities must use part of the proceeds of the two additional half-cent taxes for water and sewer capital outlay.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. PCS

H. B. No. 751

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep. Dedmon
Sen.)

1 moves to amend the bill on page 3, line 22

2 () WHICH CHANGES THE TITLE

3 by adding after the word "buildings" the following:

4 _____
5 "A county shall allocate the net proceeds
6 distributed to it under this Article among
7 the ~~school~~ local school administrative units
8 in the county according to the per
9 capita distribution of local funds formula
10 calculated annually by the State Board
11 of Education."
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____

SIGNED Andrew Dedmon

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 751

Proposed House Committee Substitute H751-CSLCX-6/12

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Cabarrus Three-year Sales Tax/Schools. (Local)

Sponsors:

Referred to: Local and Regional Government II, if favorable,
Finance.

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE RELIANCE ON DEBT FOR PUBLIC SCHOOL CONSTRUCTION
3 IN CABARRUS COUNTY BY AUTHORIZING THE COUNTY TO LEVY A
4 TEMPORARY SALES AND USE TAX OF ONE PERCENT, IF APPROVED BY THE
5 VOTERS OF THE COUNTY, FOR PUBLIC SCHOOL CONSTRUCTION.
6 The General Assembly of North Carolina enacts:
7 Section 1. This act applies only to Cabarrus County.
8 Section 2. Subchapter VIII of Chapter 105 of the
9 General Statutes is amended by adding a new Article to read:
10 "ARTICLE 43.
11 "Second One-Cent (1¢) Local Government
12 Sales and Use Tax.
13 "§ 105-505. Short title.
14 This Article shall be known as the Second One-Cent (1¢) Local
15 Government Sales and Use Tax Act.
16 "§ 105-506. Purpose.
17 This Article gives the counties of this State an opportunity to
18 obtain a temporary source of revenue with which to meet their
19 public school construction needs. It provides all counties of
20 the State that are subject to this Article with authority to levy
21 one percent (1%) sales and use taxes.

1 "§ 105-507. Limitations.

2 This Article applies only to counties that levy the first one-
3 cent (1¢) sales and use tax under Article 39 of this Chapter or
4 under Chapter 1096 of the 1967 Session Laws, the first one-half
5 cent (1/2¢) local sales and use tax under Article 40 of this
6 Chapter, and the second one-half cent (1/2¢) local sales and use
7 tax under Article 42 of this Chapter.

8 "§ 105-508. County election on adoption of tax.

9 (a) Resolution. -- The board of commissioners of a county may,
10 by resolution adopted by the affirmative vote of at least
11 four-fifths of the commissioners, direct the county board of
12 elections to conduct an advisory referendum on the question of
13 whether a temporary local sales and use tax at the rate of one
14 percent (1%) will be levied in accordance with this Article. The
15 election shall be held on a date jointly agreed upon by the two
16 boards and shall be held in accordance with the procedures of
17 G.S. 163-287.

18 (b) Public Hearing. -- The board of commissioners shall hold a
19 public hearing on the question at least 30 days before the date
20 the election is to be held. At the hearing, the board shall
21 provide information on the public school building capital
22 projects for which the tax revenue would be expected to be used,
23 the approximate cost of each project, the approximate savings
24 that could be realized by avoiding debt financing, and the fact
25 that the tax expires automatically after three years.

26 (c) Ballot Question. -- The form of the question to be
27 presented on a ballot for a special election concerning the levy
28 of the taxes authorized by this Article shall be:

29 [] FOR [] AGAINST
30 temporary one percent (1%) local sales and use taxes, in addition
31 to the current two percent (2%) local sales and use taxes, to be
32 used only for public school capital projects.

33 (d) Subsequent Elections. -- If a county has previously levied
34 a tax under this Article and the tax is no longer in effect, the
35 county may levy a new tax in accordance with this Article. An
36 election regarding the levy of a subsequent tax may not be held,
37 however, earlier than 90 days after the expiration or repeal of
38 the previous tax under this Article.

39 "§ 105-509. Levy and collection of additional taxes.

40 If the majority of those voting in a referendum held pursuant
41 to this Article vote for the levy of the tax, the board of
42 commissioners of the county may, by resolution, levy one percent
43 (1%) local sales and use taxes in addition to any other State and
44 local sales and use taxes levied pursuant to law. Except as

1 provided in this Article, the adoption, levy, collection,
2 administration, and repeal of these additional taxes shall be in
3 accordance with Article 39 of this Chapter. In applying the
4 provisions of Article 39 of this Chapter to this Article,
5 references to 'this Article' mean 'Article 43 of Chapter 105 of
6 the General Statutes'.

7 "§ 105-510. Distribution and use of additional taxes.

8 (a) Distribution. -- The Secretary shall, on a quarterly
9 basis, distribute to each taxing county the net proceeds of the
10 tax levied under this Article by that county. If the Secretary
11 collects taxes under this Article in a month and the taxes cannot
12 be identified as being attributable to a particular taxing
13 county, the Secretary shall allocate these taxes among the taxing
14 counties in proportion to the amount of taxes collected in each
15 county under this Article in that month and shall include them in
16 the quarterly distribution.

17 (b) Use. -- A county may use the net proceeds distributed to
18 it under this Article only for public school building capital
19 outlay projects including the planning, construction,
20 reconstruction, enlargement, improvement, repair, or renovation
21 of public school buildings and for the purchase of land for
22 public school buildings. A county shall not use the proceeds to
23 pay debt service or to fund a public school building capital
24 outlay project that is or will be financed in part by debt.

25 (c) Nonsupplant Restriction. -- It is the purpose of this
26 Article for counties to appropriate funds generated under this
27 Article to increase the level of county spending for public
28 elementary and secondary school capital outlay above the level of
29 spending before the levy of the tax authorized in this Article.
30 A county that levies a tax under this Article shall continue to
31 spend for public school capital outlay purposes in its local
32 school administrative units the same amount of money it would
33 have spent for those purposes if it had not levied the tax.

34 "§ 105-511. Expiration.

35 A tax levied under this Article expires three years after the
36 effective date of its levy or most recent extension, unless the
37 voters of the county approve its extension for an additional
38 three years as provided in this section. During the third year
39 after the levy or most recent extension of the tax authorized in
40 this Article, the county board of commissioners may direct the
41 county board of elections to conduct an advisory referendum on
42 the question of whether the tax should be extended for an
43 additional three years. The election shall be held on a date

1 jointly agreed upon by the two boards and shall be held in
2 accordance with the procedures of G.S. 163-287.

3 The form of the question to be presented on a ballot for a
4 special election concerning the extension of the taxes authorized
5 by this Article shall be:

6 [] FOR [] AGAINST
7 extension of current one percent (1%) local sales and use taxes
8 in addition to the two percent (2%) local sales and use taxes, to
9 be used only for public school capital projects.

10 If the majority of those voting in a referendum held pursuant
11 to this section vote for the extension of the tax, the board of
12 commissioners may, by resolution, extend the tax for an
13 additional three years.

14 The expiration of a tax pursuant to this Article does not
15 affect the rights or liabilities of the State, a taxpayer, or
16 another person arising under the expired tax; nor does it affect
17 the right to any refund or credit of a tax that would otherwise
18 have been available under the expired tax before its expiration."

19 Section 3. This act is effective when it becomes law.

20 Section 4. A tax levied under Article 43 of Chapter 105
21 of the General Statutes, as enacted by this act, does not apply
22 to construction materials purchased to fulfill a lump sum or unit
23 price contract entered into or awarded before the effective date
24 of the levy or entered into or awarded pursuant to a bid made
25 before the effective date of the levy when the construction
26 materials would otherwise be subject to the tax levied under
27 Article 43 of Chapter 105 of the General Statutes.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 751

Proposed House Committee Substitute H751-CSLCX-6/12

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Cabarrus Three-year Sales Tax/Schools. (Local)

Sponsors:

Referred to: Local and Regional Government II, if favorable,
Finance.

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE RELIANCE ON DEBT FOR PUBLIC SCHOOL CONSTRUCTION
3 IN CABARRUS COUNTY BY AUTHORIZING THE COUNTY TO LEVY A
4 TEMPORARY SALES AND USE TAX OF ONE PERCENT, IF APPROVED BY THE
5 VOTERS OF THE COUNTY, FOR PUBLIC SCHOOL CONSTRUCTION.

6 The General Assembly of North Carolina enacts:

7 Section 1. This act applies only to Cabarrus County.

8 Section 2. Subchapter VIII of Chapter 105 of the
9 General Statutes is amended by adding a new Article to read:

10 "ARTICLE 43.

11 "Second One-Cent (1¢) Local Government
12 Sales and Use Tax.

13 "§ 105-505. Short title.

14 This Article shall be known as the Second One-Cent (1¢) Local
15 Government Sales and Use Tax Act.

16 "§ 105-506. Purpose.

17 This Article gives the counties of this State an opportunity to
18 obtain a temporary source of revenue with which to meet their
19 public school construction needs. It provides all counties of
20 the State that are subject to this Article with authority to levy
21 one percent (1%) sales and use taxes.

1 "§ 105-507. Limitations.

2 This Article applies only to counties that levy the first one-
3 cent (1¢) sales and use tax under Article 39 of this Chapter or
4 under Chapter 1096 of the 1967 Session Laws, the first one-half
5 cent (1/2¢) local sales and use tax under Article 40 of this
6 Chapter, and the second one-half cent (1/2¢) local sales and use
7 tax under Article 42 of this Chapter.

8 "§ 105-508. County election on adoption of tax.

9 (a) Resolution. -- The board of commissioners of a county may,
10 by resolution adopted by the affirmative vote of at least
11 four-fifths of the commissioners, direct the county board of
12 elections to conduct an advisory referendum on the question of
13 whether a temporary local sales and use tax at the rate of one
14 percent (1%) will be levied in accordance with this Article. The
15 election shall be held on a date jointly agreed upon by the two
16 boards and shall be held in accordance with the procedures of
17 G.S. 163-287.

18 (b) Public Hearing. -- The board of commissioners shall hold a
19 public hearing on the question at least 30 days before the date
20 the election is to be held. At the hearing, the board shall
21 provide information on the public school building capital
22 projects for which the tax revenue would be expected to be used,
23 the approximate cost of each project, the approximate savings
24 that could be realized by avoiding debt financing, and the fact
25 that the tax expires automatically after three years.

26 (c) Ballot Question. -- The form of the question to be
27 presented on a ballot for a special election concerning the levy
28 of the taxes authorized by this Article shall be:

29 [] FOR [] AGAINST

30 temporary one percent (1%) local sales and use taxes, in addition
31 to the current two percent (2%) local sales and use taxes, to be
32 used only for public school capital projects.

33 (d) Subsequent Elections. -- If a county has previously levied
34 a tax under this Article and the tax is no longer in effect, the
35 county may levy a new tax in accordance with this Article. An
36 election regarding the levy of a subsequent tax may not be held,
37 however, earlier than 90 days after the expiration or repeal of
38 the previous tax under this Article.

39 "§ 105-509. Levy and collection of additional taxes.

40 If the majority of those voting in a referendum held pursuant
41 to this Article vote for the levy of the tax, the board of
42 commissioners of the county may, by resolution, levy one percent
43 (1%) local sales and use taxes in addition to any other State and
44 local sales and use taxes levied pursuant to law. Except as

1 provided in this Article, the adoption, levy, collection,
2 administration, and repeal of these additional taxes shall be in
3 accordance with Article 39 of this Chapter. In applying the
4 provisions of Article 39 of this Chapter to this Article,
5 references to 'this Article' mean 'Article 43 of Chapter 105 of
6 the General Statutes'.

7 "§ 105-510. Distribution and use of additional taxes.

8 (a) Distribution. -- The Secretary shall, on a quarterly
9 basis, distribute to each taxing county the net proceeds of the
10 tax levied under this Article by that county. If the Secretary
11 collects taxes under this Article in a month and the taxes cannot
12 be identified as being attributable to a particular taxing
13 county, the Secretary shall allocate these taxes among the taxing
14 counties in proportion to the amount of taxes collected in each
15 county under this Article in that month and shall include them in
16 the quarterly distribution.

17 (b) Use. -- A county may use the net proceeds distributed to
18 it under this Article only for public school building capital
19 outlay projects including the planning, construction,
20 reconstruction, enlargement, improvement, repair, or renovation
21 of public school buildings and for the purchase of land for
22 public school buildings. A county shall not use the proceeds to
23 pay debt service or to fund a public school building capital
24 outlay project that is or will be financed in part by debt.

25 (c) Nonsupplant Restriction. -- It is the purpose of this
26 Article for counties to appropriate funds generated under this
27 Article to increase the level of county spending for public
28 elementary and secondary school capital outlay above the level of
29 spending before the levy of the tax authorized in this Article.
30 A county that levies a tax under this Article shall continue to
31 spend for public school capital outlay purposes in its local
32 school administrative units the same amount of money it would
33 have spent for those purposes if it had not levied the tax.

34 "§ 105-511. Expiration.

35 A tax levied under this Article expires three years after the
36 effective date of its levy or most recent extension, unless the
37 voters of the county approve its extension for an additional
38 three years as provided in this section. During the third year
39 after the levy or most recent extension of the tax authorized in
40 this Article, the county board of commissioners may direct the
41 county board of elections to conduct an advisory referendum on
42 the question of whether the tax should be extended for an
43 additional three years. The election shall be held on a date

1 jointly agreed upon by the two boards and shall be held in
2 accordance with the procedures of G.S. 163-287.

3 The form of the question to be presented on a ballot for a
4 special election concerning the extension of the taxes authorized
5 by this Article shall be:

6 [] FOR [] AGAINST
7 extension of current one percent (1%) local sales and use taxes
8 in addition to the two percent (2%) local sales and use taxes, to
9 be used only for public school capital projects.

10 If the majority of those voting in a referendum held pursuant
11 to this section vote for the extension of the tax, the board of
12 commissioners may, by resolution, extend the tax for an
13 additional three years.

14 The expiration of a tax pursuant to this Article does not
15 affect the rights or liabilities of the State, a taxpayer, or
16 another person arising under the expired tax; nor does it affect
17 the right to any refund or credit of a tax that would otherwise
18 have been available under the expired tax before its expiration."

19 Section 3. This act is effective when it becomes law.

20 Section 4. A tax levied under Article 43 of Chapter 105
21 of the General Statutes, as enacted by this act, does not apply
22 to construction materials purchased to fulfill a lump sum or unit
23 price contract entered into or awarded before the effective date
24 of the levy or entered into or awarded pursuant to a bid made
25 before the effective date of the levy when the construction
26 materials would otherwise be subject to the tax levied under
27 Article 43 of Chapter 105 of the General Statutes.

EXPLANATION OF HOUSE BILL 751 (PCS):
Cabarrus Three-year Sales Tax/Schools

TO: House Finance Committee, Subcommittee
FROM: Martha H. Harris, Staff Attorney
DATE: June 17, 1997
SPONSOR: Representative Tallent

House Bill 751 authorizes the Cabarrus County Board of Commissioners to levy an additional 1% sales and use tax within the county if approved by the voters of the county. The board must pass a resolution by at least 4/5 of its members directing the Board of Elections to hold an advisory referendum on whether the tax should be levied. The board of commissioners must also hold a public hearing at least 30 days in advance of the referendum.

If the majority of the voters approve, the board may levy the tax for a three-year period. Like the existing local sales taxes, the tax will be collected by the Department of Revenue. The net proceeds of the tax will be remitted quarterly to the county, to be used only for public school building capital outlay projects. Public school capital outlay includes planning, construction, reconstruction, enlargement, improvement, repair, or renovation and the purchase of land for public school buildings. The tax proceeds may not be used to retire debt or for a project that will be financed in part by debt.

The tax expires after three years unless, during the third year, the board of commissioners calls another election and the voters approve an extension in a new referendum. In addition, if the tax expires, a new tax may be enacted if the county calls another referendum and the voters approve the tax; this referendum may be held no earlier than 90 days after the expiration of the earlier tax.

The act applies only to Cabarrus County and is effective when it becomes law. The bill is drafted so that other counties could be added on by amending Section 1 of the bill.

Under current law, all counties are authorized to levy a total of two cents local sales and use taxes. The net proceeds of the first one-cent tax are distributed to counties on a point of origin basis and the net proceeds of the two additional half-cent taxes are distributed to counties on a per capita basis. The amount distributed to each county is then divided between the county and its municipalities. Local governments may use the first one-cent tax for any lawful purpose. Counties must use part of the proceeds of the two additional half-cent taxes for public school capital outlay and municipalities must use part of the proceeds of the two additional half-cent taxes for water and sewer capital outlay.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 751

Short Title: Cabarrus Five-Year Sales Tax/Schools.

(Local)

Sponsors: Representatives Tallent, Moore, and Barbee (Cosponsors).

Referred to: Local and Regional Government II, if favorable, Finance.

April 2, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO REDUCE RELIANCE ON DEBT FOR PUBLIC SCHOOL
3 CONSTRUCTION IN CABARRUS COUNTY BY AUTHORIZING THE
4 COUNTY TO LEVY A TEMPORARY SALES AND USE TAX OF ONE
5 PERCENT, IF APPROVED BY THE VOTERS OF THE COUNTY, FOR
6 PUBLIC SCHOOL CONSTRUCTION.

7 The General Assembly of North Carolina enacts:

8 Section 1. This act applies only to Cabarrus County. The purpose of this
9 act is to provide funds for the 10-year facilities plan for Cabarrus County and
10 Kannapolis City Schools, which includes the following public school capital projects.
11 The total estimated cost of the 10-year plan is one hundred seventy-five million nine
12 hundred fifty-one thousand dollars (\$175,951,000).

13 PHASE I (1997-1998) (ESTIMATED COST - \$48,988,000)

14 1. Concord Middle School (New)

15 2. NW Middle School Addition

16 3. High School Additions (Three)

17 4. Winecoff Elementary School (New)

18 5. Royal Oaks Renovation

19 6. Mt. Pleasant Elementary Cafeteria and Classrooms

20 7. Property Purchase New High School and New Middle School

21 8. A. T. Allen Renovation

22 9. Kannapolis Middle School Addition (I)

23 10. Aycock Elementary Replacement School

24

1 PHASE II (2000-2002) (ESTIMATED COST - \$68,083,000)

- 2 1. New High School
- 3 2. Eastside Elementary School
- 4 3. Elementary Renovations
- 5 4. Property Purchase Bethel and Harrisburg
- 6 5. Elementary Technology
- 7 6. Fred L. Wilson Elementary Renovation (I)
- 8 7. Shady Brook Elementary Renovation (I)
- 9 8. Woodrow Wilson Renovation (I)
- 10 9. A. L. Brown High School Addition and Renovation
- 11 10. Kannapolis Middle School Renovation (I)
- 12 11. Aycock Elementary Replacement (II)
- 13 12. Instructional Technology

14

15 PHASE III (2003-2005) (ESTIMATED COST - \$58,880,000)

- 16 1. New Middle School
- 17 2. Bethel Elementary Replacement
- 18 3. Harrisburg Elementary Replacement
- 19 4. Property Purchase New Elementary
- 20 5. Technology
- 21 6. Woodrow Wilson - Complete Plan From Phase 2
- 22 7. Jackson Park Elementary Land Purchase
- 23 8. Shady Brook Elementary Renovation (II)
- 24 9. Fred L. Wilson Renovation (II)
- 25 10. A. L. Brown Renovation (II)
- 26 11. Instructional Technology

27 Section 2. Subchapter VIII of Chapter 105 of the General Statutes is
28 amended by adding a new Article to read:

29

"ARTICLE 43.

30

"Second One-Cent (1¢) Local Government

31

Sales and Use Tax.

32 "§ 105-505. Short title.

33 This Article shall be known as the Second One-Cent (1¢) Local Government Sales
34 and Use Tax Act.

35 "§ 105-506. Purpose.

36 This Article gives the counties of this State an opportunity to obtain a temporary
37 source of revenue with which to meet their public school construction needs. It
38 provides all counties of the State that are subject to this Article with authority to levy
39 one percent (1%) sales and use taxes.

40 "§ 105-507. Limitations.

41 This Article applies only to counties that levy the first one-cent (1¢) sales and use
42 tax under Article 39 of this Chapter or under Chapter 1096 of the 1967 Session Laws,
43 the first one-half cent (1/2¢) local sales and use tax under Article 40 of this Chapter.

1 and the second one-half cent (1/2¢) local sales and use tax under Article 42 of this
2 Chapter.

3 **"§ 105-508. County election on adoption of tax.**

4 (a) Resolution. -- The board of commissioners of a county may, by resolution
5 adopted by the affirmative vote of at least four-fifths of the commissioners, direct the
6 county board of elections to conduct an advisory referendum on the question of
7 whether a temporary local sales and use tax at the rate of one percent (1%) will be
8 levied in accordance with this Article. The election shall be held on a date jointly
9 agreed upon by the two boards and shall be held in accordance with the procedures
10 of G.S. 163-287.

11 (b) Public Hearing. -- The board of commissioners shall hold a public hearing on
12 the question at least 30 days before the date the election is to be held. At the
13 hearing, the board shall provide information on the public school building capital
14 projects for which the tax revenue would be expected to be used, the approximate
15 cost of each project, the approximate savings that could be realized by avoiding debt
16 financing, and the fact that the tax expires automatically after five years.

17 (c) Ballot Question. -- The form of the question to be presented on a ballot for a
18 special election concerning the levy of the taxes authorized by this Article shall be:

19 [] FOR [] AGAINST
20 temporary one percent (1%) local sales and use taxes, in addition to the current two
21 percent (2%) local sales and use taxes, to be used only for public school capital
22 projects.

23 (d) Subsequent Elections. -- If a county has previously levied a tax under this
24 Article and the tax is no longer in effect, the county may levy a new tax in
25 accordance with this Article. An election regarding the levy of a subsequent tax may
26 not be held, however, earlier than 90 days after the expiration or repeal of the
27 previous tax under this Article.

28 **"§ 105-509. Levy and collection of additional taxes.**

29 If the majority of those voting in a referendum held pursuant to this Article vote
30 for the levy of the tax, the board of commissioners of the county may, by resolution,
31 levy one percent (1%) local sales and use taxes in addition to any other State and
32 local sales and use taxes levied pursuant to law. Except as provided in this Article,
33 the adoption, levy, collection, administration, and repeal of these additional taxes
34 shall be in accordance with Article 39 of this Chapter. In applying the provisions of
35 Article 39 of this Chapter to this Article, references to 'this Article' mean 'Article 43
36 of Chapter 105 of the General Statutes'.

37 **"§ 105-510. Distribution and use of additional taxes.**

38 (a) Distribution. -- The Secretary shall, on a quarterly basis, distribute to each
39 taxing county the net proceeds of the tax levied under this Article by that county. If
40 the Secretary collects taxes under this Article in a month and the taxes cannot be
41 identified as being attributable to a particular taxing county, the Secretary shall
42 allocate these taxes among the taxing counties in proportion to the amount of taxes
43 collected in each county under this Article in that month and shall include them in
44 the quarterly distribution.

(b) Use. -- A county may use the net proceeds distributed to it under this Article only for public school building capital outlay projects including the planning, construction, reconstruction, enlargement, improvement, repair, or renovation of public school buildings and for the purchase of land for public school buildings. A county shall not use the proceeds to pay debt service or to fund a public school building capital outlay project that is or will be financed in part by debt.

(c) Nonsupplant Restriction. -- It is the purpose of this Article for counties to appropriate funds generated under this Article to increase the level of county spending for public elementary and secondary school capital outlay above the level of spending before the levy of the tax authorized in this Article. A county that levies a tax under this Article shall continue to spend for public school capital outlay purposes in its local school administrative units the same amount of money it would have spent for those purposes if it had not levied the tax.

"§ 105-511. Expiration.

A tax levied under this Article expires five years after the effective date of its levy or most recent extension, unless the voters of the county approve its extension for an additional five years as provided in this section. During the fifth year after the levy or most recent extension of the tax authorized in this Article, the county board of commissioners may direct the county board of elections to conduct an advisory referendum on the question of whether the tax should be extended for an additional five years. The election shall be held on a date jointly agreed upon by the two boards and shall be held in accordance with the procedures of G.S. 163-287.

The form of the question to be presented on a ballot for a special election concerning the extension of the taxes authorized by this Article shall be:

[] FOR [] AGAINST

extension of current one percent (1%) local sales and use taxes in addition to the two percent (2%) local sales and use taxes, to be used only for public school capital projects.

If the majority of those voting in a referendum held pursuant to this section vote for the extension of the tax, the board of commissioners may, by resolution, extend the tax for an additional five years.

The expiration of a tax pursuant to this Article does not affect the rights or liabilities of the State, a taxpayer, or another person arising under the expired tax; nor does it affect the right to any refund or credit of a tax that would otherwise have been available under the expired tax before its expiration."

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

Section 4. A tax levied under Article 43 of Chapter 105 of the General Statutes, as enacted by this act, does not apply to construction materials purchased to fulfill a lump sum or unit price contract entered into or awarded before the effective date of the levy or entered into or awarded pursuant to a bid made before the effective date of the levy when the construction materials would otherwise be subject to the tax levied under Article 43 of Chapter 105 of the General Statutes.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 615

Short Title: Kernersville Vehicle Tax.

(Local)

Sponsors: Senators Horton and McDaniel.

Referred to: Finance.

April 1, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO PERMIT THE TOWN OF KERNERSVILLE TO LEVY A MOTOR
3 VEHICLE TAX OF UP TO TEN DOLLARS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-97(a) reads as rewritten:

6 "(a) All taxes levied under the provisions of this Article are intended as
7 compensatory taxes for the use and privileges of the public highways of this State,
8 and shall be paid by the Commissioner to the State Treasurer, to be credited by him
9 to the State Highway Fund; and no county or municipality shall levy any license or
10 privilege tax upon any motor vehicle licensed by the State of North Carolina, except
11 that cities and towns may levy not more than ~~five dollars (\$5.00)~~ ten dollars (\$10.00)
12 per year upon any vehicle resident therein. Provided, further, that cities and towns
13 may levy, in addition to the amounts hereinabove provided for, a sum not to exceed
14 fifteen dollars (\$15.00) per year upon each vehicle operated in such city or town as a
15 taxicab."

16 Section 2. This act applies to the Town of Kernersville only.

17 Section 3. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Subcommittee on Local, Regional & State Revenues

June 25 , 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

[illegible]

Morris
flow

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on FINANCE/Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☐ Committee Substitute for

S.B. 615

☐ A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF KERNERSVILLE TO LEVY A MOTOR VEHICLE TAX OF UP TO TEN DOLLARS.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill # _____). (and recommendation that the committee substitute bill (# _____) be referred to the Committee on _____.)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

file

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☒ Committee Substitute for
H.B. 417 ☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE
MITCHELL COUNTY TO IMPOSE A CHARGE ON THE BUSINESS OF PROVIDING RIVER
RAFTING IN MITCHELL COUNTY.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (# 2); ☒ which changes the title,
unfavorable as to original bill (~~Committee Substitute Bill # 1~~). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☐ Committee Substitute for
S.B. 390 ☐ A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN
TERITORIES TO THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for
S.B. 262

☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE
TOWN OF HUNTERSVILLE TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF
ANNEXATION.

REPORTED TO THE STANDING COMMITTEE ON

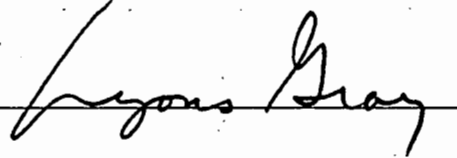
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 751

☐ A BILL TO BE ENTITLED AN ACT TO REDUCE RELIANCE
ON DEBT FOR PUBLIC SCHOOL CONSTRUCTION IN CABARRUS COUNTY BY
AUTHORIZING THE COUNTY TO LEVY A TEMPORARY SALES AND USE TAX OF ONE
PERCENT, IF APPROVED BY THE VOTERS OF THE COUNTY, FOR PUBLIC SCHOOL
CONSTRUCTION.

REPORTED TO THE STANDING COMMITTEE ON

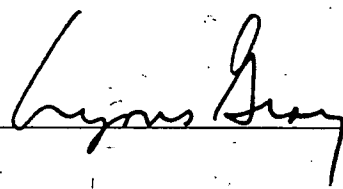
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (#), ☒ which changes the title,
unfavorable as to original bill (~~Committee Substitute Bill #~~). (and recommendation that the
committee substitute bill (#) be referred to the Committee on FINANCE
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

E mail

PLEASE NOTE CHANGE OF DATE AND TIME FROM
TUESDAY, JUNE 24 TO WEDNESDAY, JUNE 25, 1997
AT 8:30 A.M.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **FINANCE/Subcommittee on Local,
Regional & State Revenues** will meet as follows:

DAY & DATE: Wednesday, June 25, 1997

TIME: 8:30 A.M.

LOCATION: 415 LOB

The following bills will be considered (Bill # & Short Title):

Accept HB 417, Mitchell River Rafting Charges — *Edna Sykes*
rec'd HB 751, Cabarrus Five-Year Sales Tax/Schools — *Gayle Buelink*
accept HB 811, Gold Rock/Rocky Mount Annexation-2 *70/500 Dayle Christen* —
{draft} SB 262, Huntersville Annexation Agreement —
rec'd SB 390, Huntersville Annexation — *Ann Walsin*
rec'd SB 548, Stokes/Delinquent Prop. Taxes — *Jocelyn Goren*
rec'd SB 615, Kernersville Vehicle Tax — *Larrain Blake*

*All
approved notices
sent 6/19/97*

Respectfully,

Representative Dewey L. Hill
Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
1:00 on Thursday, June 19, 1997.

___ Principal Clerk
___ Reading Clerk - House Chamber

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

A G E N D A

Wednesday, June 25, 1997

CALL TO ORDER: Rep. Dewey L. Hill, Chairman

BILLS TO BE DISCUSSED:

Rep. Soadler
yes SB 262, Huntersville Annexation Agreement.....Senator Odom
yes SB 390, Huntersville Annexation.....Senator Odom

yes HB 417, Mitchell River Rafting Charges.....Rep. Thompson

yes HB 751, Cabarrus ³⁻Five-year Sales Tax/Schools.....Rep. ~~Morgan~~ *Richard Morgan*

SB 548, Stokes/Delinquent Prop. Taxes.....Senator Foxx *delay, R. Horton*

yes SB 615, Kernersville Vehicle Tax.....Senator Horton

ADJOURNMENT

The following have requested time to speak on HB 417, River Rafting Charges:

Mr. Jim Hobbs
Mr. Josh McKinney
Ms. Sandy Melton
Mr. Ron West

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: Wednesday, July 2, 1997

The subcommittee met in Room 421 of the Legislative Office Building, 1:30 P.M. Those members in attendance were: Chairman Hill; Rep. Cherie Berry; Rep. Russell Capps; Rep. Pete Cunningham; Rep. Andrew Dedmon; Rep. Rick Eddins; Rep. Danny McComas; Rep. Richard Morgan; Rep. Mia Morris; Rep. John Rayfield and Rep. Edgar Starnes.

Chairman Hill called the meeting to order and recognized Senator Foxx to come forward and support her bill SB 548, Stokes/Delinquent Prop. Taxes. Chairman Hill recognized Rep. Morgan who stated that after talking with Rep. Baker concerning this legislation, he had a question for the bill sponsor concerning her intentions with respect to any motion she intended to make in the Senate. Senator Foxx stated that her original plan had been to ask this subcommittee to delay any action on her bill. However, if this subcommittee does not take any action on the bill, she intended to have the bill sent back to the Senate. Rep. Morgan stated that he would like to make a motion to displace the bill today and recalendar for the next subcommittee meeting, and the motion passed.

Chairman Hill recognized Rep. Clary to come forward and support her bill, HB 777, Kings Mt. Annexation/Moss Lake Use. Rep. Clary stated that the bill deals with annexation of noncontiguous property which is owned by the City of Kings Mountain. The annexation was at their request and there is no problem with the annexation. It was requested because there is a water plant and a dam that is on a lake property. She further stated that the city can save \$16,000 in franchise taxes by annexing this property. The bill also prohibits the city from restricting recreational use of the lake, which has been used for that purpose for 25 years. It requires the city to create a recreational authority which will address only the recreational issues directly related to the lake. It also provides that the lake shall remain open for recreational purposes. It also creates the Moss Lake Authority which will be able to charge the owners of the property situated on the waterfront of Moss Lake a user fee for the eight foot control strip of property around the lake for recreational use. The fee will be determined by an independent audit, and may not exceed the amount at audit. The legislation also sets up a special fund for the fee so that the money from that fee would be used exclusively for recreational purpose around the lake. She further stated that there had been some ongoing problems with regard to the amount paid by some homeowners and even questions as to why such a charge was allowed. She further stated that 85-90% of the homeowners agree with paying the fees, but they want assurance that the fees are in fact being used for recreational purposes. The two main problems that the bill is addressing are the inequities that are currently present in the city structure, and to stop the transfer of funds into the general fund.

Rep. Clary further stated that it has been experience that once fees are created they should in fact be used for the purposes for which they were levied. She further stated that the issue of security at the lake was also an issue.

At this point, the subcommittee members were given a copy of the committee substitute and Chairman Hill recognized Rep. McComas who made the motion for adoption for discussion purposes. The motion carried.

Rep. McComas asked to be recognized for a motion for a favorable report on the committee substitute. Rep. Cunningham asked to be recognized, and stated that he had a telephone call from the Mayor and City Manager of Kings Mountain and asked that they be heard.

Chairman Hill recognized Mr. Jimmy R. Maney, City Manager of Kings Mountain to come forward and state his position. Mr. Maney thanked the subcommittee for allowing them to speak today. He explained that the former Mayor of Kings Mountain had a vision to build a water resource for Kings Mountain, and in the late 60's he tried to petition Cleveland County and the City of Shelby to join with him to build such a facility. At that time there was little response to his request. Consequently, he petitioned the citizens of Kings Mountain through a bond issue, and in 1968 there was a 90 % surcharge placed on the citizens utility bill to build this facility. In 1972 through 1974 the construction was completed and a local committee was formed to oversee the lake operations. Over the years, as the committee changed and it no longer took to heart what their job was - to protect this water resource of Kings Mountain. The City did not do a good job in handling the affairs of the lake and in this year's budget we tried to reorganize the lake and create a separate department so that the financial accountability would be open to the public. We also tried to set a basis for a fee which would consist of two or three different users of the lake (which is three miles long) - those who live there and those who visit. Mr. Maney further stated that there were so many problems with the lake, one being that there were over 1,500 boats registered to that water last year. Duke Power was contacted for their expertise in organizing the lake. The first work session was held in March and all was made public. All of the problems were incorporated into a budget for better accountability at the lake. He further stated that there are over 700 property owners at the lake. A control strip of approximately 8 feet was to be leased to the homeowners which allows them access to the city's lake. We tried to establish an annual lease fee and the user fee would be the same as any other person would pay whether you lived on the lake or not. The only other difference in the fees were if you were a tax paying citizen of Kings Mountain who resided inside the city limits you would receive a 50% discount. The council felt that since the citizens paid for the lake with the bond revenue and the increased utility bills over the years, you should receive the discount. He further stated that it was stated that once the lake was paid for then the water bills would be reduced by 90% to make up for that surcharge.

Mr. Maney further stated that the citizens of Kings Mountain are very upset over this bill, and very opposed to this latest substitute bill. He further stated that the original bill varies greatly from this substitute bill and expressed total opposition. He stated that this bill takes away from the city and gives it to a body which does not pay taxes to Kings Mountain, and gives it to lake residents and one county commissioner who will take control of the city's water resource. He expressed his concerns regarding the liability of the city.

Upon completion of Mr. Maney's remarks, Chairman Hill recognized Rep. Clary who pointed out to the subcommittee members several points. One was that federal funding was used for the lake, and that the city has done a very poor job regarding security at the lake. She further stated that these homeowners had no input into lake matters and that of the \$200 fee, \$39,000 went into the general fund and that these funds were used for other purposes. She stated that this was more a matter of principal. With regard to the city's representation, she stated that the legislation provides for an authority to have two people from the city council appointed by council, and two people from the homeowners appointed by that group and one county commissioner.

Chairman Hill then recognized Rep. Cunningham who asked if the Mayor could speak. Chairman Hill stated that it would have to be brief, and recognized Rep. Morgan who asked if he could outline for the subcommittee members the track this particular bill had taken since its introduction. (See attachment) At this point Rep. Clary stated that there were problems with giving the city full authority on the 8 foot buffer strip around the lake. A compromise issue was worked into this legislation which saved the city the \$16,000.

Chairman Hill recognized Mayor G. Scott Neisler to come forward and state his position with regard to the bill. Mayor Neisler thanked the subcommittee and Chairman Hill for the opportunity to state their case which he stated was not the case with the Rules Committee. Rep. Morgan asked to be heard and Chairman Hill agreed. Rep. Morgan asked Mayor Neisler if he had in fact made a request of the Rules Committee to speak, and the Mayor stated that a request had not been made, but they were not aware of the scheduling for the amended bill.

The Mayor stated that this bill before the subcommittee today was a 180 degree turn from the actual request. He went on to state that the issue of security was of great concern to him so that the city could do a total police jurisdiction. He further stated that the city did not do a good job in years past in the upkeep of this lake, but they had not had a true picture of what it actually costs to operate this lake. We feel the fee structures based on user fee is a more fair and equitable situation for all concerned. We are not willing to let the county citizens and other people other than Kings Mountain pay for recreation on Moss Lake. Strictly a user based situation would be better.

The Mayor stated that this lake was solely paid for by a bond referendum by the citizens of Kings Mountain.

Rep. Clary then stated that there had been some inequities with regard to how much each individual homeowner paid.

At this point Chairman Hill recognized Rep. Cunningham who stated that the original bill was the one agreed upon - not this substitute before the members now. He further stated that he felt this would be an unfair situation.

Chairman Hill then recognized Rep. Weatherly who stated that the original bill was at the request of the city. He stated that the substitute bill only represents the original bill in the manner of some annexation - it annexes the dam and the water plant, but the original would have annexed the entire lake with the control strip. He further stated that he had been hopeful that the city would indicate some moderation in their stance as to fees which more than doubled and other assessments. He stated that there are inequities and some misjudgment on the part of the land owners who have collected fees and have hired a lawyer and if a consensus is not reached considerable litigation will result. However, it would be best if this could be avoided. He further stated that he is still waiting for the city to reach a moderating stance. There is so much misinformation. He further stated that the people in Kings Mountain have paid for that lake, it is their lake, and this authority in the bill takes their lake away from them. Rep. Weatherly stated that if he had to vote on this bill at this time, he would hope that the city would take a different stance - fees need to be addressed more and an authority is needed. He stated further that he is a property owner. He expressed his dismay with the entire situation.

Chairman Hill recognized Mayor Neisler who stated that the City of Kings Mountain is indeed trying to moderate and meet the lake owners. We want to form a committee to address these issues, particularly the issue of fees. He further stated that he realizes the city has done a bad job out at the lake, but that they want to do better.

Rep. McComas had a question with regard to how long the situation had been going on particularly with regard to escalating of fees. Rep. Clary stated that the fees began escalating approximately two years ago. Chairman Hill opened the floor to questions from the other members of the subcommittee who indicated their support of the bill before them. Rep. Rayfield questioned how long the city owned the lake which is located 5 ½ miles from the city and 4 ½ miles from the ETJ. Mayor Neisler stated that the city had owned the lake since 1968. The Mayor stated that he felt that those who impact the lake more should pay more.

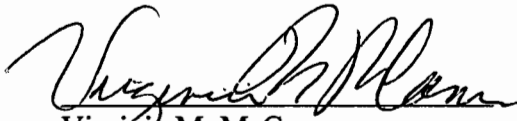
Additional discussion continued and Chairman Hill recognized Rep. Clary for one last comment. Rep. Clary stated that before this piece of legislation the city has no

--5-

authority whatsoever to charge this fee. She stated that this will give the city a stronger stance to collect the fee from all the homeowners.

Chairman Hill called for the vote (See attached roll call) 8 yes and 1 no. The bill was given a favorable report. Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

A G E N D A

Wednesday, July 2, 1997

CALL TO ORDER: Rep. Dewey L. Hill, Chairman

BILLS TO BE DISCUSSED:

HB 777, Kings Mt. Annexation/Moss Lake Use.....Rep. Weatherly

SB 548, Stokes/Delinquent Prop. Taxes.....Senator Foxx

ADJOURNMENT

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **FINANCE, Local, Regional & State Revenues** will meet as follows:

DAY & DATE: **Wednesday, July 2, 1997**

TIME: **1:30 P.M.**

LOCATION: **421 LOB**

PLEASE NOTE ROOM AND TIME CHANGE

The following bills will be considered (Bill # & Short Title):
No change in agenda.

Respectfully,

Representative Dewey L. Hill
Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
on , 1997.

____ Principal Clerk
____ Reading Clerk - House Chamber

(Committee Clerk)

North Carolina General Assembly
HISTORY OF HOUSE BILL H 777
KINGS MT. ANNEXATION/MOSS LAKE USE
by: WEATHERLY

Date: 7/ 3/97
Time: 4:17 p.m.
Page: 1
Leg. day:H-090/S-090

Introduced 4- 3-97 by: CLARY, DEDMON, WEATHERLY
Counties : CLEVELAND, GASTON

Date		Action
4- 3-97	H	REF TO COM ON LOC&RGII
4-16-97	H	REPTD FAV
4-16-97	H	RE-REF COM ON FINANCE
4-23-97	H	ASSIGNED TO FIN-REV
4-29-97	H	REPTD FAV
4-29-97	H	CAL PURSUANT RULE 36(A)
4-30-97	H	PLACED ON CAL FOR 04-30
4-30-97	H	WITHDRAWN FROM CAL
4-30-97	H	RE-REF COM ON RULES
6-26-97	HA	REPTD FAV COM SUBSTITUTE
6-26-97	H	RE-REF COM ON FINANCE
7- 1-97	H	ASSIGNED TO FIN-REV
7- 3-97	HA	REPTD FAV COM SUBSTITUTE
7- 3-97	H	CAL PURSUANT RULE 36(A)
7- 3-97	H	PLACED ON CAL FOR 07-07

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 777

Committee Substitute Favorable 6/26/97
Proposed Committee Substitute H777-CSLB-2

Short Title: Kings Mt. Annexation/Moss Lake Use. (Local)

Sponsors:

Referred to:

April 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE CITY OF KINGS MOUNTAIN TO ANNEX CERTAIN
3 NONCONTIGUOUS PROPERTY, PROHIBITING THE CITY FROM RESTRICTING
4 RECREATIONAL USES OF MOSS LAKE, AND REQUIRING THE CITY TO
5 CREATE AN AUTHORITY TO ADDRESS ISSUES RELATED TO MOSS LAKE.
6 The General Assembly of North Carolina enacts:
7 Section 1. Notwithstanding the provisions of G.S. 160A-
8 58.7 and G.S. 160A-58.1(b), the City of Kings Mountain may annex
9 under Part 4 of Article 4A of Chapter 160A of the General
10 Statutes the property on which the John Henry Moss Water
11 Treatment Plant and Moss Lake Dam are situated.
12 Section 2. The boundaries of any area annexed under
13 this act shall not be considered the primary corporate limits of
14 the City for the purpose of Part 4 of Article 4A of Chapter 160A
15 of the General Statutes, and shall not be considered the boundary
16 of the municipality for the purpose of Part 1, 2, or 3 of that
17 Article, even if the area becomes contiguous due to annexation of
18 the intervening property.
19 Section 3. Except as provided in Chapter 166A of the
20 General Statutes, neither the Moss Lake Authority nor the City of
21 Kings Mountain may restrict recreational uses of Moss Lake that

1 are allowed on June 1, 1997. Except as provided by Chapter 166A
2 of the General Statutes or any safety ordinances, homeowners who
3 are current on any fees or assessments shall have unlimited
4 access to the waterfront.

5 Homeowners may make improvements on the control strip
6 that both enhance recreational use of the lake and do not violate
7 any city ordinance in effect on June 1, 1997.

8 Section 4. (a) The Moss Lake Authority may charge
9 owners of property situated on the waterfront of Moss Lake a user
10 fee for the use of the eight-foot control strip of property
11 around the lake and for recreational use of the lake. However,
12 the fee may not exceed the amount determined by the audit under
13 Section 6 of this act to cover expenses that primarily and
14 directly benefit the property owners. This is to be a pro rata
15 share of all items determined by the audit under Section 6 of
16 this act as recreation expense impacted by waterfront homeowners
17 usage, nonwaterfront lake homeowners who use the lake for
18 recreational purposes, and nonwaterfront recreational users. Any
19 fees collected by the Authority shall be deposited in the city
20 fund created under Section 4(d) of this act.

21 (b) Notwithstanding subsection (a) of this section, the
22 fees authorized by subsection (a) of this section may not be used
23 for expenses relating to:

24 (1) Public swimming areas and buildings utilized for
25 public swimming and concessions for public
26 swimming; or

27 (2) Water treatment and reservoir functions.

28 These items are the responsibility of the City of Kings
29 Mountain.

30 (c) In any case where expenses are to be prorated, the
31 amount to be charged to user fees shall be determined by the Moss
32 Lake Authority subject to change based on the audit findings as
33 provided by Section 6 of this act.

34 (d) When establishing a fee schedule as authorized by
35 this section, the component of the fee relating to lot ownership
36 shall provide for an equal fee per lot for all developed lots.

37 (e) The City shall establish and maintain a separate
38 fund for all user fees collected from Moss Lake property owners
39 and nonresident fees for use of recreation facilities at Moss
40 Lake. The expenditure of these fees is limited to operation of
41 Moss Lake and cannot be transferred to any other fund of the
42 City.

43 Section 5. There is established the Moss Lake
44 Authority which shall consist of two members of the Kings

1 Mountain City Council appointed by that Council, one member of
2 the Cleveland County Board of Commissioners appointed by that
3 Board, and two members of the Moss Lake Property Owners'
4 Association appointed by that Association. Members shall serve
5 for a term of three years, except that the city clerk of the City
6 of Kings Mountain shall randomly designate two of the initial
7 members to serve initial two-year terms and one of the initial
8 members to serve an initial one-year term. The Authority shall
9 be responsible for addressing issues related to user fees, lake
10 patrol, and the operation, maintenance, and improvement of the
11 Lake related to recreation only. The Authority shall report on
12 these issues to the Kings Mountain City Council and shall have
13 the power provided by this act to implement its recommendations.

14 Section 6. (a) Prior to August 30, 1997, the Moss Lake
15 Authority shall cause an independent audit to be conducted of the
16 City of Kings Mountain expenses related to Moss Lake to determine
17 whether fees that will be charged to property owners by the City
18 for the use of the Lake during the 1997-98 fiscal year and in
19 future years are fair and equitable. The Authority shall
20 authorize an independent audit of the City's expenses related to
21 Moss Lake to be conducted every two years.

22 (b) The audit shall include an assessment of the cost
23 of services provided to the property owners by the City,
24 including security and cleanup costs. If the audit finds that
25 property owners are being charged excessive fees, the City shall
26 reimburse the property owners the amount that is determined to be
27 excessive. If it is found that property owners are being charged
28 less than a fair and equitable fee, the City shall bill the
29 property owners for the difference as a special assessment. The
30 cost of the audits shall be paid from fees paid by the property
31 owners to the City.

32 (c) The Moss Lake Authority shall determine an
33 equitable method for allocation of pro rata cost based on boat
34 registration for homeowners of lakefront property and nonlake
35 resident registration from 1996 accounting reports of the City of
36 Kings Mountain.

37 (d) Fees shall be equitable for property owners and
38 nonproperty owners and for assessment of fees for all boats,
39 whether fishing and recreational.

40 Section 7. This act becomes effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 777
Committee Substitute Favorable 6/26/97

Short Title: Kings Mt. Annexation/Moss Lake Use.

(Local)

Sponsors:

Referred to:

April 3, 1997

1 A BILL TO BE ENTITLED

2 AN ACT AUTHORIZING THE CITY OF KINGS MOUNTAIN TO ANNEX
3 CERTAIN NONCONTIGUOUS PROPERTY, PROHIBITING THE CITY FROM
4 RESTRICTING RECREATIONAL USES OF MOSS LAKE, AND REQUIRING
5 THE CITY TO CREATE AN AUTHORITY TO ADDRESS ISSUES RELATED
6 TO MOSS LAKE.

7 The General Assembly of North Carolina enacts:

8 Section 1. Notwithstanding the provisions of G.S. 160A-58.7 and G.S.
9 160A-58.1(b), the City of Kings Mountain may annex under Part 4 of Article 4A of
10 Chapter 160A of the General Statutes the property on which the John Henry Moss
11 Water Treatment Plant and Moss Lake Dam are situated.

12 Section 2. The boundaries of any area annexed under this act shall not
13 be considered the primary corporate limits of the City for the purpose of Part 4 of
14 Article 4A of Chapter 160A of the General Statutes, and shall not be considered the
15 boundary of the municipality for the purpose of Part 1, 2, or 3 of that Article, even if
16 the area becomes contiguous due to annexation of the intervening property.

17 Section 3. Except as provided in Chapter 166A of the General Statutes,
18 the City of Kings Mountain may not restrict recreational uses of Moss Lake that are
19 allowed on June 1, 1997. Except as provided by Chapter 166A of the General
20 Statutes or any safety ordinances, homeowners who are current on any fees or
21 assessments shall have unlimited access to the waterfront.

1 Homeowners may make improvements on the control strip that both
2 enhance recreational use of the lake and do not violate any city ordinance in effect
3 on June 1, 1997.

4 Section 4. (a) The City of Kings Mountain may charge owners of
5 property situated on the waterfront of Moss Lake a user fee for the use of the eight-
6 foot control strip of property around the lake and for recreational use of the lake.
7 However, the fee may not exceed the amount determined by the audit under Section
8 6 of this act to cover expenses that primarily and directly benefit the property owners.
9 This is to be a pro rata share of all items determined by the audit under Section 6 of
10 this act as recreation expense impacted by waterfront homeowners usage,
11 nonwaterfront lake homeowners who use the lake for recreational purposes, and
12 nonwaterfront recreational users.

13 (b) Notwithstanding subsection (a) of this section, the fees authorized by
14 subsection (a) of this section may not be used for expenses relating to:

15 (1) Public swimming areas and buildings utilized for public swimming
16 and concessions for public swimming; or

17 (2) Water treatment and reservoir functions.

18 These items are the responsibility of the City of Kings Mountain.

19 (c) In any case where expenses are to be prorated, the amount to be
20 charged to user fees shall be determined by the City of Kings Mountain subject to
21 change based on the audit findings as provided by Section 6 of this act.

22 (d) When establishing a fee schedule as authorized by this section, the
23 component of the fee relating to lot ownership shall provide for an equal fee per lot
24 for all developed lots.

25 (e) The City shall establish and maintain a separate fund for all user fees
26 collected from Moss Lake property owners and nonresident fees for use of recreation
27 facilities at Moss Lake. The expenditure of these fees is limited to operation of Moss
28 Lake and cannot be transferred to any other fund of the City.

29 Section 5. There is established the Moss Lake Authority which shall
30 consist of two members of the Kings Mountain City Council appointed by that
31 Council, one member of the Cleveland County Board of Commissioners appointed by
32 that Board, and two members of the Moss Lake Property Owners' Association
33 appointed by that Association. Members shall serve for a term of three years, except
34 that the city clerk of the City of Kings Mountain shall randomly designate two of the
35 initial members to serve initial two-year terms and one of the initial members to serve
36 an initial one-year term. The Authority shall be responsible for addressing issues
37 related to user fees, lake patrol, and the operation, maintenance, and improvement of
38 the Lake. The Authority shall report and make recommendations on these issues to
39 the Kings Mountain City Council.

40 Section 6. (a) Prior to August 30, 1997, the Moss Lake Authority shall
41 cause an independent audit to be conducted of the City of Kings Mountain expenses
42 related to Moss Lake to determine whether fees that will be charged to property
43 owners by the City for the use of the Lake during the 1997-98 fiscal year and in

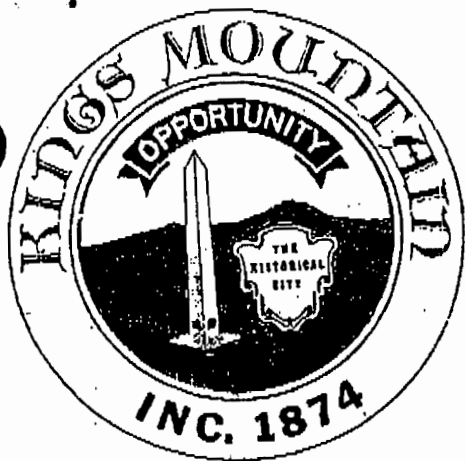
1 future years are fair and equitable. The Authority shall authorize an independent
2 audit of the City's expenses related to Moss Lake to be conducted every two years.

3 (b) The audit shall include an assessment of the cost of services provided
4 to the property owners by the City, including security and cleanup costs. If the audit
5 finds that property owners are being charged excessive fees, the City shall reimburse
6 the property owners the amount that is determined to be excessive. If it is found that
7 property owners are being charged less than a fair and equitable fee, the City shall
8 bill the property owners for the difference as a special assessment. The cost of the
9 audits shall be paid from fees paid by the property owners to the City.

10 (c) The Moss Lake Authority shall determine an equitable method for
11 allocation of pro rata cost based on boat registration for homeowners of lakefront
12 property and nonlake resident registration from 1996 accounting reports of the City
13 of Kings Mountain.

14 (d) Fees shall be equitable for property owners and nonproperty owners
15 and for assessment of fees for all boats, whether fishing and recreational.

16 Section 7. This act becomes effective July 1, 1997.



FAX TRANSMISSION COVER SHEET

**CITY OF KINGS MOUNTAIN
101-103 WEST GOLD STREET
POST OFFICE BOX 429
KINGS MOUNTAIN, NC 28086**

FAX # (704) 734-4619
PHONE # (704) 734-0333

TO: Dewey Hill

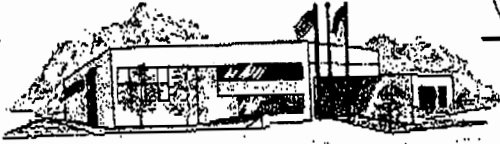
FAX #: (919) 733-2599

FROM: Jimmy Maney TITLE: City Manager

NUMBER OF PAGES TO FOLLOW: 1

MESSAGE: _____

THE CITY OF KINGS MOUNTAIN NORTH CAROLINA



P.O. BOX 429 • KINGS MOUNTAIN, NORTH CAROLINA 28086 • 704-734-0333

OFFICE OF THE
MAYOR*G. Scott Neisler*OFFICE OF THE
CITY MANAGER

MEMORANDUM

DATE: July 1, 1997

TO: Dewey Hill, Chairman
Finance Sub-Committee

FROM: Jimmy R. Maney, City Manager *[Signature]*

SUBJECT: *Substitute of House Bill 777*

As City Manager of the City of Kings Mountain and on behalf of Mayor and City Councilmembers, we respectively request to be heard on the above subject matter which is calendared for action by your sub-committee Tuesday, July 8th, 1997 at 12:00 noon. Please let me know if we will be allowed to participate. My telephone number is (704) 734-0333, ext. 606. My fax number is (704) 734-4619.

Please contact me as soon as possible with your reply. Respectively submitted.

JRM/mhs

VISITOR REGISTRATION SHEET

FINANCE/Local, Regional & State Revenues

Wednesday, July 2, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

[illegible]

ROLL CALL VOTE

$$\frac{8}{\text{YES}} \quad \frac{1}{\text{NO}} = \underline{\hspace{1cm}} (\text{TOTAL})$$

HB# 777
SB#

House Subcommittee on Local, Regional, and State Revenues

[illegible]

File

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 777

☐ A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY
OF KINGS MOUNTAIN TO ANNEX CERTAIN NONCONTIGUOUS PROPERTY, PROHIBITING
THE CITY FROM RESTRICTING RECREATIONAL USES OF MOSS LAKE, AND REQUIRING
THE CITY TO CREATE AN AUTHORITY TO ADDRESS ISSUES RELATED TO MOSS LAKE.

REPORTED TO THE STANDING COMMITTEE ON

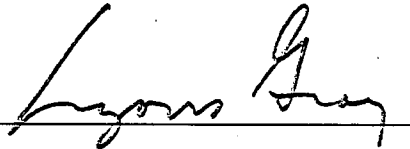
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (# 2), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # 1). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: July 8, 1997

The subcommittee met in Room 415, Legislative Office Building at 1:00 P.M. Those members in attendance were: Rep. Charles Buchanan; Rep. Russell Capps; Rep. Andrew Dedmon; Rep. Rick Eddins; Rep. Danny McComas; Rep. Mia Morris; Rep. John Rayfield and Rep. Edgar Starnes.

Chairman Hill called the meeting to order and recognized Randy Morris and Adam Hurley who were serving as Pages for the General Assembly this week. The chairman then called upon Rep. Redwine to come forward and support his bill, HB 859, Various Room Tax Changes. Chairman Hill recognized Rep. Buchanan who made a motion that the subcommittee adopt, for discussion purposes, a proposed committee substitute for HB 859, and the motion carried.

Rep. Redwine stated that the bill allows Brunswick County to levy a 1% occupancy tax. He further stated that the money will go to a Tourism Development Authority, with a limit on administrative expenses, which includes salary and expenses. Rep. Redwine further stated that this does not include Bald Head Island as they have in place a 6% occupancy tax. This bill also allows the Town of Shallotte to levy a 3% occupancy tax with proceeds to be distributed by a five member TDA. This bill also gives the remaining counties the option of adding an additional 2% to be used for beach renourishment. He further stated that he has met all the criteria of the Travel & Tourism Department, and that he knows of no objection to the bill. Rep. Redwine further stated that part of the bill allows Person County the opportunity to do this also, and that Rep. Mike Wilkins was in attendance today to speak to that part of the bill.

Chairman Hill called Rep. Wilkins to come forward and support this particular portion of the bill. Rep. Wilkins stated that the differences with an earlier proposal had been worked and that an accord had been reached. There were no further questions on the bill and Rep. Buchanan made a motion for a favorable report on the committee substitute and unfavorable on the original bill. The motion carried.

Chairman Hill called upon Rep. Doug Yongue to come forward and explain SB 585, Lumberton/Shelby Room Tax Changes. Rep. Yongue stated that there was a proposed committee substitute for the bill, and Chairman Hill recognized Rep. Buchanan who made the motion for adoption for discussion purposes, and the motion carried. Rep. Yongue stated that Lumberton currently has a 3% room occupancy tax and this bill proposes to increase it to 6% and that there is a sunset clause in the bill as well which would expire in the year 2000.

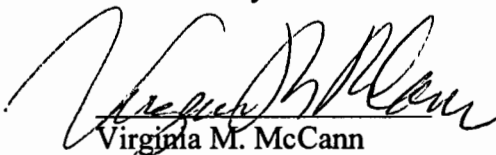
Chairman Hill recognized Rep. Buchanan who made the motion for a favorable report on the committee substitute, unfavorable on the original bill. The motion carried.

Chairman Hill recognized Rep. Decker to come forward and support HB631, Forsyth Local Act. Rep. Buchanan made the motion to adopt the proposed committee substitute for discussion purposes and the motion carried. Rep. Decker stated that bill had been rewritten to the satisfaction of all concerned, and proceeded to explain the distribution of the money. Rep. Decker stated that 4% would go to Travel & Tourism, the remaining 2% - 10% of that will go to city and county for economic development - 10% of that will go to a municipality that produces hotel motel revenues, which are Kernersville and Clemmons. They must use 2/3 for travel and tourism promotion and 1/3 for tourism related activity. A brief discussion continued and Chairman Hill recognized Rep. Buchanan who made a motion for a favorable report on the committee substitute, and unfavorable on the original bill. The motion carried.

Chairman Hill recognized Rep. Rick Eddins to come forward and support HB 568, Wake Forest Annexation. Rep. Eddins stated that there was a proposed committee substitute for the bill and the Chairman recognized Rep. Buchanan who made the motion that the subcommittee adopt it for discussion purposes. The motion carried. Rep. Eddins stated that the bill allows Wake Forest to annex one specific property. He further stated that he received a fax yesterday requesting that two additional owners of property requested that they be added to the bill. He further stated that staff was in the process of working out the specific tax parcel identifications. He requested of the subcommittee their approval of holding the bill until such time as the ID's were received. He further stated that the bill was time sensitive. Chairman Hill advised the members that he had no problem with this if it met with the approval of the members. Chairman Hill recognized Rep. Capps who made the motion for a favorable report on the committee substitute and unfavorable as to the original bill. The motion carried.

There being no further business, Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

file

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 859
Committee Substitute Favorable 7/3/97
Proposed Committee Substitute H859-PCSX7345

Short Title: Various Room Tax Changes.

(Local)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE BRUNSWICK COUNTY TO LEVY A ROOM
3 OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO AUTHORIZE
4 CERTAIN MUNICIPALITIES IN BRUNSWICK COUNTY TO LEVY OR
5 INCREASE LOCAL OCCUPANCY TAXES, AND TO AUTHORIZE PERSON
6 COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM
7 DEVELOPMENT TAX.

8 The General Assembly of North Carolina enacts:

9 Section 1. Brunswick County occupancy tax. (a) Authorization and
10 scope. The Brunswick County Board of Commissioners may levy a room occupancy
11 tax of one percent (1%) of the gross receipts derived from the rental of any room,
12 lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar
13 place within the county that is subject to sales tax imposed by the State under G.S.
14 105-164.4(a)(3) and from the rental of private residences and cottages within the
15 county that are exempt from the sales tax imposed under G.S. 105-164.4(a)(3) solely
16 because they are rented for less than 15 days. This tax is in addition to any State or
17 local sales tax. This tax does not apply to accommodations furnished by nonprofit
18 charitable, educational, or religious organizations when furnished in furtherance of
19 their nonprofit purpose, or to accommodations subject to a municipal room
20 occupancy tax at the rate of six percent (6%).

(b) Administration. A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

(c) Distribution and use of tax revenue. Brunswick County shall, on a monthly basis, remit the net proceeds of the occupancy tax to the Brunswick Tourism Development Authority. The Authority shall use the funds remitted to it under this subsection to promote travel and tourism in Brunswick County. No more than ten percent (10%) of the funds remitted to the Authority under this subsection may be used for the Authority's administrative expenses, including salaries and benefits.

The following definitions apply in this subsection:

(1) Net proceeds. -- Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the gross proceeds.

(2) Promote travel and tourism. -- To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.

Section 2. Brunswick Tourism Development Authority. (a) Appointment and membership. When the board of commissioners of Brunswick County adopts a resolution levying a room occupancy tax under Section 1 of this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The Authority shall have 10 members appointed by the Brunswick County Commissioners as follows:

(1) Five individuals who are currently involved in the promotion of travel and tourism, selected by the Brunswick County Commissioners.

(2) Five individuals selected jointly by the South Brunswick Islands Chamber of Commerce and the Southport-Oak Island Chamber of Commerce.

The resolution shall provide for the members' terms of office and for the filling of vacancies on the Authority. The board of commissioners shall designate one member of the Authority as chair. Members of the Authority shall serve without compensation.

The Authority shall meet monthly and shall adopt rules of procedure to govern its meetings. The Finance Officer for Brunswick County shall be the ex officio finance officer of the Authority.

(b) Duties. The Authority shall expend the net proceeds of the tax levied under Section 1 of this act to promote travel and tourism in Brunswick County as provided in Section 1 of this act. The Authority shall promote travel, tourism, and conventions in the county.

(c) Reports. The Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

Section 3. County administrative provisions. Section 3(b) of S.L. 1997-102, as amended by Section 2 of S.L. 1997-255, reads as rewritten:

"(b) This section applies only to ~~Madison and Nash~~ Brunswick, Madison, Nash, and Person Counties."

Section 4. Conforming change. Section 2(a2) of Chapter 664 of the 1991 Session Laws, as enacted by Chapter 617 of the 1993 Session Laws, is repealed.

Section 5. Municipal administrative provisions. (a) Article 9 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-215. Uniform provisions for room occupancy taxes.

(a) Scope. -- This section applies only to municipalities the General Assembly has authorized to levy room occupancy taxes. For the purpose of this section, the term 'city' means a municipality.

(b) Levy. -- A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. -- Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing city. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing city shall design, print, and furnish to all appropriate businesses and persons in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing city a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. -- The taxing city shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the city finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the taxing city. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the city finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. -- A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is

1 subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file
2 a return for State sales and use taxes. The governing board of the taxing city has the
3 same authority to waive the penalties for a room occupancy tax that the Secretary of
4 Revenue has to waive the penalties for State sales and use taxes.

5 (f) Repeal or Reduction. -- A room occupancy tax levied by a city may be
6 repealed or reduced by a resolution adopted by the governing body of the city.
7 Repeal or reduction of a room occupancy tax shall become effective on the first day
8 of a month and may not become effective until the end of the fiscal year in which the
9 resolution was adopted. Repeal or reduction of a room occupancy tax does not affect
10 a liability for a tax that was attached before the effective date of the repeal or
11 reduction, nor does it affect a right to a refund of a tax that accrued before the
12 effective date of the repeal or reduction."

13 (b) This section applies only to the municipalities in Brunswick County.

14 Section 6. Shallotte occupancy tax. (a) Authorization and scope. The
15 Board of Aldermen of the Town of Shallotte may levy a room occupancy tax of up to
16 three percent (3%) of the gross receipts derived from the rental of any room, lodging,
17 or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place
18 within the town that is subject to sales tax imposed by the State under G.S.
19 105-164.4(a)(3) and from the rental of private residences and cottages within the town
20 that are exempt from the sales tax imposed under G.S. 105-164.4(a)(3) solely because
21 they are rented for less than 15 days. This tax is in addition to any State or local
22 sales tax. This tax does not apply to accommodations furnished by nonprofit
23 charitable, educational, or religious organizations when furnished in furtherance of
24 their nonprofit purpose.

25 (b) Administration. A tax levied under this section shall be levied,
26 administered, collected, and repealed as provided in G.S. 160A-215. The penalties
27 provided in G.S. 160A-215 apply to a tax levied under this section.

28 (c) Distribution and use of tax revenue. The Town of Shallotte shall, on
29 a quarterly basis, remit the net proceeds of the occupancy tax to the Shallotte
30 Tourism Development Authority. The Authority shall use at least one-half of the
31 funds remitted to it under this subsection to promote travel and tourism in Shallotte
32 and shall use the remainder for tourism-related expenditures.

33 The following definitions apply in this subsection:

34 (1) Net proceeds. -- Gross proceeds less the cost to the town of
35 administering and collecting the tax, as determined by the finance
36 officer, not to exceed three percent (3%) of the first five hundred
37 thousand dollars (\$500,000) of gross proceeds collected each year
38 and one percent (1%) of the remaining gross receipts collected
39 each year.

40 (2) Promote travel and tourism. -- To advertise or market an area or
41 activity, publish and distribute pamphlets and other materials,
42 conduct market research, or engage in similar promotional
43 activities that attract tourists or business travelers to the area; the

1 term includes administrative expenses incurred in engaging in the
2 listed activities.

3 (3) Tourism-related expenditures. -- Expenditures that, in the
4 judgment of the Authority, are designed to increase the use of
5 lodging facilities, meeting facilities, or convention facilities in the
6 town or to attract tourists or business travelers to the town. The
7 term includes tourism-related capital expenditures.

8 Section 7. Shallotte Tourism Development Authority. (a) Appointment
9 and membership. When the Board of Aldermen of the Town of Shallotte adopts a
10 resolution levying a room occupancy tax under Section 6 of this act, it shall also
11 adopt a resolution creating a town Tourism Development Authority, which shall be a
12 public authority under the Local Government Budget and Fiscal Control Act. The
13 Authority shall have five members appointed by the board of aldermen. The
14 resolution shall provide for the membership of the Authority, including the members'
15 terms of office, and for the filling of vacancies on the Authority. At least one-third of
16 the members must be individuals who are affiliated with businesses that collect the
17 tax in the town and at least three-fourths of the members must be individuals who are
18 currently active in the promotion of travel and tourism in the town. The Board of
19 Aldermen of the Town of Shallotte shall designate one member of the Authority as
20 chair and shall determine the compensation, if any, to be paid to members of the
21 Authority.

22 The Authority shall meet at the call of the chair and shall adopt rules of
23 procedure to govern its meetings. The Finance Officer for the Town of Shallotte
24 shall be the ex officio finance officer of the Authority.

25 (b) Duties. The Authority shall expend the net proceeds of the tax
26 levied under Section 6 of this act for the purposes provided in Section 6 of this act.
27 The Authority shall promote travel, tourism, and conventions in the town, sponsor
28 tourist-related events and activities in the town, and finance tourist-related capital
29 projects in the town.

30 (c) Reports. The Authority shall report quarterly and at the close of the
31 fiscal year to the Board of Aldermen of the Town of Shallotte on its receipts and
32 expenditures for the preceding quarter and for the year in such detail as the board
33 may require.

34 Section 8. Caswell Beach occupancy tax changes. Section 1 of Chapter
35 664 of the 1991 Session Laws reads as rewritten:

36 "Section 1. Caswell Beach Occupancy Tax. (a) Authorization and Scope. The
37 Board of Commissioners of the Town of Caswell Beach may ~~by resolution, after not~~
38 ~~less than 10 days' public notice and a public hearing held pursuant thereto,~~ levy a
39 room occupancy tax of up to three percent (3%) of the gross receipts derived from
40 the rental of accommodations within the town that are subject to sales tax imposed by
41 the State under G.S. 105-164.4(a)(3) and from the rental of private residences and
42 cottages within the town that are exempt from the sales tax imposed under G.S. 105-
43 164.4(a)(3) solely because they are rented for less than 15 days.

1 (a1) Authorization of Additional Tax. In addition to the tax authorized by
2 subsection (a) of this section, the Board of Commissioners of the Town of Caswell
3 Beach may levy an additional room occupancy tax of up to two percent (2%) of the
4 gross receipts derived from the rental of accommodations taxable under subsection
5 (a). The levy, collection, administration, and repeal of the tax authorized by this
6 subsection shall be in accordance with the provisions of this section. The Town of
7 Caswell Beach may not levy a tax under this subsection unless it also levies the tax
8 authorized under subsection (a) of this section.

9 (b) Administration. A tax levied under this section shall be levied, administered,
10 collected, and repealed as provided in G.S. 160A-215. The penalties provided in
11 G.S. 160A-215 apply to a tax levied under this section.

12 ~~Collection. Every operator of a business subject to the tax levied by this act shall, on~~
13 ~~and after the effective date of the tax, collect the tax. This tax shall be collected as~~
14 ~~part of the charge for furnishing a taxable accommodation. The tax shall be stated~~
15 ~~and charged separately from the sales records, and shall be paid by the purchaser to~~
16 ~~the operator of the business as trustee for and on account of the town. The~~
17 ~~occupancy tax levied under this act shall be added to the sales price and shall be~~
18 ~~passed on to the purchaser instead of being borne by the owner of the business. The~~
19 ~~town shall design, print, and furnish to all appropriate businesses in the town the~~
20 ~~necessary forms for filing returns and instructions to ensure the full collection of the~~
21 ~~tax.~~

22 ~~(c) Administration. The town shall administer the occupancy tax levied under~~
23 ~~this act. A tax levied under this act is due and payable to the town tax collector in~~
24 ~~monthly installments on or before the fifteenth day of the month following the month~~
25 ~~in which the tax accrues. Every person, firm, or corporation liable for the tax shall,~~
26 ~~on or before the fifteenth day of each month, prepare and render a return on a form~~
27 ~~prescribed by the town. The return shall state the total gross receipts derived in the~~
28 ~~preceding month from rentals upon which the tax is levied.~~

29 ~~A return filed with the town tax collector under this act is not a public record as~~
30 ~~defined by G.S. 132-1 and may not be disclosed except as required by law.~~

31 ~~(d) Penalties. A person, firm, corporation, or association who fails or refuses to~~
32 ~~file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each~~
33 ~~day's omission. In case of failure or refusal to file the return or pay the tax for a~~
34 ~~period of 30 days after the time required for filing the return or for paying the tax,~~
35 ~~there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in~~
36 ~~addition to any other penalty, with an additional penalty of five percent (5%) for~~
37 ~~each additional month or fraction thereof until the tax is paid. The board of~~
38 ~~commissioners may, for good cause shown, compromise or forgive the additional tax~~
39 ~~penalties imposed by this subsection.~~

40 ~~Any person who willfully attempts in any manner to evade a tax imposed under~~
41 ~~this act or who willfully fails to pay the tax or make and file a return shall, in~~
42 ~~addition to all other penalties provided by law, be guilty of a misdemeanor and shall~~
43 ~~be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment~~
44 ~~not to exceed six months, or both.~~

1 ~~(e)(c)~~ Use of Proceeds. The town may use the proceeds of a tax levied under ~~this~~
2 ~~act subsection (a) of this section~~ only for tourism-related expenditures. As used in
3 ~~this act, section~~, the term 'tourism-related expenditures' includes the following types
4 of expenditures: criminal justice system, fire protection, public facilities and utilities,
5 health facilities, solid waste and sewage treatment, and the control and repair of
6 waterfront erosion. These funds may not be used for services normally provided by
7 the town on behalf of its citizens unless these services promote tourism and enlarge
8 its economic benefits by enhancing the ability of the town to attract and provide for
9 tourists.

10 The town may use the proceeds of a tax levied under subsection (a1) of this
11 section only for beach renourishment.

12 ~~(f) Effective Date of Levy. A tax levied under this act shall become effective on~~
13 ~~the date specified in the resolution levying the tax. That date must be the first day of~~
14 ~~a calendar month, however, and may not be earlier than the first day of the second~~
15 ~~month after the date the resolution is adopted.~~

16 ~~(g) Repeal. The Board of Commissioners of the Town of Caswell Beach may by~~
17 ~~resolution repeal a tax levied under this act. Repeal of a tax levied under this act~~
18 ~~shall become effective on the first day of a month and may not become effective until~~
19 ~~the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax~~
20 ~~levied under this act does not affect a liability for a tax that was attached before the~~
21 ~~effective date of the repeal, nor does it affect a right to a refund of a tax that accrued~~
22 ~~before the effective date of the repeal."~~

23 Section 9. Holden Beach occupancy tax changes. Section 1 of Chapter
24 963 of the 1987 Session Laws reads as rewritten:

25 "Section 1. Occupancy tax. (a) Authorization and scope. The Holden Beach
26 Town Council may ~~by resolution, after not less than 10 days' public notice and after~~
27 ~~a public hearing held pursuant thereto~~, levy a room occupancy tax of no more than
28 three percent (3%) of the gross receipts derived from the rental of any room, lodging,
29 or similar accommodation furnished by a hotel, motel, inn, or similar place within the
30 town that is subject to sales tax imposed by the State under G.S. ~~105-164.4(3)~~
31 105-164.4(a)(3) and on the rental of all private residences and cottages, regardless of
32 whether the residence or cottage is rented for less than 15 days. This tax is in
33 addition to any State or local sales tax. This tax does not apply to accommodations
34 furnished by nonprofit charitable, educational, or religious organizations.

35 (a1) Authorization of additional tax. In addition to the tax authorized by
36 subsection (a) of this section, the Holden Beach Town Council may levy an
37 additional room occupancy tax of up to two percent (2%) of the gross receipts
38 derived from the rental of accommodations taxable under subsection (a). The levy,
39 collection, administration, and repeal of the tax authorized by this subsection shall be
40 in accordance with the provisions of this section. The Holden Beach Town Council
41 may not levy a tax under this subsection unless it also levies the tax authorized under
42 subsection (a) of this section.

1 (b) Administration. A tax levied under this section shall be levied, administered,
2 collected, and repealed as provided in G.S. 160A-215. The penalties provided in
3 G.S. 160A-215 apply to a tax levied under this section.

4 ~~Collection.~~ Every operator of a business subject to the tax levied under this section
5 shall, on and after the effective date of the levy of the tax, collect the tax. This tax
6 shall be collected as part of the charge for furnishing a taxable accommodation. The
7 tax shall be stated and charged separately from the sales records, and shall be paid by
8 the purchaser to the operator of the business as trustee for and on account of the
9 town. The tax shall be added to the sales price and shall be passed on to the
10 purchaser instead of being borne by the operator of the business. The town shall
11 design, print, and furnish to all appropriate businesses and persons in the town the
12 necessary forms for filing returns and instructions to ensure the full collection of the
13 tax.

14 (c) ~~Administration.~~ The town shall administer a tax levied under this section. A
15 tax levied under this section is due and payable to the Holden Beach tax collector in
16 monthly installments on or before the 15th day of the month following the month in
17 which the tax accrues. Every person, firm, corporation, or association liable for the
18 tax shall, on or before the 15th day of each month, prepare and render a return on a
19 form prescribed by the town. The return shall state the total gross receipts derived in
20 the preceding month from rentals upon which the tax is levied. A return filed with
21 the tax collector under this section is not a public record as defined by G.S. 132-1
22 and may not be disclosed except as required by law.

23 The tax collector may collect any unpaid taxes levied under this act section
24 through the use of attachment and garnishment proceedings as provided in G.S.
25 105-368 for collection of property taxes. The tax collector has the same enforcement
26 powers concerning the tax imposed by this act as does the Secretary of Revenue in
27 enforcing the State sales tax under G.S. 105-164.30.

28 (d) ~~Penalties.~~ A person, firm, corporation, or association who fails or refuses to
29 file the return required by this section shall pay a penalty of ten dollars (\$10.00) for
30 each day's omission. In case of failure or refusal to file the return or pay the tax for
31 a period of 30 days after the time required for filing the return or for paying the tax,
32 there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in
33 addition to any other penalty, with an additional tax of five percent (5%) for each
34 additional month or fraction thereof until the tax is paid.

35 Any person who willfully attempts in any manner to evade a tax imposed under
36 this section or who willfully fails to pay the tax or make and file a return shall, in
37 addition to all other penalties provided by law, be guilty of a misdemeanor and shall
38 be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment
39 not to exceed six months, or both. The town council may, for good cause shown,
40 compromise or forgive the penalties imposed by this subsection.

41 (e) (c) Distribution and use of tax revenue. The tax collector shall remit the
42 proceeds of this tax to the town on a monthly basis. The funds received by the town
43 pursuant to this act proceeds of the tax levied under subsection (a) of this section
44 shall be allocated to a special fund and used only for tourism-related expenditures.

1 As used in this act, the term 'tourism-related expenditures' includes the following
2 types of expenditures: criminal justice system, fire protection, public facilities and
3 utilities, health facilities, solid waste and sewage treatment, and the control and repair
4 of water front erosion. These funds may not be used for services normally provided
5 by the town on behalf of its citizens unless these services promote tourism and
6 enlarge its economic benefits by enhancing the ability of the town to attract and
7 provide for tourists.

8 The town may use the proceeds of a tax levied under subsection (a1) of this
9 section only for beach renourishment.

10 ~~(f) Effective date of levy. A tax levied under this section shall become effective~~
11 ~~on the date specified in the resolution levying the tax. That date must be the first~~
12 ~~day of a calendar month, however, and may not be earlier than the first day of the~~
13 ~~second month after the date the resolution is adopted.~~

14 ~~(g) Repeal. A tax levied under this section may be repealed by a resolution~~
15 ~~adopted by the Holden Beach Town Council. Repeal of a tax levied under this~~
16 ~~section shall become effective on the first day of a month and may not become~~
17 ~~effective until the end of the fiscal year in which the repeal resolution was adopted.~~
18 ~~Repeal of a tax levied under this section does not affect a liability for a tax that was~~
19 ~~attached before the effective date of the repeal, nor does it affect a right to a refund~~
20 ~~of a tax that accrued before the effective date of the repeal."~~

21 Section 10. Ocean Isle Beach occupancy tax changes. Part IX of Chapter
22 908 of the 1983 Session Laws, as amended by Chapter 985 of the 1983 Session Laws
23 and Chapter 857 of the 1989 Session Laws, as it relates to the Town of Ocean Isle
24 Beach only, is reenacted and rewritten as Section 11 of this act.

25 Section 11. Ocean Isle Beach occupancy tax. (a) Authorization and
26 scope. The Board of Commissioners of the Town of Ocean Isle Beach may levy a
27 room occupancy tax of up to three percent (3%) of the gross receipts derived from
28 the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn,
29 tourist camp, or similar place within the town that is subject to sales tax imposed by
30 the State under G.S. 105-164.4(a)(3) and from the rental of private residences and
31 cottages, whether or not the residence or cottage is rented for less than 15 days. This
32 tax is in addition to any State or local sales tax.

33 (b) Authorization of additional tax. In addition to the tax authorized by
34 subsection (a) of this section, the Board of Commissioners of the Town of Ocean Isle
35 Beach may levy an additional room occupancy tax of up to two percent (2%) of the
36 gross receipts derived from the rental of accommodations taxable under subsection
37 (a). The levy, collection, administration, and repeal of the tax authorized by this
38 subsection shall be in accordance with the provisions of this section. The town
39 council may not levy a tax under this subsection unless it also levies the tax
40 authorized under subsection (a) of this section.

41 (c) Administration. A tax levied under this section shall be levied,
42 administered, collected, and repealed as provided in G.S. 160A-215. The penalties
43 provided in G.S. 160A-215 apply to a tax levied under this section.

1 The tax collector may collect any unpaid taxes levied under this section
2 through the use of attachment and garnishment proceedings as provided in G.S.
3 105-368 for collection of property taxes. The tax collector has the same enforcement
4 powers concerning the tax imposed by this act as does the Secretary of Revenue in
5 enforcing the State sales tax under G.S. 105-164.30.

6 (d) Distribution and use of tax revenue. The Town of Ocean Isle Beach
7 may use the proceeds of the tax levied pursuant to subsection (a) of this section only
8 for tourism-related expenditures. As used in this section, "tourism-related
9 expenditures" includes any of the following expenditures: criminal justice system, fire
10 protection, public facilities and utilities, health facilities, solid waste and sewage
11 treatment, and the control and repair of waterfront erosion. The term does not
12 include, however, expenditures for services normally provided by the town on behalf
13 of its citizens unless these services promote tourism and enlarge its economic benefits
14 by enhancing the ability of the town to attract and provide for tourists.

15 The Town of Ocean Isle Beach may use the proceeds of the tax levied
16 pursuant to subsection (b) of this section only for beach renourishment.

17 Section 12. Sunset Beach occupancy tax changes. Section 1 of Chapter
18 956 of the 1987 Session Laws reads as rewritten:

19 "Section 1. Occupancy tax. (a) Authorization and scope. The Sunset Beach
20 Town Council may ~~by resolution, after not less than 10 days' public notice and after~~
21 ~~a public hearing held pursuant thereto,~~ levy a room occupancy tax of no more than
22 three percent (3%) of the gross receipts derived from the rental of any room, lodging,
23 or similar accommodation furnished by a hotel, motel, inn, or similar place within the
24 town that is subject to sales tax imposed by the State under G.S. ~~105-164.4(3)~~
25 105-164.4(a)(3) and on the rental of all private residences and cottages, regardless of
26 whether the residence or cottage is rented for less than 15 days. This tax is in
27 addition to any State or local sales tax. This tax does not apply to accommodations
28 furnished by nonprofit charitable, educational, or religious organizations.

29 (a1) Authorization of additional tax. In addition to the tax authorized by
30 subsection (a) of this section, the Sunset Beach Town Council may levy an additional
31 room occupancy tax of up to two percent (2%) of the gross receipts derived from the
32 rental of accommodations taxable under subsection (a). The levy, collection,
33 administration, and repeal of the tax authorized by this subsection shall be in
34 accordance with the provisions of this section. The Town of Sunset Beach may not
35 levy a tax under this subsection unless it also levies the tax authorized under
36 subsection (a) of this section.

37 (b) Administration. A tax levied under this section shall be levied, administered,
38 collected, and repealed as provided in G.S. 160A-215. The penalties provided in
39 G.S. 160A-215 apply to a tax levied under this section.

40 ~~Collection. Every operator of a business subject to the tax levied under this section~~
41 ~~shall, on and after the effective date of the levy of the tax, collect the tax. This tax~~
42 ~~shall be collected as part of the charge for furnishing a taxable accommodation. The~~
43 ~~tax shall be stated and charged separately from the sales records, and shall be paid by~~
44 ~~the purchaser to the operator of the business as trustee for and on account of the~~

1 town. ~~The tax shall be added to the sales price and shall be passed on to the~~
2 ~~purchaser instead of being borne by the operator of the business. The town shall~~
3 ~~design, print, and furnish to all appropriate businesses and persons in the town the~~
4 ~~necessary forms for filing returns and instructions to ensure the full collection of the~~
5 ~~tax.~~

6 ~~(c) Administration. The town shall administer a tax levied under this section. A~~
7 ~~tax levied under this section is due and payable to the Sunset Beach tax collector in~~
8 ~~monthly installments on or before the 15th day of the month following the month in~~
9 ~~which the tax accrues. Every person, firm, corporation, or association liable for the~~
10 ~~tax shall, on or before the 15th day of each month, prepare and render a return on a~~
11 ~~form prescribed by the town. The return shall state the total gross receipts derived in~~
12 ~~the preceding month from rentals upon which the tax is levied. A return filed with~~
13 ~~the tax collector under this section is not a public record as defined by G.S. 132-1~~
14 ~~and may not be disclosed except as required by law.~~

15 The tax collector may collect any unpaid taxes levied under this ~~act~~ section
16 through the use of attachment and garnishment proceedings as provided in G.S.
17 105-368 for collection of property taxes. The tax collector has the same enforcement
18 powers concerning the tax imposed by this act as does the Secretary of Revenue in
19 enforcing the State sales tax under G.S. 105-164.30.

20 ~~(d) Penalties. A person, firm, corporation, or association who fails or refuses to~~
21 ~~file the return required by this section shall pay a penalty of ten dollars (\$10.00) for~~
22 ~~each day's omission. In case of failure or refusal to file the return or pay the tax for~~
23 ~~a period of 30 days after the time required for filing the return or for paying the tax,~~
24 ~~there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in~~
25 ~~addition to any other penalty, with an additional tax of five percent (5%) for each~~
26 ~~additional month or fraction thereof until the tax is paid.~~

27 ~~Any person who willfully attempts in any manner to evade a tax imposed under~~
28 ~~this section or who willfully fails to pay the tax or make and file a return shall, in~~
29 ~~addition to all other penalties provided by law, be guilty of a misdemeanor and shall~~
30 ~~be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment~~
31 ~~not to exceed six months, or both. The town council may, for good cause shown,~~
32 ~~compromise or forgive the penalties imposed by this subsection.~~

33 ~~(e) (c) Distribution and use of tax revenue. The tax collector shall remit the~~
34 ~~proceeds of this tax to the town on a monthly basis. The funds received by the town~~
35 ~~pursuant to this act shall be allocated~~ town shall allocate the proceeds of the tax
36 levied pursuant to subsection (a) of this section to a special fund and ~~used~~ shall use
37 them only for tourism-related expenditures. As used in this act, the term
38 'tourism-related expenditures' includes the following types of expenditures: criminal
39 justice system, fire protection, public facilities and utilities, health facilities, solid
40 waste and sewage treatment, and the control and repair of water front erosion. These
41 funds may not be used for services normally provided by the town on behalf of its
42 citizens unless these services promote tourism and enlarge its economic benefits by
43 enhancing the ability of the town to attract and provide for tourists.

1 The town may use the proceeds of the tax levied pursuant to subsection (a1) of this
2 section only for beach renourishment.

3 ~~(f) Effective date of levy. A tax levied under this section shall become effective~~
4 ~~on the date specified in the resolution levying the tax. That date must be the first~~
5 ~~day of a calendar month, however, and may not be earlier than the first day of the~~
6 ~~second month after the date the resolution is adopted.~~

7 ~~(g) Repeal. A tax levied under this section may be repealed by a resolution~~
8 ~~adopted by the Sunset Beach Town Council. Repeal of a tax levied under this~~
9 ~~section shall become effective on the first day of a month and may not become~~
10 ~~effective until the end of the fiscal year in which the repeal resolution was adopted.~~
11 ~~Repeal of a tax levied under this section does not affect a liability for a tax that was~~
12 ~~attached before the effective date of the repeal, nor does it affect a right to a refund~~
13 ~~of a tax that accrued before the effective date of the repeal."~~

14 Section 13. Yaupon Beach occupancy tax changes. Section 1 of Chapter
15 820 of the 1991 Session Laws reads as rewritten:

16 "Section 1. Yaupon Beach Occupancy Tax. (a) Authorization and Scope. The
17 Board of Commissioners of the Town of Yaupon Beach may ~~by resolution, after not~~
18 ~~less than 10 days' public notice and a public hearing held pursuant thereto,~~ levy a
19 room occupancy tax of up to three percent (3%) of the gross receipts derived from
20 the rental of accommodations within the town that are subject to sales tax imposed by
21 the State under G.S. 105-164.4(a)(3) and from the rental of private residences and
22 cottages within the town that are exempt from the sales tax imposed under G.S.
23 105-164.4(a)(3) solely because they are rented for less than 15 days.

24 (a1) Authorization of Additional Tax. In addition to the tax authorized by
25 subsection (a) of this section, the Board of Commissioners of the Town of Yaupon
26 Beach may levy an additional room occupancy tax of up to two percent (2%) of the
27 gross receipts derived from the rental of accommodations taxable under subsection
28 (a). The levy, collection, administration, and repeal of the tax authorized by this
29 subsection shall be in accordance with the provisions of this section. The Town of
30 Yaupon Beach may not levy a tax under this subsection unless it also levies the tax
31 authorized under subsection (a) of this section.

32 (b) Administration. A tax levied under this section shall be levied, administered,
33 collected, and repealed as provided in G.S. 160A-215. The penalties provided in
34 G.S. 160A-215 apply to a tax levied under this section.

35 ~~Collection. Every operator of a business subject to the tax levied by this act shall, on~~
36 ~~and after the effective date of the tax, collect the tax. This tax shall be collected as~~
37 ~~part of the charge for furnishing a taxable accommodation. The tax shall be stated~~
38 ~~and charged separately from the sales records, and shall be paid by the purchaser to~~
39 ~~the operator of the business as trustee for and on account of the town. The~~
40 ~~occupancy tax levied under this act shall be added to the sales price and shall be~~
41 ~~passed on to the purchaser instead of being borne by the owner of the business. The~~
42 ~~town shall design, print, and furnish to all appropriate businesses in the town the~~
43 ~~necessary forms for filing returns and instructions to ensure the full collection of the~~
44 ~~tax.~~

~~(e) Administration. The town shall administer the occupancy tax levied under this act. A tax levied under this act is due and payable to the town tax collector in monthly installments on or before the fifteenth day of the month following the month in which the tax accrues. Every person, firm, or corporation liable for the tax shall, on or before the fifteenth day of each month, prepare and render a return on a form prescribed by the town. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.~~

~~A return filed with the town tax collector under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.~~

~~(d) Penalties. A person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in addition to any other penalty, with an additional penalty of five percent (5%) for each additional month or fraction thereof until the tax is paid. The board of commissioners may, for good cause shown, compromise or forgive the additional tax penalties imposed by this subsection.~~

~~Any person who willfully attempts in any manner to evade a tax imposed under this act or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both.~~

~~(e) (c) Use of Proceeds. The town may use the proceeds of a tax levied under this act subsection (a) of this section only for tourism-related expenditures. As used in this act, the term 'tourism-related expenditures' includes the following types of expenditures: criminal justice system, fire protection, public facilities and utilities, health facilities, solid waste and sewage treatment, and the control and repair of waterfront erosion. These funds may not be used for services normally provided by the town on behalf of its citizens unless these services promote tourism and enlarge its economic benefits by enhancing the ability of the town to attract and provide for tourists.~~

~~The town may use the proceeds of a tax levied under subsection (a1) of this section only for beach renourishment.~~

~~(f) Effective Date of Levy. A tax levied under this act shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.~~

~~(g) Repeal. The Board of Commissioners of the Town of Yaupon Beach may by resolution repeal a tax levied under this act. Repeal of a tax levied under this act shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this act does not affect a liability for a tax that was attached before the~~

~~1 effective date of the repeal, nor does it affect a right to a refund of a tax that accrued
2 before the effective date of the repeal."~~

3 Section 14. Person County occupancy tax. (a) Authorization and scope.
4 The Person County Board of Commissioners may levy a room occupancy tax of up to
5 five percent (5%) of the gross receipts derived from the rental of any room, lodging,
6 or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place
7 within the county that is subject to sales tax imposed by the State under G.S. 105-
8 164.4(a)(3).

9 This tax is in addition to any State or local sales tax. This tax does not
10 apply to accommodations furnished by nonprofit charitable, educational, or religious
11 organizations when furnished in furtherance of their nonprofit purpose.

12 (b) Administration. Except as otherwise provided in this section, a tax
13 levied under this section shall be levied, administered, collected, and repealed as
14 provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax
15 levied under this section.

16 (c) Distribution and use of tax revenue. Person County shall, on a
17 quarterly basis, remit the net proceeds of the occupancy tax to the Person Tourism
18 Development Authority. Of the net proceeds that accrue during the first four years
19 that a tax is levied under this section, the Authority may use up to two-thirds only for
20 the following tourism-related expenditures: (i) constructing or operating the Person
21 County Historical Museum, (ii) developing Lake Mayo for fishing tournaments, skiing
22 tournaments, and other activities designed to attract tourists to the lake from outside
23 the county, and (iii) supporting the May Festival and other festivals designed to
24 attract tourists from outside the county. The Authority shall use the remaining net
25 proceeds that accrue during the first four years that a tax is levied under this section
26 only to promote travel and tourism in Person County.

27 Of the net proceeds that accrue after this four-year period, the Authority
28 shall use at least two-thirds of the funds remitted to it under this subsection to
29 promote travel and tourism in Person County and shall use the remainder for
30 tourism-related expenditures.

31 The following definitions apply in this subsection:

- 32 (1) Net proceeds. -- Gross proceeds less the cost to the county of
33 administering and collecting the tax, as determined by the finance
34 officer, not to exceed three percent (3%) of the gross proceeds.
- 35 (2) Promote travel and tourism. -- To advertise or market an area or
36 activity, publish and distribute pamphlets and other materials,
37 conduct market research, or engage in similar promotional
38 activities that attract tourists or business travelers to the area; the
39 term includes administrative expenses incurred by the Authority in
40 engaging in the listed activities.
- 41 (3) Tourism-related expenditures. -- Expenditures that, in the
42 judgment of the Authority, are designed to increase the use of
43 lodging facilities, meeting facilities, and convention facilities in a

1 county or to attract tourists or business travelers to the county.
2 The term includes tourism-related capital expenditures.

3 Section 15. Person Tourism Development Authority. (a) Appointment
4 and membership. When the board of commissioners adopts a resolution levying a
5 room occupancy tax under Section 17 of this act, it shall also adopt a resolution
6 creating a county Tourism Development Authority, which shall be a public authority
7 under the Local Government Budget and Fiscal Control Act.

8 The Authority shall be composed of six members, three appointed by the
9 Person County Board of Commissioners and three appointed by the Roxboro City
10 Council. One of the three members appointed by each governing body must be an
11 owner or manager of a Person County hotel or motel. The remaining members must
12 be individuals who are currently active in the promotion of travel and tourism in the
13 county. The resolution shall determine the compensation, if any, to be paid to
14 members of the Authority.

15 The initial terms of the members who are owners or managers of a hotel
16 or motel shall be three years. Each governing body shall designate one of its
17 remaining appointees to serve an initial term of two years and the other to serve an
18 initial term of one year. Thereafter, all terms shall be three years. Vacancies shall be
19 filled in the same manner as original appointments, and members appointed to fill
20 vacancies shall serve for the remainder of the unexpired term.

21 At its first meeting and at the first meeting of each calendar year, the
22 membership of the Authority shall elect one member to serve as chair until the first
23 meeting of the following calendar year. The Authority shall meet at the call of the
24 chair and shall adopt rules of procedure to govern its meetings. The Finance Officer
25 for Person County shall be the ex officio finance officer of the Authority.

26 (b) Duties. The Authority shall expend the net proceeds of the tax
27 levied under Section 17 of this act for the purposes provided in Section 17 of this act.
28 The Authority shall promote travel, tourism, and conventions in the county, sponsor
29 tourist-related events and activities in the county, and finance tourist-related capital
30 projects in the county.

31 (c) Reports. The Authority shall report quarterly and at the close of the
32 fiscal year to the board of commissioners on its receipts and expenditures for the
33 preceding quarter and for the year in such detail as the board may require.

34 Section 16. This act is effective when it becomes law.

EXPLANATION OF HOUSE BILL 859 (PCS):
Various Room Tax Changes

TO: House Finance Committee
FROM: Martha H. Harris, Staff Attorney
DATE: July 8, 1997
SPONSOR: Representative Redwine

The proposed committee substitute for House Bill 859 contains the following provisions:

- Brunswick County is authorized to levy a 1% tax. The net proceeds will be remitted monthly to the Tourism Development Authority, which will use all of the net proceeds to promote tourism. The Tourism Development Authority may use no more than 10% for administrative expenses, including salary and benefits. (Section 1)
- The Brunswick County tax would not apply to any accommodations subject to a 6% municipal occupancy tax (Bald Head Island). (Sections 1 and 4)
- The Brunswick Tourism Development Authority will consist of 10 members, 5 selected by the county commissioners and 5 selected jointly by the two chambers of commerce. It will meet monthly and members will receive no compensation. (Section 2)
- The Town of Shallotte is authorized to levy a 3% room occupancy tax. Proceeds (net of the cost of collection) are distributed to a five-member tourism development authority, which will use $\frac{1}{2}$ to promote travel and tourism and $\frac{1}{2}$ for tourist-related expenditures. (Sections 6 and 7)
- The following municipalities are authorized to levy an additional 2% occupancy tax to be used for beach renourishment: Caswell Beach (Section 8), Holden Beach (Section 9), Ocean Isle Beach (Sections 10 and 11), Sunset Beach (Section 12) and Yaupon Beach (Section 13).
- The City of Lumberton is authorized to levy a temporary, additional 3% room occupancy tax, and the purposes for which it may use its current 3% tax are modified so that at least $\frac{2}{3}$ of the net proceeds will be used by the Tourism Development Authority to promote tourism and the rest for tourist-related expenditures. The new 3% tax may be used by the city for any public purpose. (Sections 14, 15, and 16)
- Person County is authorized to levy a 5% occupancy tax. The net proceeds will be remitted to a Tourism Development Authority. For the first four years the tax is in effect, up to $\frac{2}{3}$ may be used for specified tourist-related expenditures and the remainder must be used to promote tourism. After the end of this four-year period, at least $\frac{2}{3}$ must be used to promote tourism and the rest may be used for tourist-related expenditures. (Sections 17 and 18)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 585

Finance Committee Substitute Adopted 4/23/97

House Committee Substitute Favorable 6/25/97

Proposed House Committee Substitute S585-PCS4627

Short Title: Lumberton/Shelby Room Tax Changes.

(Local)

Sponsors:

Referred to:

April 1, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF LUMBERTON TO LEVY AN
3 ADDITIONAL, TEMPORARY ROOM OCCUPANCY TAX, TO MODIFY THE
4 PURPOSES FOR WHICH THE LUMBERTON ROOM OCCUPANCY TAX
5 CAN BE USED, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A
6 ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

7 The General Assembly of North Carolina enacts:

8 Section 1. Part IX of Chapter 908 of the 1983 Session Laws, as amended
9 by Chapter 1028 of the 1983 Session Laws and Chapter 935 of the 1987 Session Laws,
10 as it relates to the City of Lumberton only, is recodified and rewritten as Section 2 of
11 this act.

12 Section 2. Lumberton Occupancy Tax. (a) Authorization and scope.
13 The Lumberton City Council may levy a room occupancy tax of up to three percent
14 (3%) of the gross receipts derived from the rental of any room, lodging, or
15 accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within
16 the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3).
17 This tax is in addition to any State or local sales tax.

18 (b) Authorization of additional tax. In addition to the tax authorized by
19 subsection (a) of this section, the Lumberton City Council may levy an additional
20 room occupancy tax of up to three percent (3%) of the gross receipts derived from
21 the rental of accommodations taxable under subsection (a). The levy, collection,

1 administration, and repeal of the tax authorized by this subsection shall be in
2 accordance with the provisions of this section. The Lumberton City Council may not
3 levy a tax under this subsection unless it also levies the tax authorized under
4 subsection (a) of this section. The authorization to levy this tax expires August 1,
5 2000.

6 (c) Administration. A tax levied under this section shall be levied,
7 administered, collected, and repealed as provided in G.S. 160A-215. The penalties
8 provided in G.S. 160A-215 apply to a tax levied under this section.

9 The tax collector may collect any unpaid taxes levied under this section
10 through the use of attachment and garnishment proceedings as provided in G.S.
11 105-368 for collection of property taxes. The tax collector has the same enforcement
12 powers concerning the tax imposed by this section as does the Secretary of Revenue
13 in enforcing the State sales tax under G.S. 105-164.30.

14 (d) Distribution and use of first three percent (3%) tax revenue. The
15 City of Lumberton shall, on a quarterly basis, remit the net proceeds of the first three
16 percent (3%) occupancy tax authorized in subsection (a) of this section to the
17 Lumberton Tourism Development Authority. The Authority shall use at least two-
18 thirds of the funds remitted to it under this subsection to promote travel and tourism
19 in Lumberton and shall use the remainder for tourism-related expenditures. Of the
20 funds designated for tourism-related expenditures, the Authority shall remit the first
21 one hundred fifteen thousand dollars (\$115,000) to the Carolina Civic Center
22 Foundation, Inc., for tourism-related expenditures. The Authority may use no more
23 than twenty-three percent (23%) of the funds remitted to it under this subsection for
24 salaries in carrying out these purposes and may use no more than ten percent (10%)
25 of the funds remitted to it under this subsection for other administrative costs in
26 carrying out these purposes.

27 (e) Distribution and use of additional three percent (3%) tax revenue.
28 The City of Lumberton shall use the net proceeds of the additional tax authorized in
29 subsection (b) of this section for tourism-related expenditures and other public
30 purposes.

31 (f) The following definitions apply in this section:

32 (1) Net proceeds. -- Gross proceeds less the cost to the city of
33 administering and collecting the tax, as determined by the finance
34 officer, not to exceed four percent (4%) of the gross proceeds.

35 (2) Promote travel and tourism. -- To advertise or market an area or
36 activity, publish and distribute pamphlets and other materials,
37 conduct market research, or engage in similar promotional
38 activities that attract tourists or business travelers to the area; the
39 term includes administrative expenses incurred in engaging in the
40 listed activities.

41 (3) Tourism-related expenditures. -- Expenditures that, in the
42 judgment of the Authority, are designed to increase the use of
43 lodging facilities, meeting facilities, and convention facilities in a

1 city by attracting tourists or business travelers to the city. The
2 term includes tourism-related capital expenditures.

3 Section 3. Lumberton Tourism Development Authority. (a)
4 Appointment and membership. When the Lumberton City Council adopts a
5 resolution levying a room occupancy tax under this act, it shall also adopt a
6 resolution creating a city Tourism Development Authority, which shall be a public
7 authority under the Local Government Budget and Fiscal Control Act. The
8 resolution shall provide for the members' terms of office and for the filling of
9 vacancies on the Authority.

10 The Authority shall have eight members appointed by the city council
11 and two ex officio, nonvoting members, as follows:

- 12 (1) Four individuals who own or operate a hotel or motel in the city.
- 13 (2) Four individuals who are currently active in the promotion of
14 travel and tourism in the city.
- 15 (3) The Finance Officer for Lumberton, to serve ex officio.
- 16 (4) A member of the Lumberton City Council, designated by the city
17 council, to serve ex officio.

18 The Lumberton City Council shall designate one member of the Authority as chair
19 and shall determine the compensation, if any, to be paid to members of the
20 Authority.

21 The Authority shall meet at the call of the chair and shall adopt rules of
22 procedure to govern its meetings.

23 (b) Duties. The Authority shall expend the net proceeds of the tax
24 levied under Section 2 of this act for the purposes provided in Section 2 of this act.
25 The Authority shall promote travel, tourism, and conventions in the city, sponsor
26 tourist-related events and activities in the city, and finance tourist-related capital
27 projects in the city.

28 (c) Reports. The Authority shall report quarterly and at the close of the
29 fiscal year to the Lumberton City Council on its receipts and expenditures for the
30 preceding quarter and for the year in such detail as the Lumberton City Council may
31 require.

32 Section 4. Uniform City Occupancy Tax Provisions. (a) Article 9 of
33 Chapter 160A of the General Statutes is amended by adding a new section to read:

34 **"§ 160A-215. Uniform provisions for room occupancy taxes.**

35 **(a) Scope. -- This section applies only to municipalities the General Assembly has**
36 **authorized to levy room occupancy taxes. For the purpose of this section, the term**
37 **'city' means a municipality.**

38 **(b) Levy. -- A room occupancy tax may be levied only by resolution, after not less**
39 **than 10 days' public notice and after a public hearing held pursuant thereto. A room**
40 **occupancy tax shall become effective on the date specified in the resolution levying**
41 **the tax. That date must be the first day of a calendar month, however, and may not**
42 **be earlier than the first day of the second month after the date the resolution is**
43 **adopted.**

(c) Collection. -- Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing city. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing city shall design, print, and furnish to all appropriate businesses and persons in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing city a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. -- The taxing city shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the city finance officer in monthly installments on or before the fifteenth day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the fifteenth day of each month, prepare and render a return on a form prescribed by the taxing city. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the city finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. -- A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing city has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

(f) Repeal or Reduction. -- A room occupancy tax levied by a city may be repealed or reduced by a resolution adopted by the governing body of the city. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction."

(b) This section applies only to the Cities of Lumberton and Shelby.

Section 5. Shelby Occupancy Tax. (a) Authorization and scope. The City Council of the City of Shelby may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to

1 accommodations furnished by nonprofit charitable, educational, or religious
2 organizations when furnished in furtherance of their nonprofit purpose.

3 (b) Administration. The city may contract with Cleveland County for
4 tax collection services relating to the occupancy tax levied under this section. Such a
5 contract shall be under terms and conditions agreed to by the city and the county and
6 may be modified from time to time. Except as otherwise provided in this section, a
7 tax levied under this section shall be levied, administered, collected, and repealed as
8 provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax
9 levied under this section.

10 (c) Use of tax revenue. The City of Shelby shall use at least two-thirds
11 of the net proceeds of the occupancy tax to promote travel and tourism in the city
12 and shall use the remainder for tourism-related expenditures. The following
13 definitions apply in this subsection:

14 (1) Net proceeds. -- Gross proceeds less the cost to the city of
15 administering and collecting the tax, as determined by the city, not
16 to exceed three percent (3%) of the first five hundred thousand
17 dollars (\$500,000) of gross proceeds collected each year and one
18 percent (1%) of the remaining gross receipts collected each year.

19 (2) Promote travel and tourism. -- To advertise or market an area or
20 activity, publish and distribute pamphlets and other materials,
21 conduct market research, or engage in similar promotional
22 activities that attract tourists or business travelers to the area; the
23 term includes administrative expenses incurred in engaging in
24 these activities.

25 (3) Tourism-related expenditures. -- Expenditures that, in the
26 judgment of the city, are designed to increase the use of lodging
27 facilities, meeting facilities, and convention facilities in a city by
28 attracting tourists or business travelers to the city. The term
29 includes tourism-related capital expenditures.

30 Section 6. Section 2(d) of this act becomes effective August 1, 1997, and
31 applies to taxes that accrue on or after that date. The remainder of this act is
32 effective when this act becomes law. Sections 2(b) and 2(e) of this act are repealed
33 effective August 1, 2000.

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 631

Committee Substitute Favorable 4/23/97
Proposed Committee Substitute H631-PCS2362

Short Title: Forsyth Room Tax Distribution.

(Local)

Sponsors:

Referred to:

March 26, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE FORMULA FOR DISTRIBUTING THE PROCEEDS
3 OF THE FORSYTH COUNTY OCCUPANCY TAXES.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 28 of Chapter 908 of the 1983 Session Laws, as
6 amended, reads as rewritten:
7 "Sec. 28. Disposition of ~~Taxes Collected~~. Two Percent (2%) and One Percent
8 (1%) Taxes. (a) Forsyth County shall remit the net proceeds of the occupancy ~~tax~~
9 taxes levied under Sections 24, 25, and 30.1 of this Part on a quarterly basis as
10 follows: (i) five
11 (1) Five percent (5%) of the net proceeds shall be divided among the
12 municipalities in Forsyth County, other than Winston-Salem, on a
13 pro rata basis, and (ii) the basis.
14 (2) The remaining net proceeds shall be remitted to the Forsyth
15 County Tourism Development Authority.
16 'Net proceeds' ~~means gross proceeds less the cost to the county of administering and~~
17 ~~collecting the tax.~~ has the meaning provided in Section 30.2(d) of this Part.
18 (b) A municipality may expend funds distributed to it pursuant to subsection (a)
19 only for economic development and cultural and recreational purposes. The Forsyth
20 County Tourism Development Authority shall expend the funds distributed to it
21 pursuant to subsection (a) to further the development of travel, tourism, and
22 conventions within Forsyth County. The Forsyth County Tourism Development

1 Authority may not use more than ten percent (10%) of the funds distributed to it
2 pursuant to subsection (a) for administrative expenses."

3 Section 2. Section 30.2 of Part VII of Chapter 908 of the 1983 Session
4 Laws, as enacted by Chapter 870 of the 1989 Session Laws, reads as rewritten:

5 "Sec. 30.2. Additional Tax. (a) Levy. -- In addition to the taxes authorized by
6 Sections 24, 25, and 30.1 of this Part, the Forsyth County Board of Commissioners
7 may levy a room occupancy and tourism development tax of three percent (3%) of
8 the gross receipts derived from the rental of accommodations taxable under those
9 sections. The levy, collection, administration, and repeal of the tax authorized by this
10 section shall be in accordance with Sections 24 through 27 and 29 through 30 of this
11 Part. Forsyth County may not levy a tax under this section unless it also levies taxes
12 under Sections 24, 25, and 30.1 of this Part.

13 (b) Distribution. -- The net proceeds of the tax levied under this section shall be
14 distributed as follows:

15 (1) ~~(i) five~~ Five percent (5%) of the net proceeds shall be divided
16 among the municipalities in Forsyth County, other than Winston-
17 Salem, on a pro rata ~~basis; and (ii) the~~ basis.

18 (2) After subtracting the amount provided in subdivision (1) of this
19 subsection, one-third of the remaining net proceeds shall be
20 divided among Forsyth County, the City of Winston-Salem, and
21 remitted to the Forsyth County Tourism Development Authority
22 on a pro rata basis. Authority.

23 (3) After subtracting the amounts provided in subdivisions (1) and (2)
24 of this subsection, ten percent (10%) of the remaining net proceeds
25 shall be divided among those municipalities in Forsyth County,
26 other than Winston-Salem, in which taxable establishments are
27 located, in proportion to the amount of tax proceeds collected in
28 each municipality.

29 (4) After subtracting the amounts provided in subdivisions (1), (2), and
30 (3) of this subsection, the remaining net proceeds shall be divided
31 between Forsyth County and the City of Winston-Salem on a pro
32 rata basis.

33 ~~'Net proceeds' means gross proceeds less the cost to the county of administering and~~
34 ~~collecting the tax.~~

35 (c) Use. -- A municipality that receives funds pursuant to subdivision (b)(3) of this
36 section shall, on a quarterly basis, remit all the funds it receives pursuant to this Part
37 to its municipal Tourism Development Authority. Each municipal Authority shall
38 use at least two-thirds of the funds remitted to it under this subsection to promote
39 travel and tourism in the municipality and shall use the remainder for tourism-related
40 expenditures. No more than ten percent (10%) of the funds remitted to an Authority
41 under this subsection may be used for the Authority's administrative expenses,
42 including salaries and benefits.

43 Forsyth County or a municipality that does not receive funds pursuant to
44 subdivision (b)(3) of this section may expend funds distributed to it pursuant to

1 subsection (b) only for economic development and cultural and recreational
2 purposes. The Forsyth County Tourism Development Authority shall expend the
3 funds distributed to it pursuant to subsection (b) in accordance with Section 28(b) of
4 this Part.

5 (d) Definitions. -- The following definitions apply in this section:

- 6 (1) Net proceeds. -- Gross proceeds less the cost to the county of
7 administering and collecting the tax, as determined by the finance
8 officer, not to exceed three percent (3%) of the first five hundred
9 thousand dollars (\$500,000) of gross proceeds collected each year
10 and one percent (1%) of the remaining gross receipts collected
11 each year.
- 12 (2) Promote travel and tourism. -- To advertise or market an area or
13 activity, publish and distribute pamphlets and other materials,
14 conduct market research, or engage in similar promotional
15 activities that attract tourists or business travelers to the area; the
16 term includes administrative expenses incurred in engaging in
17 these activities.
- 18 (3) Tourism-related expenditures. -- Expenditures that, in the
19 judgment of the entity making the expenditure, are designed to
20 increase the use of lodging and meeting and convention facilities in
21 the area by attracting tourists or business travelers to the area; the
22 term includes tourism-related capital expenditures."

23 Section 3. Part VII of Chapter 908 of the 1983 Session Laws, as amended
24 by Chapters 33 and 924 of the 1985 Session Laws and Chapter 870 of the 1989
25 Session Laws, is amended by adding a new section to read:

26 "Sec. 30.3. Municipal Tourism Development Authorities. (a) When a
27 municipality first receives a distribution of funds pursuant to Section 30.2(b)(3) of this
28 Part, its governing body shall adopt a resolution creating a municipal Tourism
29 Development Authority, which shall be a public authority under the Local
30 Government Budget and Fiscal Control Act. The resolution shall provide that there
31 will be five members of the Authority appointed by the governing body of the
32 municipality and shall provide for the members' terms of office and for the filling of
33 vacancies on the Authority. At least one-third of the members must be individuals
34 who are affiliated with businesses that collect the tax in the municipality and at least
35 three-fourths of the members must be individuals who are currently active in the
36 promotion of travel and tourism in the municipality. The governing body of the
37 municipality shall designate one member of the Authority as chair and shall
38 determine the compensation, if any, to be paid to members of the Authority.

39 The Authority shall meet at the call of the chair and shall adopt rules of procedure
40 to govern its meetings. The Finance Officer for the municipality shall be the ex
41 officio finance officer of the Authority.

42 (b) Duties. The Authority shall expend the funds distributed to it pursuant to
43 Section 30.2(c) of this Part for the purposes provided in Section 30.2(c) of this Part.

1 The Authority shall promote travel and tourism and make tourism-related
2 expenditures.

3 (c) Reports. The Authority shall report quarterly and at the close of the fiscal
4 year to the governing body of the municipality on its receipts and expenditures for
5 the preceding quarter and for the year in such detail as the governing body may
6 require."

7 Section 4. This act becomes effective August 1, 1997, and applies to taxes
8 levied on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 568
Committee Substitute Favorable 6/26/97

Short Title: Wake Forest Annexation.

(Local)

Sponsors:

Referred to:

March 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ANNEX A CERTAIN DESCRIBED TERRITORY TO THE TOWN
3 OF WAKE FOREST.

4 The General Assembly of North Carolina enacts:

5 Section 1. The corporate limits of the Town of Wake Forest are
6 extended to include the following described area:

7 BEGINNING at a stake in the southern boundary of the Old Avenue Road, a corner
8 of Mrs. Ella Caddell, runs thence along the southern boundary of said road South 83
9 degrees 30 minutes East 1230 feet to a stake in the Southwestern corner of the
10 intersection of Old Avenue Road with Old Powell Road: thence along said Old
11 Powell Road South 18 degrees 30 minutes East 1600 feet, South 16 degrees 50
12 minutes East 860 feet South 48 degrees 40 minutes West 400 feet, South 20 degrees
13 West 300 feet, South 5 degrees 15 minutes East 50 feet, South 12 degrees 40 minutes
14 West 300 feet, South 8 degrees 10 minutes West 200 feet, South 7 degrees 30 minutes
15 West 50 feet to a maple stump; thence North 58 degrees 15 minutes West 2154 feet to
16 a stake; thence North 11 degrees East 315 feet to a stake; thence North 54 degrees
17 West 420 feet to a stake near a hickory; thence North 8 degrees 30 minutes East 1596
18 feet to a red oak; thence North 88 degrees East 310 feet to a stake; thence North 12
19 degrees 05 minutes East 445 feet to a stake and point of BEGINNING, and being the
20 property deeded by deed recorded in Book 1348, Page 581, Wake County Registry.

21 There is excepted from the above-described land 4.9 acres deeded to Charles B.
22 Shearon and wife. For a complete description of said exception, see Book 2009, Page
23 369, Wake County Registry.

- 1 Section 2. Real and personal property in the territory annexed pursuant
2 to this act is subject to municipal taxes as provided in G.S. 160A-58.10.
3 Section 3. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Subcommittee on Local, Regional & State Revenues

July 8 , 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

file

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☒ Committee Substitute for H.B. 631 ☐ A BILL TO BE ENTITLED AN ACT TO MODIFY THE
FORMULA FOR DISTRIBUTING THE PROCEEDS OF THE FORSYTH COUNTY OCCUPANCY
TAXES.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ Lyons Gray

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (# 2), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # 1). (and recommendation that the
committee substitute bill (# _____) be referred to the Committee on _____)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

file

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☒ ^{House} Committee Substitute for

S.B. 585

☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF LUMBERTON TO LEVY AN ADDITIONAL, TEMPORARY ROOM OCCUPANCY TAX, TO MODIFY THE PURPOSES FOR WHICH THE LUMBERTON ROOM OCCUPANCY TAX CAN BE USED, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ Lyons Gray

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (# 2), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill # 1). (and recommendation that the committee substitute bill (# 1) be referred to the Committee on HOUSE).
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 859

☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE
BRUNSWICK COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT
TAX, TO AUTHORIZE CERTAIN MUNICIPALITIES IN BRUNSWICK COUNTY TO LEVY OR
INCREASE ROOM OCCUPANCY TAXES, TO AUTHORIZE THE CITY OF LUMBERTON TO
LEVY AN ADDITIONAL, TEMPORARY ROOM OCCUPANCY TAX, TO MODIFY THE
PURPOSES FOR WHICH THE LUMBERTON ROOM OCCUPANCY TAX CAN BE USED, AND
TO AUTHORIZE PERSON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM
DEVELOPMENT TAX.

REPORTED TO THE STANDING COMMITTEE ON

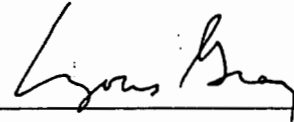
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (# 2), ☒ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # 1). (~~and recommendation that the~~
~~committee substitute bill (#) be referred to the Committee on~~ .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 568

☐ A BILL TO BE ENTITLED AN ACT TO ANNEX A CERTAIN DESCRIBED TERRITORY TO THE TOWN OF WAKE FOREST.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

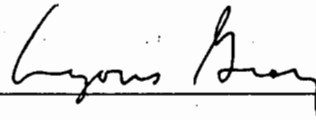
☐ Without prejudice.

☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



☐ With a favorable report.

☐ With a favorable report, as amended.

☒ With a favorable report as to committee substitute bill (#2), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill # 1). (and recommendation that the committee substitute bill (#) be referred to the Committee on .)

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: Wednesday, July 9, 1997

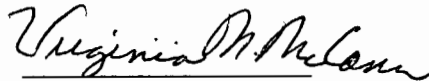
SB 711, Leland Annexation/Swepsonville was the subject for discussion by the following members of the subcommittee, which met immediately after session in the chamber: Rep. Charles Buchanan; Rep. Pete Cunningham; Rep. Andrew Dedmon; Rep. Danny McComas; Rep. Mia Morris and Rep. John Rayfield.

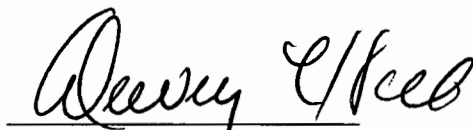
Chairman Hill recognized Rep. Buchanan who made the motion that the subcommittee consider the proposed committee substitute for discussion, and the motion carried.

Rep. Cary Allred was in attendance to support the bill and answer any questions the subcommittee members may have regarding it. There was very little discussion on the bill and Chairman Hill recognized Rep. Buchanan who made the motion for a favorable report on the committee substitute and unfavorable as to original bill, and the motion carried.

There being no further business, Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 711*

Finance Committee Substitute Adopted 5/12/97
Proposed House Committee Substitute S711-PCS6705

Short Title: Incorporate Swepsonville.

(Local)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE INCORPORATION OF THE TOWN OF
3 SWEPSONVILLE AND THE SIMULTANEOUS DISSOLUTION OF THE
4 SWEPSONVILLE SANITARY DISTRICT.

5 The General Assembly of North Carolina enacts:

6 Section 1. In accordance with G.S. 130A-81(1a), the Town of
7 Swepsonville is incorporated, and the Swepsonville Sanitary District is simultaneously
8 dissolved. Such incorporation and dissolution are not subject to referendum.

9 Section 2. A Charter for the Town of Swepsonville is enacted to read:

10 "CHARTER FOR THE TOWN OF SWEPSONVILLE.

11 "CHAPTER I.

12 "INCORPORATION AND CORPORATE POWERS.

13 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town
14 of Swepsonville are a body corporate and politic under the name 'Town of
15 Swepsonville'. Under that name they have all the powers, duties, rights, privileges,
16 and immunities conferred and imposed upon cities by the general law of North
17 Carolina.

18 "CHAPTER II.

19 "CORPORATE BOUNDARIES.

20 "Section 2.1. **Town Boundaries.** Until modified in accordance with law, the
21 boundaries of the Town of Swepsonville are as follows:

22 Tract One:

1 A certain tract or parcel of land located in Thompson Township, Alamance County,
2 North Carolina, and more particularly described as follows:
3 BEGINNING at a point located on State Highway 2158 at the center of a bridge
4 across the Haw River in Alamance County, North Carolina; running thence from said
5 point with SR 2158 the following courses and distances:
6 S. 84 deg. 36' E. 260.00 feet; S. 81 deg. 48' E. 98.76 feet; S. 75 deg. 16' E. 65.41 feet;
7 S. 67 deg. 27' E. 97.49 feet; S. 56 deg. 56' E. 98.40 feet; S. 48 deg. 44' E. 89.37 feet;
8 running thence in the vicinity of George Bason Road, the following courses and
9 distances: N. 55 deg. 49' E. 251.06 feet; S. 16 deg. 00' E. 178.3 feet; N. 30 deg. 54' E.
10 778.2 feet; N. 86 deg. 40' E. 301.6 feet to a point in George Bason Road; running
11 thence with an unnamed road, S. 14 deg. 12' E. 164.85 feet to a point; running thence
12 N. 85 deg. 58' E. 168.9 feet to a point; running thence S. 10 deg. 22' E. 238.5 feet to a
13 point; thence S. 6 deg. 16' W. 213.7 feet to a point; running thence N. 61 deg. 29' E.
14 836.7 feet to a point; running thence S. 35 deg. 33' W. 135.6 feet; running thence S.
15 47 deg. 20' E. 759.4 feet to a point; running thence in the vicinity of NC Highway 119
16 and NC Highway 54, the following courses and distances: N. 85 deg. 45' E. 330.00
17 feet; N. 82 deg. 53' E. 100.00 feet; N. 7 deg. 07' 27" W. 334.4 feet; N. 83 deg. 01' 53"
18 E. 200.97 feet; N. 7 deg. 15' W. 66.06 feet; N. 82 deg. 45' E. 120.12 feet; S. 7 deg. 15'
19 E. 583.22 feet to a point; N. 83 deg. 30' E. 193.11 feet; N. 70 deg. 19' E. 224.55 feet;
20 N. 84 deg. 10' E. 90 feet; N. 4 deg. 48' 5" W. 143.9 feet; N. 85 deg. 15' E. 528 feet; S.
21 89 deg. 16' E. 330.98 feet; N. 85 deg. 33' E. 778 feet; N. 63 deg. 03' E. 141.5 feet; N.
22 23 deg. 11' W. 272.25 feet; N. 26 deg. 57' W. 898.3 feet; N. 78 deg. 23' E. 331.3 feet to
23 a point in N. C. Highway 54; thence N. 80 deg. 37' 40" E. 43.07 feet; N. 39 deg. 38'
24 20" E. 233.38 feet; N. 47 deg. 19' 10" E. 533.29 feet; N. 47 deg. 57' E. 1651.57 feet; S.
25 36 deg. 18' E. 1282.22 feet to a point in N. C. Highway 119; thence with N. C.
26 Highway 119 S. 49 deg. 06' 42" W. 674.29 feet; continuing with N. C. Highway 119,
27 S. 49 deg. 07' W. 540.00 feet; thence in the vicinity of N. C. Highway 119 the
28 following courses and distances: S. 26 deg. 00' E. along an unnamed road, 283.2 feet;
29 S. 49 deg. 02' W. 207.93 feet; S. 67 deg. 01' W. 105.76 feet; S. 49 deg. 02' W. 260 feet;
30 N. 40 deg. 58' W. 50 feet; S. 49 deg. 02' W. 147.14 feet; S. 47 deg. 40' W. 74.69 feet;
31 S. 00 deg. 48' E. 75.11 feet; S. 47 deg. 40' W. 1170 feet, crossing NC Highway 54 and
32 SR 2164; S. 85 deg. 33' W. 1270 feet; S. 16 deg. 48' W. 113.34 feet; S. 89 deg. 37' W.
33 251.6 feet; N. 3 deg. 20' W. 85.53 feet; S. 86 deg. 38' W. 715.35 feet; N. 86 deg. 28'
34 W. 70.24 feet; S. 1 deg. 25' E. 51 feet; S. 82 deg. 50' W. 108.5 feet; S. 1 deg. 25' E. 95
35 feet; S. 83 deg. 25' W. 262 feet; N. 2 deg. 20' W. 153.15 feet; S. 86 deg. 05' W. 353.88
36 feet; N. 1 deg. 25' W. 71.5 feet; S. 88 deg. 35' W. 148.5 feet; S. 52 deg. 13' W. 566.8
37 feet; S. 49 deg. 17' W. 334.5 feet; S. 48 deg. 02' W. 345 feet; running thence in the
38 vicinity of SR 2158 the following courses and distances:
39 S. 43 deg. 24' E. 48.3 feet; S. 50 deg. 04' W. 23 feet; S. 43 deg. 32' E. 367.27 feet; N.
40 38 deg. 29' E. 354.96 feet; S. 66 deg. 36' E. 135.06 feet; S. 20 deg. 54' W. 213.1 feet;
41 S. 26 deg. 41' W. 100 feet; S. 35 deg. 12' W. 100 feet; S. 44 deg. 57' W. 35.48 feet; S.
42 43 deg. 16' E. 154.38 feet; N. 79 deg. 44' E. 9.69 feet; N. 68 deg. 44' E. 209.22 feet; N.
43 21 deg. 44' E. 42.24 feet; N. 30 deg. 09' E. 59.04 feet; N. 82 deg. 44' E. 138 feet; S. 38
44 deg. 14' W. 158.88 feet; S. 39 deg. 34' E. 364.3 feet; S. 61 deg. 34' E. 154.16 feet; S.

1 77 deg. 38' E. 330.64 feet; S. 04 deg. 17' W. 485.7 feet; S. 83 deg. 38' E. 724.10 feet;
2 S. 0 deg. 11' E. 132 feet; N. 83 deg. 38' W. 330 feet; S. 0 deg. 11' E. 284.7 feet; S. 56
3 deg. 05' W. 357.9 feet to a point in SR 2158; running thence N. 35 deg. 24' W. 118.19
4 feet with SR 2158; thence S. 59 deg. 45' W. 513.1 feet; thence N. 33 deg. 54' W.
5 270.40 feet; thence N. 83 deg. 43' W. 394 feet; thence N. 1 deg. 24' E. 101.07 feet with
6 SR 2198; thence N. 88 deg. 36' W. 200 feet; thence N. 1 deg. 24' E. 535 feet; thence
7 N. 8 deg. 20' E. 259.45 feet; thence N. 65 deg. 46' 30" W. 100.54 feet; N. 60 deg. 57'
8 W. 54.8 feet; N. 47 deg. 01' W. 59.7 feet, crossing Woodside Avenue; thence N. 52
9 deg. 14' 40" W. 59.90 feet; thence N. 6 deg. 59' E. 78.97 feet; thence N. 7 deg. 48' W.
10 176.48 feet; thence N. 89 deg. 52' W. 70.55 feet; thence S. 63 deg. 29' W. 580 feet;
11 thence N. 87 deg. 20' W. 135 feet; thence N. 41 deg. 40' W. 100 feet; thence N 36
12 deg. 00' W. 108.80 feet; thence S. 47 deg. 30' W. 87 feet; thence S. 75 deg. 03' W.
13 142.58 feet; thence N. 8 deg. 00' W. 487.7 feet; running thence S. 69 deg. 50' W. 285.0
14 feet to a point in the Haw River; running thence with the center of the Haw River
15 2,500 feet to the point of BEGINNING, and containing 313.40 acres, more or less, as
16 shown on Boundary and Sanitary Sewer Map, Swepsonville Sanitary Sewer District,
17 dated October 25, 1983, and prepared by Alley, Williams, Carmen & King, Inc.,
18 Engineers and Architects, Job. No. 163-83.

19 Tract Two:

20 A certain tract or parcel of land located in Thompson Township, Alamance County,
21 North Carolina, adjoining George Bason Road (SR2156), property owned by W.E. &
22 Mary D. Kirkpatrick, Quarry Development Company, Lacy Overman and Juanita
23 Wilson LaPrade, and being more particularly described as follows:

24 BEGINNING at a control corner located in the southern edge of the 60' right of way
25 of George Bason Road (SR 2156), a corner with Juanita Wilson LaPrade and
26 property owned by Quarry Development, further known as Stonehaven Subdivision,
27 Section 1; running thence from said control corner along the southern edge of the 60'
28 right of way of George Bason Road (SR 2156), the following courses and distances:
29 N. 65 deg. 27' 26" E. 379.33 feet, N. 73 deg. 35' 15" E. 70.71 feet, N. 65 deg. 27' 26"
30 E. 50 feet, N. 57 deg. 19' 38" E. 70.71 feet, N. 65 deg. 27' 26" E. 940.00 feet, N. 73
31 deg. 35' 15" E. 70.71 feet, N. 65 deg. 27' 26" E. 50 feet, N. 55 deg 15' 14" E. 71.06
32 feet and in a curve to the left the following courses and distances: N. 61 deg. 35' 03"
33 E. a chord of 69.95 feet and a radius of 2922.99 feet, N. 59 deg. 25' 42" E. 150.00
34 chord with a radius of 2922.99, N. 56 deg. 06' 01" E. a chord distance of 189.50 feet,
35 a radius of 2922.99 feet to a control corner; thence along the western edge of
36 property owned by W.E. Kirkpatrick, the following courses and distances: S. 25 deg.
37 05' 16" E. 56.38 feet, S. 4 deg. 27' 23" W. 331.13 feet, S. 4 deg. 29' 00" W. 54.07 feet;
38 thence along the western edge of property owned by Mary D. Kirkpatrick, S. 4 deg.
39 20' 00" W. 302.25 feet; thence along the northern edge of property owned by Quarry
40 Development Company the following courses and distances: N. 85 deg. 40' 00" W.
41 184.18 feet, S. 31 deg. 32' 47" W. 89.41 feet, S. 65 deg. 27' 26" W. 753.86 feet, S. 46
42 deg. 54' 41" E. 280.00 feet, S. 60 deg. 06' 32" W. 184.39 feet, S. 51 deg. 46' 50" W.
43 50.08 feet, S. 43 deg. 34' 57" W. 610.71 feet; thence along the northern edge of
44 property owned by Lacy Overman, N. 44 deg. 46' 01" W. 363.62 feet; thence S. 60

1 deg. 37' 15" W. 5.00 feet; thence along the eastern portion of property owned by
2 Juanita Wilson LaPrade, the following courses and distances: N. 36 deg. 35' 46" W.
3 71.95 feet; N. 56 deg. 10' 16" E. 142.00 feet; thence N. 36 deg. 13' 01" W. 661.29 feet
4 to the point of BEGINNING, and containing 32.41 acres, more or less, as depicted in
5 a preliminary final plat, Section 1, Stonehaven Subdivision, by Thompson-Simmons,
6 Inc., Surveyors, dated February 17, 1988.

7 Tract Three:

8 A certain tract or parcel of land located in Thompson Township, Alamance County,
9 North Carolina, adjoining Bason Road, Piedmont Crescent Recreational and
10 Development Company, Inc., and more particularly described as follows:

11 BEGINNING at an existing iron pipe located in the northern edge of the 60' right of
12 way of Bason Road, a corner with property owned by Piedmont Crescent
13 Recreational and Development Company, Inc., and Lot 1, Section 1 Quarry Hills
14 Subdivision (Plat Book 38 at Page 54); thence running along the northern edge of
15 Bason Road 60' right of way, S. 62 deg. 57' 01" W. 320.00 feet to an existing iron
16 pipe; thence running along the western edge of Lot 4, Section 1 Quarry Hills
17 Subdivision (Plat Book 38 at page 54), N. 27 deg. 02' 59" W. 181.38 feet to an
18 existing iron pipe; thence running along the northern bounds of Lots 1 through 4,
19 Section 1 Quarry Hills Subdivision, N. 63 deg. 39' 10" E. 322.59 feet to an existing
20 iron pipe; thence running S. 26 deg. 13' 20" E. 177.44 feet to the point of
21 BEGINNING and containing 1.323 acres, more or less.

22 This description is based on the plat recorded in the Office of the Register of Deeds
23 for Alamance County, North Carolina in Plat Book 38 at page 54 by Thompson-
24 Simmons, Inc., dated November 15, 1988.

25 Tract Four:

26 A certain tract or parcel of land located in Thompson Township, Alamance County,
27 North Carolina, adjoining George Bason Road, Section 1, Quarry Hills Subdivision,
28 and property owned by William Mann, and being more particularly described as
29 follows:

30 BEGINNING at an existing iron pipe located in the northern edge of George Bason
31 Road, a corner with Lot 4, Section 1 Quarry Hills Subdivision, George Bason Road
32 60' right of way and Lot 5, Section 2 Quarry Hills Subdivision (Plat Book 42 at page
33 51); thence running from said existing iron pipe along the boundary between Lots 4
34 and 5, N. 27 deg. 02' 59" W. 181.38 feet to an existing iron pipe; thence running
35 along the southern edge of property owned by William Mann, S. 63 deg. 39' 10" W.
36 232.77 feet to an existing iron pipe; thence running S. 56 deg. 38' 20" W. 27.42 feet to
37 a new iron pipe; thence running along the western edge of Lot 2, Section 2 Quarry
38 Hills Subdivision, S. 27 deg. 02' 59" E. 187.92 feet to a new iron pipe located in the
39 northern edge of the 60' right of way of George Bason Road; thence running in a
40 curve to the right, N. 60 deg. 14' 06" E. a distance of 100.11 having a radius of
41 3699.36 feet and an arc of 100.12 feet to a new iron pipe; continuing in a curve to the
42 right, N. 61 deg. 37' 48" E. a distance of 80.02 feet, having a radius of 3699.36 feet
43 and an arc of 80.02 feet to a new iron pipe; thence continuing N. 62 deg. 52' 05" E.
44 in a curve to the right with a distance of 80.00 feet, a radius of 3699.36, having an arc

1 of 80 feet to the point of BEGINNING, and containing 1.102 acres, more or less, as
2 shown on a plat recorded in the Office of the Register of Deeds of Alamance County
3 entitled 'Final Plat, Section 2 Quarry Hills Subdivision', in Plat Book 42 at page 51.

4 Tract Five:

5 A certain tract or parcel of land lying and being in Thompson Township, Alamance
6 County, North Carolina, adjoining George Bason Road, property owned by Will C.
7 Mann, Ruth M. Bason and Quarry Hills Subdivision, Section 2 and more particularly
8 described as follows:

9 BEGINNING at an existing iron pipe located in the northern edge of the 60' right of
10 way of George Bason Road, a corner with Lot 8 Section 3, Quarry Hills Subdivision
11 (Plat Book 44 at page 71) and Lot 7 Quarry Hills Subdivision Section 2 (Plat Book 41
12 at page 51); thence running in a curve to the left along the northern edge of George
13 Bason Road 60' right of way the following courses and distances: S. 53 deg. 09' 42"
14 W. a distance of 79.98 feet, having a radius of 1085.33 and an arc of 80 feet to an
15 existing iron pipe, S. 48 deg. 56' 18" W. a distance of 79.98 feet, a radius of 1085.33
16 feet and an arc of 80 feet, S. 44 deg. 42' 54" W. a distance of 79.98 feet, a radius of
17 1085.33 feet and an arc of 80 feet, S. 42 deg. 04' 30" W. 20.02 feet having a radius of
18 1085.33 feet and an arc of 20.02 feet to an existing iron pipe; thence continuing along
19 the northern edge of George Bason Road, S. 41 deg. 02' 21" W. 269.35 feet; thence in
20 a curve to the left, S. 41 deg. 17' 46" W. having a distance of 30.63 feet, a radius of
21 1040.38 feet and an arc of 30.63 feet to an existing iron pipe; thence running in a
22 curve to the left with property owned by Ruth M. Bason and Lot 14 Section 3,
23 Quarry Hills Subdivision (Plat 44 at page 71), N. 84 deg. 12' 50" W. 121.67 feet, a
24 radius of 180 feet and an arc of 124.11 feet to an existing iron pipe; thence running S.
25 76 deg. 15' 00" W. 8.18 feet; thence along the western edge of Lot 14, N. 02 deg. 48'
26 00" W. 184.50 feet; thence along the southern edge of property owned by Will C.
27 Mann, a boundary with Lots 8 through 14 Quarry Hills Subdivision, Section 3, the
28 following courses and distances: N. 87 deg. 12' 00" E. 30 feet; N. 42 deg. 41' 10" E.
29 336.99 feet; N. 56 deg. 38' 20" E. 221.68 feet to an existing iron pipe; thence running
30 along boundary of Lots 7 and 8 of Quarry Hills Subdivision, S. 27 deg. 03' 54" E.
31 187.91 feet to point of BEGINNING, and containing 2.91 acres, more or less, as
32 depicted on a final plat Section 3 Quarry Hills Subdivision, recorded in Plat Book 44
33 at page 71 in the Office of the Register of Deeds for Alamance County Registry and
34 being Lots 8 through 14, inclusive.

35 Tract Six:

36 A certain tract or parcel of land lying and being in Thompson Township, Alamance
37 County, North Carolina, adjoining Section 1 Stonehaven Subdivision, Quarry
38 Development, Mary D. Kirkpatrick, and Carroll Eric Barnes, and being more
39 particularly described as follows:

40 BEGINNING at a new iron pipe located in the southern edge of Graystone Drive, a
41 corner with Lot 67, Section 2 Stonehaven Subdivision (Plat Book 50 at page 115),
42 and property owned by Quarry Development Company (Plat Book 35 at page 103);
43 thence running S. 79 deg. 29' 11" W. 85.26 feet to a point in the northern edge of
44 Graystone Drive, a corner with Lot 65 Stonehaven Subdivision, Section 2; running

1 thence along the western edge of Lots 64 and 65, Stonehaven Subdivision, Section 2,
2 N. 46 deg. 54' 23" W. 420.60 feet; running thence along the southern edge of
3 Stonehaven Subdivision, Section 1 and the northern edge of Stonehaven Subdivision,
4 Section 2, N. 65 deg. 27' 25" E. 753.87 feet to a point in the western edge of Crescent
5 Drive; thence running N. 31 deg. 38' 05" E. 89.15 feet to the eastern edge of Crescent
6 Drive, a new iron pipe; thence running along the northern edge of Lot 54, Section 2
7 Stonehaven Subdivision, S. 85 deg. 40' 00" E. 184.18 feet to a control corner; thence
8 running along the western edge of property owned by Mary D. Kirkpatrick, S. 04 deg.
9 20' 00" W. 630.26 feet to a control corner; thence running from said control corner
10 along the northern edge of property owned by Carroll Eric Barnes, S. 75 deg. 10' 58"
11 W. 316.27 feet to an existing iron pipe; thence running S. 13 deg. 44' 14" E. 25.67
12 feet to a corner of Lot 67, Section 2, Stonehaven Subdivision, Carroll Eric Barnes
13 and Quarry Development Company; thence running S. 58 deg. 16' 14" W. 40.43 feet
14 to a new iron pipe; thence running N. 52 deg. 53' 18" W. 180.00 feet to the point of
15 BEGINNING and BEING SECTION 2, STONEHAVEN SUBDIVISION, as recorded
16 in Plat Book 50 at page 15 in the Office of the Register of Deeds for Alamance
17 County.

18 Tract Seven:

19 A certain tract or parcel of land lying and being in Thompson Township, Alamance
20 County, North Carolina, adjoining property owned by Fletcher C. Hunter, Michael
21 W. Williams and Swepsonville Road (SR 2159), and being more particularly
22 described as follows:

23 BEGINNING at an existing iron pipe located in the Swepsonville Road, a corner
24 with property owned by Fletcher C. Hunter and property owned by Ricky D.
25 Billings; running thence along the western edge of property owned by Fletcher C.
26 Hunter and the eastern edge of property owned by Ricky D. Billings and being the
27 boundary, S. 6 deg 00' 08" E. 1126.04 feet to a point; thence running S. 80 deg. 20'
28 22" W. 134.23 feet to a point; thence running along the western edge of property
29 owned by Ricky D. Billings and the eastern edge of property owned by Michael W.
30 Williams, N. 05 deg. 52' 15" W. 1122.27 feet to a point in Swepsonville Road (SR
31 2159); thence running from said point, N. 78 deg. 37' 59" E. 131.95 feet to the point
32 of BEGINNING, and containing 3.402 acres, more or less, as described in a final plat
33 for Ricky D. Billings as recorded in the Office of the Register Deeds for Alamance
34 County in Plat book 38 at page 92.

35 Tract Eight:

36 A certain tract or parcel of land located in Thompson Township, Alamance County,
37 North Carolina, adjoining George Bason Road (S.R. 2156), Swepsonville-Saxapahaw
38 Road, the Haw River and property owned by Will C. Mann and being more
39 particularly described as follows:

40 BEGINNING at an existing iron pipe located in the northern edge of George Bason
41 Road (S.R. 2156) right of way, a corner with the southern corner of Lot 14, Quarry
42 Hills Subdivision, Section 3 (Plat Book 44, page 71); running thence S. 19 deg. 31'
43 30" W. 50.80 feet to a new iron pipe; thence running N. 27 deg. 20' 16" E. 29.92 feet
44 to a point in George Bason Road; running thence from said point, S. 55 deg. 23' 51"

1 E. 49.57 feet to a point in Rivers Edge Drive; running thence S. 83 deg. 16' 45" W.
2 256.66 feet to an existing iron pipe; running thence S. 27 deg. 35' 16" W. 7.84 feet to
3 an existing iron pipe; running thence along the northwestern edge of Lot 2 (Plat
4 Book 9, page 23), S. 30 deg. 32' 55" W. 100.00 feet to an existing iron pipe; running
5 thence S. 27 deg. 40' 53" W. 99.99 feet along the northwestern edge of Lot 3 (Plat
6 Book 9, Page 23) to an existing iron pipe; thence from said pipe, S. 27 deg. 41' 50"
7 W. 119.99 feet to an existing iron pipe; thence S. 27 deg. 43' 18" W. 47.05 feet to a
8 new iron pipe, in the northeast corner of property owned by Don R. Quakenbush
9 and wife, Bobbie L. Quakenbush; running thence along the northwestern edge of
10 property owned by said Quakenbush, S. 52 deg. 49' 28" W. 307.09 feet to an existing
11 iron pipe; continuing along the northwestern edge of property owned by said
12 Quakenbush, S. 52 deg. 38' 28" W. 250.51 feet to a point in Swepsonville-Saxapahaw
13 Road 60' right of way; thence with Swepsonville-Saxapahaw Road, the following
14 courses and distances: N. 50 deg. 04' 01" W. in a curve to the left, a distance of 84.96
15 feet, radius of 603.10 feet and an arc of 85.03 feet; N. 66 deg. 43' 42" W. in a curve to
16 the left, a distance of 263.58 feet, a radius of 603.10 feet and an arc of 265.72 feet; N.
17 83 deg. 33' 46" W. in a curve to the left, a distance of 88.60 feet, a radius of 603.10
18 feet and an arc of 88.68 feet; N. 87 deg. 46' 32" W. 182.61 feet to a point in
19 Swepsonville-Saxapahaw Road; running thence along the eastern edge of the Haw
20 River, N. 20 deg. 13' 36" W. 378.16 feet to a point; continuing along the eastern edge
21 of the Haw River, the following courses and distances: N. 09 deg. 48' 15" W. 232.04
22 feet; N. 13 deg. 42' 54" W. 240.29 feet; N. 00 deg. 18' 04" E. 224.05 feet; N. 19 deg.
23 44' 43" E. 111.00 feet; N. 35 deg. 06' 25" E. 187.88 feet; N. 40 deg. 07' 01" E. 224.53
24 feet to a point in the eastern edge of the Haw River; running thence S. 23 deg. 22'
25 50" E. 349.72 feet to a new iron pipe; running thence S. 16 deg. 11' 40" E. 99.99 feet
26 to a new iron pipe; running thence S. 07 deg. 07' 20" E. 130.00 feet to a new iron
27 pipe; running thence S. 09 deg. 12' 28" E. 271.71 feet to a new iron pipe; running
28 thence N. 82 deg. 30' 17" E. 315.97 feet to a new iron pipe; running thence along the
29 southern edge of property owned by Will C. Mann, the following courses and
30 distances: N. 75 deg. 18' 09" E. 204.77 feet to a new iron pipe; running thence N. 86
31 deg. 27' 57" E. 543.65 feet to an existing iron pipe; running thence with the western
32 edge of Lot 14, Quarry Hills Subdivision, Section 3, S. 02 deg. 46' 38" E. 184.54 feet
33 to an existing iron pipe; running thence with a curve towards the southeast having a
34 bearing of N. 70 deg. 52' 37" E. a chord distance of 91.47 feet, a radius of 260.00 feet
35 and an arc distance of 91.95 feet to an existing iron pipe; running thence S. 60 deg.
36 47' 23" E. 20.71 feet to the POINT OF BEGINNING, containing 28.94 acres, more or
37 less, as described on a survey by Simmons Engineering & Surveying, Inc., dated
38 October 27, 1994, entitled 'Preliminary Plat, Section IV Quarry Hills Subdivision',
39 plat of which is unrecorded.

40 "CHAPTER III.

41 "GOVERNING BODY.

42 "Section 3.1. Structure of the Governing Body; Number of Members. The
43 governing body of the Town of Swepsonville is the Town Council, which has five
44 members.

1 "Section 3.2. **Manner of Electing Board.** The qualified voters of the entire Town
2 nominate and elect the members of the Council.

3 "Section 3.3. **Term of Office of Council Members.** In the 1997 municipal election,
4 five council members shall be elected. The two persons receiving the highest number
5 of votes shall be elected for four-year terms and the three persons receiving the next
6 highest number of votes shall be elected for two-year terms. In 1999 and
7 quadrennially thereafter, three council members shall be elected for four-year terms.
8 In 2001 and quadrennially thereafter, two council members shall be elected for four
9 year terms.

10 "Section 3.4. **Selection of Mayor; Term of Office.** The Mayor shall be appointed
11 by the Town Council from among its own membership for a four-year term. The
12 Mayor shall have the right to vote on all questions that come before the Council, but
13 shall have no right to break a tie vote in which the Mayor participated.

14 "Section 3.5. **Filling of Vacancies.** Vacancies occurring for any reason in the
15 Town Council shall be filled by the remaining members of the Council for the
16 remainder of the unexpired term.

17 "CHAPTER IV.

18 "ELECTIONS.

19 "Section 4.1. **Conduct of Town Elections.** The Town Council shall be elected on a
20 nonpartisan basis and the results determined by the plurality method in G.S. 163-292.

21 "CHAPTER V.

22 "ADMINISTRATION.

23 "Section 5.1. **Mayor-Council Plan.** The Town of Swepsonville operates under the
24 Mayor-Council plan as provided by Part 3 of Article 7 of Chapter 160A of the
25 General Statutes."

26 Section 3. The incorporation of the Town of Swepsonville and
27 simultaneous dissolution of the Swepsonville Sanitary District shall become effective
28 on the second Monday of the month following when this act becomes law. The
29 Swepsonville Sanitary District shall take all actions necessary to effect this transfer of
30 the assets and liabilities of the Sanitary District to the Town of Swepsonville. From
31 the effective date of this Charter until the organizational meeting of the Town
32 Council after the 1997 municipal election, the members of the Town Council shall be
33 the members of the board of the Swepsonville Sanitary District.

34 Section 4. The organizational meeting of the Town Council of the Town
35 of Swepsonville shall be held at 7:00 p.m. on the second Monday of the month
36 following when this act becomes law. The transitional provisions of G.S. 130A-
37 81(5)(a) through (g) shall apply to the Town of Swepsonville and the Swepsonville
38 Sanitary District.

39 Section 5. This act is effective when it becomes law.

Ginny McCann (Rep. Hill)

From: Denise Weeks (House Principal Clerk)
Sent: Wednesday, July 09, 1997 5:07 PM
To: @All Exchange Users
Subject: House adjournment/meetings

The House has adjourned with the following meeting announcements:

Environment - 1:00 - room 544

Rules - 1:00 - room 643

Education - 1:30 - room 643

Transportation - 3:00 - room 643

Finance/Sub - Local, Reg.& St. Rev.- chamber - immediately after session

Denise Weeks, House Principal Clerk
(919) 733-7760; Fax (919) 715-2881
Denisew@ms.ncga.state.nc.us

file

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☒ Committee Substitute for
S.B. 711 ☐ A BILL TO BE ENTITLED AN ACT TO EXTEND THE
CORPORATE LIMITS OF THE TOWN OF LELAND.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill ~~(#)~~, ☒ which changes the title,
unfavorable as to original bill ~~(Committee Substitute Bill #)~~. (and recommendation that the
committee substitute bill (#) be referred to the Committee on)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: July 15, 1997

The subcommittee met in Room 415 of the Legislative Office Building at noon. Those members in attendance were: Rep. Cherie Berry; Rep. Charles Buchanan; Rep. Russell Capps; Rep. Rick Eddins; Rep. Richard Morgan; Rep. Mia Morris; Rep. John Rayfield and Rep. Edgar V. Starnes.

Chairman Hill called the meeting to order and recognized two House Pages from Guilford County, Dash Copeland and Zack Priddy, who were assigned to the subcommittee today.

Chairman Hill stated that the first bill on the agenda is HB 600, Foxfire Assessment Clarification, by Rep. Morgan. Chairman Hill recognized Mr. Gerry Cohen, Director of Bill Drafting, to come forward and explain the bill. Mr. Cohen stated that last year Rep. Morgan introduced a bill, which was ratified (Chapter 574). The bill authorized assessment for street improvements for Foxfire. There was a question with regard to the words "or other utilities" and, at that time, those words were deleted. However, it became apparent that undergrounding electric utilities was included in this wording. This bill clarifies - in this particular project - that undergrounding of electric utilities are included.

There was no further discussion on the bill, and Chairman Hill recognized Rep. Rayfield who made the motion for a favorable report on the bill. The motion carried.

Chairman Hill recognized Rep. Ellis to come forward and support HB 566, Wake Schools Development Changes. Rep. Ellis stated that the bill was at the request of the Wake County School Board and the Wake County Commissioners in their ongoing efforts to find ways to provide more resources for educational opportunity in Wake County. Rep. Ellis further stated that the bill simply exempts new school construction from the municipal impact fees. This will save the school system - over the next three years - about \$1.85 million which will allow the building of 22 classrooms.

Chairman Hill recognized Rep. Eddins who made the motion that the bill receive a favorable report. The motion carried.

Chairman Hill recognized Rep. Eddins once again to come forward and support HB 568, Wake Forest Annexation. Chairman Hill then advised the members of the subcommittee that the bill was given a favorable report at the last meeting; however, he asked that the members reconsider the vote by which it was given a favorable report and Rep. Buchanan so moved. Rep. Eddins stated that he had an amendment (see Attachment "A" for explanation.) Rep. Eddins requested that subcommittee counsel

Cindy Avrette explain the details to the subcommittee. Upon conclusion of staff's explanation Rep. Starnes had a question with regard to voluntary annexation. Rep. Eddins stated that it was 100% and they must petition the Town of Wake Forest.

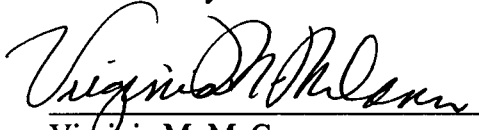
Chairman Hill recognized Rep. Buchanan who made a motion that the amendment be adopted and rolled into a committee substitute - the motion carried. Rep. Buchanan made a further motion that the committee substitute, with the amendment rolled in, be given a favorable report and unfavorable as to original bill. The motion carried.

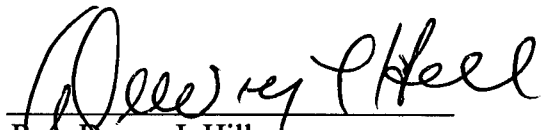
Chairman Hill recognized Senator Foxx to come forward and support SB 578, Mount Airy Occupancy Tax. Rep. Buchanan was recognized for a motion that the subcommittee adopt for the purposes of discussion, a proposed committee substitute for SB 578. The motion carried. Senator Foxx stated that she wished to only address the Mt. Airy portion of the bill which was requested by the Chamber of Commerce and the City Commissioners of Mt. Airy. The bill authorizes the City Commissioners of Mt. Airy to levy an occupancy tax if they choose to do so. Senator Foxx further stated that Senator Kincaid and Senator Garwood had asked to have her bill amended to include Avery County and she stated that she agreed with their request. At this point Rep Buchanan was recognized to add that the County Commissioners had requested what is stipulated in this bill, which he proceeded to explain. He further stated that the majority of the commissioners were in support of this bill. Rep. Buchanan asked that the subcommittee give a favorable report to the committee substitute - unfavorable to the original bill, and that it be referred to the Committee on Rules, Calendar and Operations of the House.

There was a brief discussion on the bill, and upon conclusion Chairman Hill called for the vote on Rep. Buchanan's motion and it carried.

There being no further business, Rep. Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

A G E N D A

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Tuesday, July 15, 1997

CALL TO ORDER: Rep. Dewey L. Hill, Chairman

BILLS TO BE DISCUSSED:

HB 566, Wake Schools Development Changes - Rep. Ellis

HB568, Wake Forest Annexation - Rep. Eddins

HB 600, Foxfire Assessment Clarification - Rep. Morgan

SB 578, Mount Airy Occupancy Tax - Senator Foxx

ADJOURNMENT

VISITOR REGISTRATION SHEET

Local, Regional, and State Revenues 7/15/97
Name of Committee Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

B. CLINTON JOBE	WAKE COUNTY PUBLIC SCHOOLS
RAY MASSEY JR.	WAKE COUNTY PUBLIC SCHOOLS
SUSAN HARRISON	WCPSS
Leanne Winner	ELHES
David Huskins	
N. E. Mith	Muth Co
J. E. Hobbs	NCHMA

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 600
Committee Substitute Favorable 7/3/97

Short Title: Foxfire Assessment Clarification.

(Local)

Sponsors:

Referred to:

March 25, 1997

1 A BILL TO BE ENTITLED
2 AN ACT CLARIFYING THAT IN MODIFYING THE REQUIREMENTS FOR
3 MAKING STREET ASSESSMENTS IN FOXFIRE VILLAGE UNDER CERTAIN
4 CIRCUMSTANCES, UNDERGROUNDING OF UTILITIES, WHICH WAS
5 PART OF THE PROJECT, IS ALSO SUBJECT TO ASSESSMENT.

6 The General Assembly of North Carolina enacts:

7 Section 1. (a) Section 8.1 of the Charter of Foxfire Village, being Chapter
8 237 of the 1977 Session Laws as added by Chapter 574 of the 1995 Session Laws,
9 reads as rewritten:

10 "Sec. 8.1. Street Assessments.

11 (a) In addition to any authority which is now or hereafter may be granted by
12 general law to the town for making street improvements, the Village Council may
13 make street improvements and assess the cost thereof against abutting property
14 owners in accordance with the provisions of this section.

15 (b) The Village Council may order street improvements and assess the cost
16 thereof against the abutting property owners, according to one or more of the
17 assessment bases set forth in Article 10 of Chapter 160A of the General Statutes
18 without the necessity of a petition meeting the requirements of that Article, upon the
19 finding by the Village Council as a fact that:

20 (1) The street improvement project does not exceed 30,000 lineal front
21 footage;

22 (2) The street improvement project involves no more than 200 lots;

(3) The street improvement project consists of a series of streets all of which are contiguous to at least one other street in the project;

(4) The street improvement project abuts at least one other paved street in the Village;

(5) The street improvement project consists solely of a collection of streets for which petitions under Article 10 of Chapter 160A of the General Statutes were received within two years before a preliminary assessment resolution is adopted under the authority of this Article, in accordance with G.S. 160A-223, where:

a. The petitions taken as a whole were signed by at least forty percent (40%) of the owners of property to be assessed, who represent at least forty percent (40%) of all the lineal front footage of the lands abutting on the streets or portions thereof to be improved; but

b. Where for at least five streets in the project, the petitions were signed by at least two-thirds of the owners of property to be assessed, who represent at least two-thirds of all the lineal front footage of the lands abutting on the streets or portions thereof to be improved.

(c) For the purpose of this Article, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, underground electrical systems, and the construction or reconstruction of curbs, gutters, and street drainage facilities.

(d) In ordering street improvements without a petition and assessing the cost thereof under authority of this Article, the Village Council shall comply with the procedure provided by Article 10 of Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof. Any assessment under the authority of this act must be under a preliminary assessment resolution adopted under G.S. 160A-223 no later than December 31, 1998.

(e) The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes."

(b) In order to assess for underground electrical systems under the authority of this act, the Village Council may either commence a new assessment proceeding, or may amend the preliminary resolution for an existing assessment proceeding, and may act under petitions already received for the project.

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

Ginny McCann (Rep. Hill)

From: Gerry Cohen (Bill Drafting, Director)
Sent: Thursday, July 10, 1997 9:10 PM
To: Cindy Avrette (Research); Martha Harris (Bill Drafting); Martha Walston (Fiscal Research)
Cc: Rep. Dewey Hill; Rep. Richard Morgan
Subject: HB600

I understand that House Bill 600 (Foxfire Assessments) has been calendared for House Local Finance Tuesday at noon. I will be available to explain the bill at Rep. Morgan's request. The bill was introduced by Representative Holmes, but now deals solely with Moore County.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 566
Committee Substitute Favorable 7/3/97

Short Title: Wake Schools Development Charges.

(Local)

Sponsors:

Referred to:

March 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT EXEMPTING THE WAKE COUNTY PUBLIC SCHOOL SYSTEM
3 FROM DEVELOPMENT CHARGES RELATED TO THE CONSTRUCTION,
4 RENOVATION, AND REPAIR OF PUBLIC SCHOOL SYSTEM
5 INFRASTRUCTURE FACILITIES IN WAKE COUNTY AND THE
6 MUNICIPALITIES THEREIN.

7 The General Assembly of North Carolina enacts:

8 Section 1. Notwithstanding any other provision of law, the Wake County
9 Public School System shall be exempt from development charges assessed by Wake
10 County or any municipality having territory within Wake County where the
11 development charge is assessed against the construction, renovation, or repair of
12 public school infrastructure facilities.

13 Section 2. For the purposes of this act:

14 (a) "Development charge" means any:

- 15 (1) Impact fee, facility fee, development fee, project fee, regulatory fee,
16 or other similar fee assessed in connection with the construction,
17 renovation, or repair of a public school infrastructure facility
18 where the fee is based on the student seating capacity of the
19 facility.
20 (2) Water and sewer acreage fee when the Wake County Public School
21 System has installed water and sewer improvements.
22 (3) Transportation development fee when the Wake County Public
23 School System has installed transportation improvements.

(4) Utility tap fee.

(5) Plan review fee.

(6) Building permit fee.

(7) Fee to place a mobile classroom unit on property owned by the Wake County Public School System.

(b) "Public school infrastructure facility" means any building, structure, or other facility used or to be used by the Wake County Public School System for instructional, administrative, or maintenance purposes. The term includes mobile classroom units.

Section 3. This act is effective when it becomes law and applies to Wake County Public School System construction, renovation, and repair projects started or in progress on or after that date, except that any valid development charge that accrued prior to that date shall remain valid and payable by the Wake County Public School System.

WAKE COUNTY PUBLIC SCHOOL SYSTEM**Auxiliary Services****PLEASE DELIVER THE FOLLOWING PAGE(S):****TO:** The Honorable Sam Ellis**FAX #:** (919) 733-2599
AREA CODE NUMBER LONG DISTANCE? YES ☐ NO ☒**FROM:** Ray Massey, Jr.**DATE:** 5/21/97**SUBJECT:** Impact Fees3 **PAGE(S) INCLUDING THIS COVER LETTER.****THESE ARE TRANSMITTED AS CHECKED BELOW:**

☐ For Approval	☐ Approved as Submitted
☒ For Your Use	☐ Approved as Noted
☐ As Requested	☐ Returned for Corrections
☐ For Your Information/File	☐ Other: _____
☐ For Review and Comment	_____
☐ For Follow-Up	_____

COMMENTS:

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL (919) 850-1900**FAX #919-850-1780**3600 Wake Forest Road ☐ P. O. Box 28041 ☐ Raleigh, NC 27611



WAKE COUNTY PUBLIC SCHOOL SYSTEM

*Associate Superintendent
Auxiliary Services*

May 21, 1997

The Honorable Sam Ellis
State Representative
1303 Legislative Building
16 West Jones Street
Raleigh, NC 27601-2808

Dear Mr. Ellis:

The Wake County Public School System is presently being charged impact fees for construction and renovations of schools. Several municipalities in Wake County charge fees to offset the 'impact' of facilities on future demands for road improvements, parks, utilities, etc. Some of these fees are imposed based on a count of student seats that will be provided in the new construction and do not take into account that these seats are for students already in the community.

Transportation development fees are usually for improvements to existing roads or for construction of new roads that will serve the school. However, the district is required to pay the fees as well as make street improvements from project funds. Often the new school is built to serve a community that has already been developed and has residents in place. These new schools are a necessary response to the growth in the community. In such cases, the impact is actually upon the school system and our building program budgets. Unfortunately, the school system continues to be treated as a developer rather than as a provider of public infrastructure and services. Below is a listing of the types of fees we are currently being charged:

- * Municipal impact fees based on the number of seats (capacity) being provided.
- * Water and sewer acreage fees (and we install improvements).
- * Transportation development fees (and we install improvements).
- * Utility tap fees.
- * Plan review fees.

The Honorable Sam Ellis

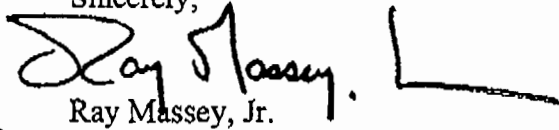
Page 2

May 21, 1997

- * Fees to place a mobile classroom unit on school property (even when pupils are already on campus). These fees are not refunded when the mobile units are removed from the school site.
- * Building permit fees.

Please don't hesitate to call us if we can provide additional information to you or be of assistance in any way. Thank you for your continued assistance and support of public education in Wake County.

Sincerely,



Ray Massey, Jr.

c: Phyllis Pickett, Attorney
Jim Surratt, Superintendent
Members, Board of Education

Wake new file

**RESOLUTION OF SUPPORT FOR LOCAL LEGISLATION
TO EXEMPT THE WAKE COUNTY PUBLIC SCHOOL SYSTEM
FROM IMPACT FEES ON SCHOOL CONSTRUCTION**

WHEREAS, the student population served by the Wake County Public School System continues to grow at an annual rate in excess of five percent, equal to approximately 3,500-4,500 students per year, and

WHEREAS, the Wake County Board of Education, despite an ambitious school building program, is unable to keep pace with growth in the student population, evidenced by a current seating deficit of 4,606 student seats and the continued use of nearly 500 mobile classroom units (trailers), and

WHEREAS, funding for new schools and expansions is provided primarily through state and local tax levies and through the sale of state and local general obligation bonds, and

WHEREAS, funding raised through available revenue sources must be used wisely to meet housing demands and to improve existing facilities, and

WHEREAS, the Wake County Board of Education is obligated to pay impact fees to municipalities for the construction and renovation of schools, and

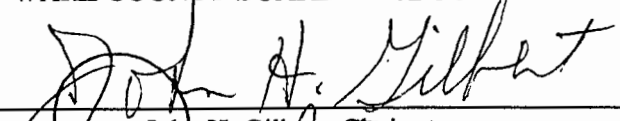
WHEREAS, the impact fees paid by the Wake County Board of Education for the period 1993-1997 will exceed \$1.1 million, and

WHEREAS, the funds used to pay impact fees are needed by the Wake County Board of Education to meet the increasing capital needs of the school system,

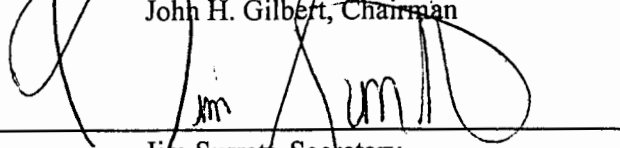
THEREFORE, BE IT HEREBY RESOLVED, that the Wake County Board of Education endorses the introduction and passage of local legislation to exempt the Wake County Public School System from impact fees assessed by local municipalities on school construction projects.

Resolved this 19th day of May 1997.

WAKE COUNTY BOARD OF EDUCATION



John H. Gilbert, Chairman



Jim Surratt, Secretary



COUNTY OF WAKE
BOARD OF COMMISSIONERS

Stewart Adcock
Chairman

June 3, 1997

The Honorable J. Sam Ellis
North Carolina State House of Representatives
Room 1303, State Legislative Building
Raleigh, North Carolina 27601-1096

Dear Sam:

I am writing to ask for your support of a Wake County Public School System legislative goal. I am aware that you have been asked to support legislation which would exempt the Wake County Public School System from paying impact fees to municipalities for construction of schools. I support this legislative goal.

Since the County has responsibility for funding the construction of schools, I am supportive of any and all efforts to ensure that funds we allocate for school construction are used for just that - school construction. Based on figures provided by the Wake County Public School System, approximately \$1.2 million of one phase of school construction (Phase IIIA) went to Raleigh, Cary, Garner and Knightdale in the payment of impact fees. These funds did not go to fund the construction or equipping of new schools.

The Wake County Public School System has a difficult job in meeting the growth demands in Wake County. They are anticipating and reacting to the tremendous residential growth we are experiencing. Yet, they are treated like a new development project with municipalities extracting impact fees when they build a new school.

I ask your support with this legislative goal. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Stewart Adcock".

Stewart Adcock, Chairman
Wake County Board of Commissioners

c: Board of County Commissioners
Richard Stevens, County Manager
Jim Surratt, Superintendent, WCPSS

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

"Attachment A"

H. B. No. 568- PCS 2365

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.)

Sen.)

Eddinsmoves to amend the bill on page 1, lines 2-4by rewriting the lines to read:"AN ACT CONCERNING SATELLITE ANNEXATIONS
BY THE TOWN OF WAKE FOREST." ;and on page 1, line 6 through page 2, line 3, by
deleting Section 1 ; 0And on page 2, lines 17-18, by deleting Section 3 ;and on page 2, line 4, by deleting "Section 2" and
substituting "Section 1." ;and on page 2, line 19, by deleting "Section 4." and
substituting "Section 2."

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 568

Committee Substitute Favorable 6/26/97

~~Proposed Senate~~ Committee Substitute H568-PCS2367

Short Title: Wake Forest Annexation.

(Local)

Sponsors:

Referred to:

March 20, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF
3 WAKE FOREST.
4 The General Assembly of North Carolina enacts:
5 Section 1. (a) G.S. 160A-58.1(b) is amended by adding a new
6 subdivision to read:
7 "(2a) If any territory proposed for annexation under this Part is an area
8 that another city has agreed not to annex under an agreement with
9 the annexing city under Part 6 of this Article, then the proximity to
10 that other city shall not be considered in applying subdivision (2)
11 of this subsection. This subdivision applies only where the
12 annexing city is the Town of Wake Forest."
13 (b) Section 2(b) of Chapter 882 of the 1989 Session Laws reads as
14 rewritten:
15 "(b) Except as provided by G.S. 160A-58.1(b)(2a) or subsection (a) of this section,
16 the provisions of Part 4 of Article 4A of Chapter 160A of the General Statutes shall
17 continue to apply to the Town of Wake Forest."
18 Section 2. This act is effective when it becomes law.

The Committee on.....
a majority being present, having considered
this bill, recommend that it do.....pass.

.....
For the Committee

file

1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 566

☐ A BILL TO BE ENTITLED AN ACT EXEMPTING THE WAKE
COUNTY PUBLIC SCHOOL SYSTEM FROM DEVELOPMENT CHARGES RELATED TO THE
CONSTRUCTION, RENOVATION, AND REPAIR OF PUBLIC SCHOOL SYSTEM
INFRASTRUCTURE FACILITIES IN WAKE COUNTY AND THE MUNICIPALITIES THEREIN.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 568

☐ A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN
DESCRIBED TERRITORY TO THE TOWN OF WAKE FOREST.

REPORTED TO THE STANDING COMMITTEE ON

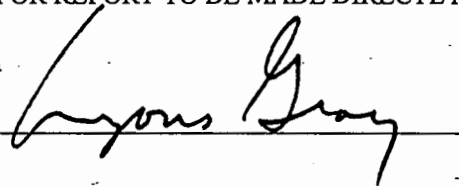
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (# 2), ☒ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # 1). ~~(and recommendation that the
committee substitute bill (#) be referred to the Committee on)~~
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☒ Committee Substitute for

S.B. 578

☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

REPORTED TO THE STANDING COMMITTEE ON

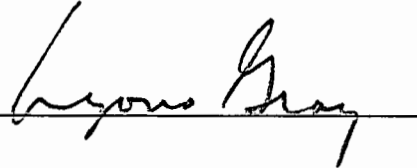
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (# 2), ☒ which changes the title, unfavorable as to original bill (Committee Substitute Bill # 1) (and recommendation that the committee substitute bill (# 2) be referred to the Committee on Rules.)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 600

☐ A BILL TO BE ENTITLED AN ACT CLARIFYING THAT IN MODIFYING THE REQUIREMENTS FOR MAKING STREET ASSESSMENTS IN FOXFIRE VILLAGE UNDER CERTAIN CIRCUMSTANCES, UNDERGROUNDING OF UTILITIES, WHICH WAS PART OF THE PROJECT, IS ALSO SUBJECT TO ASSESSMENT.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____.

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 578

House Committee Substitute Favorable 7/14/97

Proposed House Finance Committee Substitute S578-CSLC-7/14

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Mount Airy/Avery Occupancy Tax.

(Local)

Sponsors:

Referred to:

April 1, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM
3 OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE
4 DISTRIBUTION OF THE AVERY COUNTY OCCUPANCY TAX.

5 The General Assembly of North Carolina enacts:

6 Section 1. Mount Airy Occupancy Tax. (a) Authorization
7 and scope. The Mount Airy Board of Commissioners may levy a room
8 occupancy tax of up to three percent (3%) of the gross receipts
9 derived from the rental of any room, lodging, or accommodation
10 furnished by a hotel, motel, inn, tourist camp, or similar place
11 within the city that is subject to sales tax imposed by the State
12 under G.S. 105-164.4(a)(3). This tax is in addition to any State
13 or local sales tax. This tax does not apply to accommodations
14 furnished by nonprofit charitable, educational, or religious
15 organizations or by nonprofit summer camps when the
16 accommodations are furnished in furtherance of their nonprofit
17 purpose.

18 (b) Administration. A tax levied under this section
19 shall be levied, administered, collected, and repealed as
20 provided in G.S. 160A-215. The penalties provided in G.S.
21 160A-215 apply to a tax levied under this section.

1 (c) Distribution and use of tax revenue. The City of
2 Mount Airy shall, on a quarterly basis, remit the net proceeds of
3 the occupancy tax to the Mount Airy Tourism Development
4 Authority. The Authority shall use the funds remitted to it
5 under this subsection only to promote travel and tourism in the
6 Mount Airy area. The following definitions apply in this
7 section:

- 8 (1) Net proceeds. -- Gross proceeds less the cost to
9 the city of administering and collecting the tax,
10 as determined by the finance officer, not to exceed
11 seven percent (7%) of the gross proceeds.
12 (2) Promote travel and tourism. -- Advertise and market
13 activities, develop and distribute promotional
14 materials, conduct market research, and engage in
15 other similar promotional activities that attract
16 tourists or business travelers to the area. The
17 term also includes administration of the Mount Airy
18 Tourism Development Authority.

19 Section 2. Mount Airy Tourism Development Authority.
20 (a) Appointment and membership. When the board of commissioners
21 adopts a resolution levying a room occupancy tax under this act,
22 it shall also adopt a resolution creating a Mount Airy Tourism
23 Development Authority, which shall be a public authority under
24 the Local Government Budget and Fiscal Control Act. The board of
25 commissioners shall appoint the following eight members to the
26 Authority:

- 27 (1) Two individuals who are owners or operators of
28 taxable tourist accommodations in the city.
29 (2) Two residents of the city who have experience in
30 the promotion of travel and tourism.
31 (3) Two residents of the city who are members of the
32 Mount Airy Chamber of Commerce, selected by the
33 Mount Airy Chamber of Commerce.
34 (4) One member of the board of commissioners.
35 (5) The city finance officer, who shall serve as an ex
36 officio, nonvoting member.

37 Members of the Authority shall serve without
38 compensation and shall serve for a term of three years.
39 Vacancies shall be filled in the same manner as the original
40 appointment. Members appointed to fill vacancies shall serve for
41 the remainder of the unexpired term. An individual may serve as
42 a member for no more than two consecutive terms. The members
43 shall elect a chair from among the membership, who shall serve

1 for three years. The Authority shall meet at the call of the
2 chair and shall adopt rules of procedure to govern its meetings.

3 (b) Duties. The Authority shall expend the net
4 proceeds of the tax levied under this act for the purposes
5 provided in Section 1 of this act. The Authority shall promote
6 travel and tourism in the Mount Airy area. In performing its
7 duties, the Authority may contract with any person, firm, or
8 agency to advise and assist it and may recommend to the board of
9 commissioners that city staff be employed for this advice and
10 assistance. Any city staff employed upon a recommendation of the
11 Authority shall be hired and supervised by the Authority, which
12 shall pay the salaries and expenses of this staff.

13 (c) Reports. The Authority shall report quarterly and
14 at the close of the fiscal year to the board of commissioners on
15 its receipts and expenditures for the preceding quarter and for
16 the year in such detail as the board may require.

17 Section 3. Municipal Administrative Provisions. (a)
18 Article 9 of Chapter 160A of the General Statutes is amended by
19 adding a new section to read:

20 "§ 160A-215. Uniform provisions for room occupancy taxes.

21 (a) Scope. -- This section applies only to municipalities the
22 General Assembly has authorized to levy room occupancy taxes.
23 For the purpose of this section, the term 'city' means a
24 municipality.

25 (b) Levy. -- A room occupancy tax may be levied only by
26 resolution after not less than 10 days' public notice and after a
27 public hearing held pursuant thereto. A room occupancy tax shall
28 become effective on the date specified in the resolution levying
29 the tax. That date must be the first day of a calendar month,
30 however, and may not be earlier than the first day of the second
31 month after the date the resolution is adopted.

32 (c) Collection. -- Every operator of a business subject to a
33 room occupancy tax shall, on and after the effective date of the
34 levy of the tax, collect the tax. The tax shall be collected as
35 part of the charge for furnishing a taxable accommodation. The
36 tax shall be stated and charged separately from the sales records
37 and shall be paid by the purchaser to the operator of the
38 business as trustee for and on account of the taxing city. The
39 tax shall be added to the sales price and shall be passed on to
40 the purchaser instead of being borne by the operator of the
41 business. The taxing city shall design, print, and furnish to
42 all appropriate businesses and persons in the city the necessary
43 forms for filing returns and instructions to ensure the full
44 collection of the tax. An operator of a business who collects a

1 room occupancy tax may deduct from the amount remitted to the
2 taxing city a discount equal to the discount the State allows the
3 operator for State sales and use tax.

4 (d) Administration. -- The taxing city shall administer a room
5 occupancy tax it levies. A room occupancy tax is due and payable
6 to the city finance officer in monthly installments on or before
7 the 15th day of the month following the month in which the tax
8 accrues. Every person, firm, corporation, or association liable
9 for the tax shall, on or before the 15th day of each month,
10 prepare and render a return on a form prescribed by the taxing
11 city. The return shall state the total gross receipts derived in
12 the preceding month from rentals upon which the tax is levied. A
13 room occupancy tax return filed with the city finance officer is
14 not a public record and may not be disclosed except in accordance
15 with G.S. 153A-148.1 or G.S. 160A-208.1.

16 (e) Penalties. -- A person, firm, corporation, or association
17 who fails or refuses to file a room occupancy tax return or pay a
18 room occupancy tax as required by law is subject to the civil and
19 criminal penalties set by G.S. 105-236 for failure to pay or file
20 a return for State sales and use taxes. The governing board of
21 the taxing city has the same authority to waive the penalties for
22 a room occupancy tax that the Secretary of Revenue has to waive
23 the penalties for State sales and use taxes.

24 (f) Repeal or Reduction. -- A room occupancy tax levied by a
25 city may be repealed or reduced by a resolution adopted by the
26 governing body of the city. Repeal or reduction of a room
27 occupancy tax shall become effective on the first day of a month
28 and may not become effective until the end of the fiscal year in
29 which the resolution was adopted. Repeal or reduction of a room
30 occupancy tax does not affect a liability for a tax that was
31 attached before the effective date of the repeal or reduction,
32 nor does it affect a right to a refund of a tax that accrued
33 before the effective date of the repeal or reduction."

34 (b) This section applies only to the City of Mount Airy.

35 Section 4. Avery County Occupancy Tax. Section 1 of
36 Chapter 472 of the 1993 Session Laws reads as rewritten:

37 "Section 1. Avery County Occupancy tax.

38 (a) Authorization and Scope.

39 The Avery County Board of Commissioners may ~~by resolution,~~
40 ~~after not less than 10 days' public notice and after a public~~
41 ~~hearing held pursuant thereto,~~ levy a room occupancy tax of up to
42 three percent (3%) of the gross receipts derived from the rental
43 of any room, lodging, or accommodation furnished by a hotel,
44 motel, inn, tourist camp, or similar place within the county that

1 is subject to sales tax imposed by the State under G.S. 105-
2 164.4(a)(3) and is not subject to a room occupancy tax levied by
3 a municipality. This tax is in addition to any State or local
4 sales tax. This tax does not apply to accommodations furnished
5 by nonprofit charitable, educational, or religious organizations.
6 The occupancy tax rate payable on accommodations furnished within
7 Avery County may not exceed six percent (6%).

8 (b) ~~Collection. Administration.~~

9 A tax levied under this section shall be levied, administered,
10 collected, and repealed as provided in G.S. 153A-155. The
11 penalties provided in G.S. 153A-155 apply to a tax levied under
12 this section.

13 ~~Every operator of a business subject to the tax levied under~~
14 ~~this section shall, on and after the effective date of the levy~~
15 ~~of the tax, collect the tax. This tax shall be collected as part~~
16 ~~of the charge for furnishing a taxable accommodation. The tax~~
17 ~~shall be stated and charged separately from the sales records,~~
18 ~~and shall be paid by the purchaser to the operator of the~~
19 ~~business as trustee for and on account of the county. The tax~~
20 ~~shall be added to the sales price and shall be passed on to the~~
21 ~~purchaser instead of being borne by the operator of the business.~~
22 ~~The county shall design, print, and furnish to all appropriate~~
23 ~~businesses and persons in the county the necessary forms for~~
24 ~~filing returns and instructions to ensure the full collection of~~
25 ~~the tax. An operator of a business who collects the occupancy~~
26 ~~tax levied under this section may deduct from the amount remitted~~
27 ~~to the county a discount equal to the discount the State allows~~
28 ~~the operator for collecting State sales and use taxes.~~

29 (c) ~~Administration.~~

30 ~~The county shall administer a tax levied under this section. A~~
31 ~~tax levied under this section is due and payable to the county~~
32 ~~finance officer in monthly installments on or before the 15th day~~
33 ~~of the month following the month in which the tax accrues. Every~~
34 ~~person, firm, corporation, or association liable for the tax~~
35 ~~shall, on or before the 15th day of each month, prepare and~~
36 ~~render a return on a form prescribed by the county. The return~~
37 ~~shall state the total gross receipts derived in the preceding~~
38 ~~month from rentals upon which the tax is levied.~~

39 ~~A return filed with the county finance officer under this~~
40 ~~section is not a public record as defined by G.S. 132-1 and may~~
41 ~~not be disclosed except as required by law.~~

42 (d) ~~Penalties.~~

43 ~~A person, firm, corporation, or association who fails or~~
44 ~~refuses to file the return required by this section is subject to~~

~~1 the civil and criminal penalties set by G.S. 105-236 for failure
2 to pay or file a return for State sales and use taxes. The board
3 of commissioners has the same authority to waive the penalties
4 for a room occupancy tax that the Secretary of Revenue has to
5 waive the penalties for State sales and use taxes.~~

6 (e) Distribution and Use of Tax Revenue.

7 Avery County ~~shall use at least~~ shall, on a quarterly basis,
8 distribute two-thirds of the net proceeds of the occupancy tax
9 revenue to the Avery Tourism Development Authority created
10 pursuant to Section 1.1 of this act to be used only to promote
11 travel and tourism in Avery County and shall spend distribute the
12 remainder ~~on~~ to the Avery County Chamber of Commerce to be used
13 only for tourism-related expenditures. The chamber of commerce
14 shall report quarterly and at the close of the fiscal year to the
15 board of commissioners on its receipts and expenditures for the
16 preceding quarter and for the year in such detail as the board
17 may require.

18 The following definitions apply in this subsection:

- 19 (1) Net proceeds. -- Gross proceeds less the cost to
20 the county of administering and collecting the tax,
21 as determined by the finance officer, not to exceed
22 seven percent (7%) of the amount collected.
- 23 (2) Promote travel and tourism. -- To advertise or
24 market an area or activity, publish and distribute
25 pamphlets and other materials, conduct market
26 research, or engage in similar promotional
27 activities that attract tourists or business
28 travelers to the area; the term includes
29 administrative expenses incurred in engaging in the
30 listed activities.
- 31 (3) Tourism-related expenditures. -- ~~Expenditures that~~
32 ~~are designed to increase the use of lodging~~
33 ~~facilities in a county or to attract tourists or~~
34 ~~business travelers to the county and expenditures~~
35 ~~incurred by the county in collecting the tax. The~~
36 ~~term includes expenditures to construct, maintain,~~
37 ~~operate, or market a convention center and other~~
38 ~~expenditures that, in the judgment of the board of~~
39 ~~commissioners, will facilitate and support tourism.~~
40 Expenditures that, in the judgment of the entity
41 making the expenditures, are designed to increase
42 the use of lodging facilities, meeting facilities,
43 and convention facilities in a county by attracting

1 tourists or business travelers to the county. The
2 term includes tourism-related capital expenditures.

3 ~~(f) Effective Date of Levy.~~

4 ~~A tax levied under this section shall become effective on the~~
5 ~~date specified in the resolution levying the tax. That date must~~
6 ~~be the first day of a calendar month, however, and may not be~~
7 ~~earlier than the first day of the second month after the date the~~
8 ~~resolution is adopted.~~

9 ~~(g) Repeal.~~

10 ~~A tax levied under this section may be repealed by a resolution~~
11 ~~adopted by the Avery County Board of Commissioners. Repeal of a~~
12 ~~tax levied under this section shall become effective on the first~~
13 ~~day of a month and may not become effective until the end of the~~
14 ~~fiscal year in which the repeal resolution was adopted. Repeal~~
15 ~~of a tax levied under this section does not affect a liability~~
16 ~~for a tax that was attached before the effective date of the~~
17 ~~repeal, nor does it affect a right to a refund of a tax that~~
18 ~~accrued before the effective date of the repeal."~~

19 Section 5. Avery Tourism Development Authority. Chapter
20 472 of the 1993 Session Laws is amended by adding a new section
21 to read:

22 "Sec. 1.1. Avery Tourism Development Authority. (a)
23 Appointment and membership. The board of commissioners of Avery
24 County shall adopt a resolution creating a county Tourism
25 Development Authority, which shall be a public authority under
26 the Local Government Budget and Fiscal Control Act. The
27 Authority shall have seven voting members appointed by the board
28 of commissioners as follows:

29 (1) Four individuals selected by the Avery County
30 Lodging Association.

31 (2) One individual selected by the Avery County Chamber
32 of Commerce.

33 (3) One member of the Avery County Board of
34 Commissioners, to serve ex officio.

35 (4) One member of the public.

36 The resolution shall provide for four-year terms of office for
37 the members other than the county commissioner, except that the
38 initial terms of three members shall be set at three years to
39 provide for staggered terms. The resolution shall also provide
40 for the filling of vacancies on the Authority. The board of
41 commissioners shall designate one member of the Authority as
42 chair and shall determine the compensation, if any, to be paid to
43 members of the Authority.

1 The Authority shall meet at the call of the chair and shall
2 adopt rules of procedure to govern its meetings. The Finance
3 Officer for Avery County shall be the ex officio finance officer
4 of the Authority and shall serve as an ex officio, nonvoting
5 member of the Authority.

6 (b) Duties. The Authority shall expend the net proceeds of
7 the tax levied under this act for the purposes provided in
8 Section 1 of this act. The Authority shall promote travel and
9 tourism in the county.

10 (c) Reports. The Authority shall report quarterly and at the
11 close of the fiscal year to the board of commissioners on its
12 receipts and expenditures for the preceding quarter and for the
13 year in such detail as the board may require."

14 Section 6. County Administrative Provisions. Section
15 3(b) of S.L. 1997-102, as amended by Section 2 of S.L. 1997-255,
16 reads as rewritten:

17 "(b) This section applies only to ~~Madison~~ Avery, Madison, and
18 Nash Counties."

19 Section 7. Sections 4, 5, and 6 of this act become
20 effective August 1, 1997, and apply to taxes paid on or after
21 that date. The remainder of this act is effective when it
22 becomes law.

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: July 16, 1997

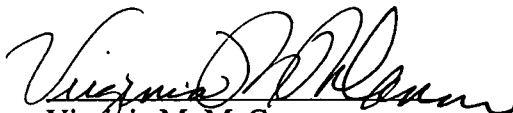
The subcommittee met around Chairman Hill's desk immediately after adjournment of Wednesday's session. Those members in attendance were: Rep. Charles Buchanan;; Rep. J. Russell Capps; Rep. Andrew Thomas Dedmon; Rep. Rick Eddins; Rep. Danny McComas; Rep. John Rayfield and Rep. Edgar V. Starnes.

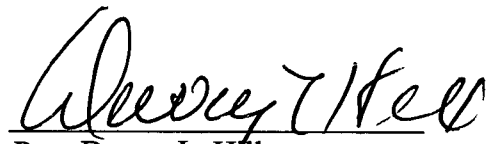
Chairman Hill recognized Rep. Buchanan who made a motion that the subcommittee adopt for the purposes of discussion, a committee substitute for HB 99, Camden School Acquisition. The motion carried.

There was very little discussion on the bill and the chairman recognized Rep. Buchanan who made a motion that the subcommittee give a favorable report on the committee substitute and unfavorable as to the original bill. The motion carried.

There being no further business, Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann


Rep. Dewey L. Hill
Chairman

feli

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☐ Committee Substitute for

H.B. 99

☐ A BILL TO BE ENTITLED AN ACT TO ALLOW GATES

COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

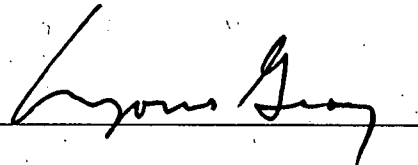
☐ Without prejudice.

☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



☐ With a favorable report.

☐ With a favorable report, as amended.

☒ With a favorable report as to committee substitute bill (# /), ☒ which changes the title, unfavorable as to original bill (~~Committee Substitute Bill #~~). (and recommendation that the committee substitute bill (~~#~~) be referred to the Committee on ~~()~~).

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.

(PUBLIC BILLS ONLY)

4/24/97

Hill
McCOMAS
Morris
Eddins
Capps
Delmon

Present
Methen 69
to give
Mr. Committee Sub. for

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

HB
99
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to
The
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H99-PCSRC-001
PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 99
THIS IS A DRAFT 15-JUL-97 16:45:44
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Unwait like yes

Short Title: Camden School Acquisition. (Local)

Sponsors:

Referred to: Local & Regional Government I

February 11, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CAMDEN COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS
3 COUNTY BOARD OF EDUCATION.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 153A-158.1, as amended by S.L. 1997-
6 0018 and S.L. 1997-0236, reads as rewritten:
7 "§ 153A-158.1. Acquisition and improvement of school property in
8 certain counties.
9 (a) Acquisition by County. -- A county may acquire, by any
10 lawful method, any interest in real or personal property for use
11 by a school administrative unit within the county. In exercising
12 the power of eminent domain a county shall use the procedures of
13 Chapter 40A. The county shall use its authority under this
14 subsection to acquire property for use by a school administrative
15 unit within the county only upon the request of the board of
16 education of that school administrative unit and after a public
17 hearing.

1 (b) Construction or Improvement by County. -- A county may
2 construct, equip, expand, improve, renovate, or otherwise make
3 available property for use by a school administrative unit within
4 the county. The local board of education shall be involved in the
5 design, construction, equipping, expansion, improvement, or
6 renovation of the property to the same extent as if the local
7 board owned the property.

8 (c) Lease or Sale by Board of Education. -- Notwithstanding
9 the provisions of G.S. 115C-518 and G.S. 160A-274, a local board
10 of education may, in connection with additions, improvements,
11 renovations, or repairs to all or part of any of its property,
12 lease or sell the property to the board of commissioners of the
13 county in which the property is located for any price negotiated
14 between the two boards.

15 (d) Board of Education May Contract for Construction. --
16 Notwithstanding the provisions of G.S. 115C-40 and G.S. 115C-521,
17 a local board of education may enter into contracts for the
18 erection or repair of school buildings upon sites owned in fee
19 simple by one or more counties in which the local school
20 administrative unit is located.

21 (e) Scope. -- This section applies to Alleghany, Ashe, Avery,
22 Bladen, Brunswick, Cabarrus, Camden, Carteret, Cherokee, Chowan,
23 Columbus, Currituck, Dare, Duplin, Edgecombe, Forsyth, Franklin,
24 Gates, Graham, Greene, Guilford, Halifax, Harnett, Haywood, Hyde,
25 Iredell, Jackson, Johnston, Jones, Lee, Macon, Madison, Martin,
26 Moore, Nash, New Hanover, Onslow, Orange, Pasquotank, Pender,
27 Person, Pitt, Randolph, Richmond, Rockingham, Rowan, Sampson,
28 Scotland, Stanly, Stokes, Surry, Union, Vance, Wake, Wilson, and
29 Watauga Counties."

30 Section 2. This act is effective when it becomes law.

31

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 99*

Proposed Committee Substitute H99-PCS2368

Short Title: Camden School Acquisition.

(Local)

Sponsors:

Referred to:

February 11, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW CAMDEN COUNTY TO ACQUIRE PROPERTY FOR USE
2 BY ITS COUNTY BOARD OF EDUCATION.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 153A-158.1, as amended by S.L. 1997-18 and S.L. 1997-
5 236, reads as rewritten:

6 **"§ 153A-158.1. Acquisition and improvement of school property in certain counties.**

7 (a) Acquisition by County. -- A county may acquire, by any lawful method, any
8 interest in real or personal property for use by a school administrative unit within the
9 county. In exercising the power of eminent domain a county shall use the procedures
10 of Chapter 40A. The county shall use its authority under this subsection to acquire
11 property for use by a school administrative unit within the county only upon the
12 request of the board of education of that school administrative unit and after a public
13 hearing.

14 (b) Construction or Improvement by County. -- A county may construct, equip,
15 expand, improve, renovate, or otherwise make available property for use by a school
16 administrative unit within the county. The local board of education shall be involved
17 in the design, construction, equipping, expansion, improvement, or renovation of the
18 property to the same extent as if the local board owned the property.

19 (c) Lease or Sale by Board of Education. -- Notwithstanding the provisions of G.S.
20 115C-518 and G.S. 160A-274, a local board of education may, in connection with
21 additions, improvements, renovations, or repairs to all or part of any of its property,
22

1 lease or sell the property to the board of commissioners of the county in which the
2 property is located for any price negotiated between the two boards.

3 (d) Board of Education May Contract for Construction. -- Notwithstanding the
4 provisions of G.S. 115C-40 and G.S. 115C-521, a local board of education may enter
5 into contracts for the erection or repair of school buildings upon sites owned in fee
6 simple by one or more counties in which the local school administrative unit is
7 located.

8 (e) Scope. -- This section applies to Alleghany, Ashe, Avery, Bladen, Brunswick,
9 Cabarrus, Camden, Carteret, Cherokee, Chowan, Columbus, Currituck, Dare,
10 Duplin, Edgecombe, Forsyth, Franklin, Gates, Graham, Greene, Guilford, Halifax,
11 Harnett, Haywood, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Macon, Madison,
12 Martin, Moore, Nash, New Hanover, Onslow, Orange, Pasquotank, Pender, Person,
13 Pitt, Randolph, Richmond, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes,
14 Surry, Union, Vance, Wake, Wilson, and Watauga Counties."

15 Section 2. This act is effective when it becomes law.

LOCAL BILL

ROLL CALL

H.B. 99

273

CHAP. _____

A BILL TO BE ENTITLED

AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

Introduced by Representative(s) • H. Hunter *[Signature]* *DW*

Principal Clerk's Use Only

READ 1st READING
FEB 11 1997
AND REFERRED TO COMMITTEE
ON Local & Regional Gov't I

if favorable, Finance
Committee on Local & Regional Gov't I
majority being present, having considered
it, recommend that it do _____ pass,

Rep. Ellis

For the Committee

to be re-referred to Finance

REPORTED FAVORABLY APR 1 1997
re-referred to Finance

Committee/Subcommittee on
Finance refers

to Local, Regional &
to *Revenue*

Young, Brandy, Dickson & C. Wilson
For the Committee

Referred to Committee/Subcommittee
on *Local & Regional Gov't I*

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: July 17, 1997

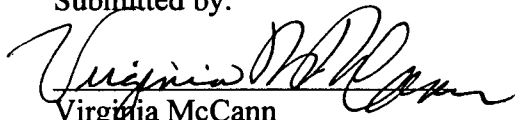
The subcommittee met on Thursday, July 17th immediately after session around the desk of Chairman Hill. The following members were in attendance: Rep. Charles Buchanan; Rep. Pete Cunningham; Rep. Andrew Dedmon; Rep. Danny McComas; Rep. Richard Morgan; and Rep. John Rayfield.

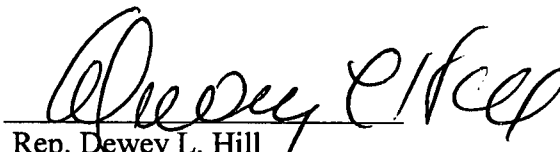
Chairman Hill called the meeting to order and recognized Rep. McComas who made the motion that the subcommittee give a favorable report to the committee substitute for HB 420, Kings Mt./ Moss Lake Amendments. The motion carried.

Chairman Hill then brought HB 418, Miscellaneous Local Acts before the subcommittee. There was very little discussion on the bill and Rep. Buchanan was recognized for a motion to give the bill a favorable report. Rep. Rayfield stated that he could not support the bill because of several items contained therein. There being no further discussion all members in attendance voted in favor of the motion with the exception of Rep. Rayfield. The motion carried and the bill was given a favorable report.

There being no further business, Chairman Hill adjourned the meeting.

Submitted by:


Virginia McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

Ginny McCann (Rep. Hill)

From: HCALENDAR (HPC's Office)
Sent: Thursday, July 17, 1997 5:59 PM
To: @All Exchange Users
Subject: House Adjournment

The House of Representatives adjourned at 12:00 noon to reconvene on Monday, July 21, 1997 at 6:00 pm. The following notices and announcements were made just prior to adjournment:

FINANCE/Local, Regional & State Revenues around Rep. Hill's desk immediately after session.

File

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 420

☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY

OF KINGS MOUNTAIN TO ANNEX CERTAIN NONCONTIGUOUS PROPERTY, CREATING

THE MOSS LAKE AUTHORITY TO ADDRESS ISSUES RELATED TO THE LAKE, AND

PROVIDING GUIDELINES FOR THE COLLECTION AND DISBURSEMENT OF FEES

GENERATED FROM THE RECREATIONAL USE OF MOSS LAKE.

REPORTED TO THE STANDING COMMITTEE ON _____

RECOMMENDED ACTION:

☐ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on _____

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on _____

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill _____ which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, _____ which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/

Lyons Gray

☒ With a favorable report.

☐ With a favorable report, as amended.

☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill # _____); (and recommendation that the committee substitute bill (# _____) be referred to the Committee on _____)

☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.

(PUBLIC BILLS ONLY)

4/24/97

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

☒ Committee Substitute for

H.B. 418

☐ A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM-OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE DISTRIBUTION OF THE AVERY COUNTY OCCUPANCY TAX, AND TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTY OF ALLEGHANY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY COUNTY.

REPORTED TO THE STANDING COMMITTEE ON

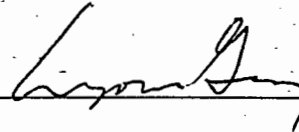
RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/



- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #): (and recommendation that the committee substitute bill (#) be referred to the Committee on)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
- (PUBLIC BILLS ONLY)

4/24/97

Yes
H

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

HOUSE BILL 418
Proposed Committee Substitute H418-PCSX6303

Version II

Short Title: Mt. Airy/Avery Occup. Tax Alleghany/Norwood.

(Local)

Sponsors:

Referred to:

March 6, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM
3 OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE
4 DISTRIBUTION OF THE AVERY COUNTY OCCUPANCY TAX, AND TO
5 REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF
6 NEWLAND AND SPRUCE PINE AND FOR THE COUNTY OF ALLEGHANY
7 BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE
8 DELINQUENT TAXES, AND TO VALIDATE BUDGET PROCEDURES OF
9 THE TOWN OF NORWOOD IN STANLY COUNTY.

10 The General Assembly of North Carolina enacts:

11 Section 1. Mount Airy Occupancy Tax. (a) Authorization and scope.
12 The Mount Airy Board of Commissioners may levy a room occupancy tax of up to
13 three percent (3%) of the gross receipts derived from the rental of any room, lodging,
14 or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place
15 within the city that is subject to sales tax imposed by the State under G.S.
16 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does
17 not apply to accommodations furnished by nonprofit charitable, educational, or
18 religious organizations or by nonprofit summer camps when the accommodations are
19 furnished in furtherance of their nonprofit purpose.

20 (b) Administration. A tax levied under this section shall be levied,
21 administered, collected, and repealed as provided in G.S. 160A-215. The penalties
22 provided in G.S. 160A-215 apply to a tax levied under this section.

(c) Distribution and use of tax revenue. The City of Mount Airy shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Mount Airy Tourism Development Authority. The Authority shall use the funds remitted to it under this subsection only to promote travel and tourism in the Mount Airy area. The following definitions apply in this section:

(1) Net proceeds. -- Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed seven percent (7%) of the gross proceeds.

(2) Promote travel and tourism. -- Advertise and market activities, develop and distribute promotional materials, conduct market research, and engage in other similar promotional activities that attract tourists or business travelers to the area. The term also includes administration of the Mount Airy Tourism Development Authority.

Section 2. Mount Airy Tourism Development Authority. (a) Appointment and membership. When the board of commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a Mount Airy Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The board of commissioners shall appoint the following eight members to the Authority:

(1) Two individuals who are owners or operators of taxable tourist accommodations in the city.

(2) Two residents of the city who have experience in the promotion of travel and tourism.

(3) Two residents of the city who are members of the Mount Airy Chamber of Commerce, selected by the Mount Airy Chamber of Commerce.

(4) One member of the board of commissioners.

(5) The city finance officer, who shall serve as an ex officio, nonvoting member.

Members of the Authority shall serve without compensation and shall serve for a term of three years. Vacancies shall be filled in the same manner as the original appointment. Members appointed to fill vacancies shall serve for the remainder of the unexpired term. An individual may serve as a member for no more than two consecutive terms. The members shall elect a chair from among the membership, who shall serve for three years. The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings.

(b) Duties. The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 1 of this act. The Authority shall promote travel and tourism in the Mount Airy area. In performing its duties, the Authority may contract with any person, firm, or agency to advise and assist it and may recommend to the board of commissioners that city staff be employed for this advice and assistance. Any city staff employed upon a

1 recommendation of the Authority shall be hired and supervised by the Authority,
2 which shall pay the salaries and expenses of this staff.

3 (c) Reports. The Authority shall report quarterly and at the close of the
4 fiscal year to the board of commissioners on its receipts and expenditures for the
5 preceding quarter and for the year in such detail as the board may require.

6 Section 3. Municipal Administrative Provisions. (a) Article 9 of
7 Chapter 160A of the General Statutes is amended by adding a new section to read:

8 "§ 160A-215. Uniform provisions for room occupancy taxes.

9 (a) Scope. -- This section applies only to municipalities the General Assembly has
10 authorized to levy room occupancy taxes. For the purpose of this section, the term
11 'city' means a municipality.

12 (b) Levy. -- A room occupancy tax may be levied only by resolution after not less
13 than 10 days' public notice and after a public hearing held pursuant thereto. A room
14 occupancy tax shall become effective on the date specified in the resolution levying
15 the tax. That date must be the first day of a calendar month, however, and may not
16 be earlier than the first day of the second month after the date the resolution is
17 adopted.

18 (c) Collection. -- Every operator of a business subject to a room occupancy tax
19 shall, on and after the effective date of the levy of the tax, collect the tax. The tax
20 shall be collected as part of the charge for furnishing a taxable accommodation. The
21 tax shall be stated and charged separately from the sales records and shall be paid by
22 the purchaser to the operator of the business as trustee for and on account of the
23 taxing city. The tax shall be added to the sales price and shall be passed on to the
24 purchaser instead of being borne by the operator of the business. The taxing city
25 shall design, print, and furnish to all appropriate businesses and persons in the city
26 the necessary forms for filing returns and instructions to ensure the full collection of
27 the tax. An operator of a business who collects a room occupancy tax may deduct
28 from the amount remitted to the taxing city a discount equal to the discount the State
29 allows the operator for State sales and use tax.

30 (d) Administration. -- The taxing city shall administer a room occupancy tax it
31 levies. A room occupancy tax is due and payable to the city finance officer in
32 monthly installments on or before the 15th day of the month following the month in
33 which the tax accrues. Every person, firm, corporation, or association liable for the
34 tax shall, on or before the 15th day of each month, prepare and render a return on a
35 form prescribed by the taxing city. The return shall state the total gross receipts
36 derived in the preceding month from rentals upon which the tax is levied. A room
37 occupancy tax return filed with the city finance officer is not a public record and may
38 not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

39 (e) Penalties. -- A person, firm, corporation, or association who fails or refuses to
40 file a room occupancy tax return or pay a room occupancy tax as required by law is
41 subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file
42 a return for State sales and use taxes. The governing board of the taxing city has the
43 same authority to waive the penalties for a room occupancy tax that the Secretary of
44 Revenue has to waive the penalties for State sales and use taxes.

1 (f) Repeal or Reduction. -- A room occupancy tax levied by a city may be
2 repealed or reduced by a resolution adopted by the governing body of the city.
3 Repeal or reduction of a room occupancy tax shall become effective on the first day
4 of a month and may not become effective until the end of the fiscal year in which the
5 resolution was adopted. Repeal or reduction of a room occupancy tax does not affect
6 a liability for a tax that was attached before the effective date of the repeal or
7 reduction, nor does it affect a right to a refund of a tax that accrued before the
8 effective date of the repeal or reduction."

9 (b) This section applies only to the City of Mount Airy.

10 Section 4. Avery County Occupancy Tax. Section 1 of Chapter 472 of
11 the 1993 Session Laws reads as rewritten:

12 "Section 1. Avery County Occupancy tax.

13 (a) **Authorization and Scope.**

14 The Avery County Board of Commissioners may ~~by resolution, after not less than~~
15 ~~10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room
16 occupancy tax of up to three percent (3%) of the gross receipts derived from the
17 rental of any room, lodging, or accommodation furnished by a hotel, motel, inn,
18 tourist camp, or similar place within the county that is subject to sales tax imposed by
19 the State under G.S. 105-164.4(a)(3) and is not subject to a room occupancy tax
20 levied by a municipality. This tax is in addition to any State or local sales tax. This
21 tax does not apply to accommodations furnished by nonprofit charitable, educational,
22 or religious organizations. The occupancy tax rate payable on accommodations
23 furnished within Avery County may not exceed six percent (6%).

24 (b) ~~Collection. Administration.~~

25 A tax levied under this section shall be levied, administered, collected, and
26 repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155
27 apply to a tax levied under this section.

28 ~~Every operator of a business subject to the tax levied under this section shall, on~~
29 ~~and after the effective date of the levy of the tax, collect the tax. This tax shall be~~
30 ~~collected as part of the charge for furnishing a taxable accommodation. The tax shall~~
31 ~~be stated and charged separately from the sales records, and shall be paid by the~~
32 ~~purchaser to the operator of the business as trustee for and on account of the county.~~
33 ~~The tax shall be added to the sales price and shall be passed on to the purchaser~~
34 ~~instead of being borne by the operator of the business. The county shall design,~~
35 ~~print, and furnish to all appropriate businesses and persons in the county the~~
36 ~~necessary forms for filing returns and instructions to ensure the full collection of the~~
37 ~~tax. An operator of a business who collects the occupancy tax levied under this~~
38 ~~section may deduct from the amount remitted to the county a discount equal to the~~
39 ~~discount the State allows the operator for collecting State sales and use taxes.~~

40 (c) ~~Administration.~~

41 ~~The county shall administer a tax levied under this section. A tax levied under~~
42 ~~this section is due and payable to the county finance officer in monthly installments~~
43 ~~on or before the 15th day of the month following the month in which the tax accrues.~~
44 ~~Every person, firm, corporation, or association liable for the tax shall, on or before~~

1 the 15th day of each month, prepare and render a return on a form prescribed by the
2 county. The return shall state the total gross receipts derived in the preceding month
3 from rentals upon which the tax is levied.

4 A return filed with the county finance officer under this section is not a public
5 record as defined by G.S. 132-1 and may not be disclosed except as required by law.

6 ~~(d) Penalties.~~

7 A person, firm, corporation, or association who fails or refuses to file the return
8 required by this section is subject to the civil and criminal penalties set by G.S.
9 105-236 for failure to pay or file a return for State sales and use taxes. The board of
10 commissioners has the same authority to waive the penalties for a room occupancy
11 tax that the Secretary of Revenue has to waive the penalties for State sales and use
12 taxes.

13 (e) Distribution and Use of Tax Revenue.

14 Avery County ~~shall use at least~~ shall, on a quarterly basis, distribute two-thirds of
15 the net proceeds of the occupancy tax revenue to the Avery Tourism Development
16 Authority created pursuant to Section 1.1 of this act to be used only to promote
17 travel and tourism in Avery County and shall spend distribute the remainder on to
18 the Avery County Chamber of Commerce to be used only for tourism-related
19 expenditures. The chamber of commerce shall report quarterly and at the close of
20 the fiscal year to the board of commissioners on its receipts and expenditures for the
21 preceding quarter and for the year in such detail as the board may require.

22 The following definitions apply in this subsection:

- 23 (1) Net proceeds. -- Gross proceeds less the cost to the county of
24 administering and collecting the tax, as determined by the finance
25 officer, not to exceed seven percent (7%) of the amount collected.
- 26 (2) Promote travel and tourism. -- To advertise or market an area or
27 activity, publish and distribute pamphlets and other materials,
28 conduct market research, or engage in similar promotional
29 activities that attract tourists or business travelers to the area; the
30 term includes administrative expenses incurred in engaging in the
31 listed activities.
- 32 (3) Tourism-related expenditures. -- ~~Expenditures that are designed to~~
33 ~~increase the use of lodging facilities in a county or to attract~~
34 ~~tourists or business travelers to the county and expenditures~~
35 ~~incurred by the county in collecting the tax. The term includes~~
36 ~~expenditures to construct, maintain, operate, or market a~~
37 ~~convention center and other expenditures that, in the judgment of~~
38 ~~the board of commissioners, will facilitate and support tourism.~~
39 Expenditures that, in the judgment of the entity making the
40 expenditures, are designed to increase the use of lodging facilities,
41 meeting facilities, and convention facilities in a county by attracting
42 tourists or business travelers to the county. The term includes
43 tourism-related capital expenditures.

44 ~~(f) Effective Date of Levy.~~

~~1 A tax levied under this section shall become effective on the date specified in the~~
~~2 resolution levying the tax. That date must be the first day of a calendar month,~~
~~3 however, and may not be earlier than the first day of the second month after the date~~
~~4 the resolution is adopted.~~

~~5 (g) Repeal.~~

~~6 A tax levied under this section may be repealed by a resolution adopted by the~~
~~7 Avery County Board of Commissioners. Repeal of a tax levied under this section~~
~~8 shall become effective on the first day of a month and may not become effective until~~
~~9 the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax~~
~~10 levied under this section does not affect a liability for a tax that was attached before~~
~~11 the effective date of the repeal, nor does it affect a right to a refund of a tax that~~
~~12 accrued before the effective date of the repeal."~~

13 Section 5. Avery Tourism Development Authority. Chapter 472 of the
14 1993 Session Laws is amended by adding a new section to read:

15 "Sec. 1.1. Avery Tourism Development Authority. (a) Appointment and
16 membership. The board of commissioners of Avery County shall adopt a resolution
17 creating a county Tourism Development Authority, which shall be a public authority
18 under the Local Government Budget and Fiscal Control Act. The Authority shall
19 have nine voting members appointed by the board of commissioners as follows:

- 20 (1) Four individuals selected by the Avery County Lodging
21 Association.
- 22 (2) Two individuals selected by the Avery County Chamber of
23 Commerce.
- 24 (3) One member of the Avery County Board of Commissioners, to
25 serve ex officio.
- 26 (4) Two members of the public.

27 The resolution shall provide for four-year terms of office for the members other than
28 the county commissioner, except that the initial terms of four members shall be set at
29 three years to provide for staggered terms. The resolution shall also provide for the
30 filling of vacancies on the Authority. The board of commissioners shall designate one
31 member of the Authority as chair and shall determine the compensation, if any, to be
32 paid to members of the Authority.

33 The Authority shall meet at the call of the chair and shall adopt rules of procedure
34 to govern its meetings. The Finance Officer for Avery County shall be the ex officio
35 finance officer of the Authority and shall serve as an ex officio, nonvoting member of
36 the Authority.

37 (b) Duties. The Authority shall expend the net proceeds of the tax levied under
38 this act for the purposes provided in Section 1 of this act. The Authority shall
39 promote travel and tourism in the county.

40 (c) Reports. The Authority shall report quarterly and at the close of the fiscal
41 year to the board of commissioners on its receipts and expenditures for the preceding
42 quarter and for the year in such detail as the board may require."

43 Section 6. County Administrative Provisions. Section 3(b) of S.L. 1997-
44 102, as amended by Section 2 of S.L. 1997-255, reads as rewritten:

1 "(b) This section applies only to ~~Madison~~ Avery, Madison, and Nash Counties."

2 Section 7. Section 1 of Chapter 305 of the 1963 Session Laws is rewritten
3 to read:

4 "Section 1. The Register of Deeds of Avery County shall not receive for
5 recordation any deed unless the following conditions are met:

6 (1) The deed is accompanied by a certificate from the Avery County
7 Tax Collector to the effect that all delinquent county taxes and all
8 delinquent taxes for municipalities for which the county collects
9 taxes have been paid with respect to the property described in the
10 deed.

11 (2) If the property described in the deed is located in whole or in part
12 in the Town of Newland, the deed is accompanied by a certificate
13 from the tax collector for the town to the effect that all delinquent
14 municipal taxes have been paid with respect to the property."

15 Section 8. Section 1 of Chapter 537 of the 1987 Session Laws is rewritten
16 to read:

17 "Section 1. The Register of Deeds of Mitchell County shall not receive for
18 recordation any deed unless the following conditions are met:

19 (1) The deed is accompanied by a certificate from the Mitchell County
20 Tax Collector to the effect that all delinquent county taxes and all
21 delinquent taxes for municipalities for which the county collects
22 taxes have been paid with respect to the property described in the
23 deed.

24 (2) If the property described in the deed is located in whole or in part
25 in the Town of Spruce Pine, the deed is accompanied by a
26 certificate from the tax collector for the town to the effect that all
27 delinquent municipal taxes have been paid with respect to the
28 property."

29 Section 9. Section 1 of Chapter 657 of the 1993 Session Laws reads as
30 rewritten:

31 "Section 1. The ~~Register~~ Registers of Deeds of ~~Ashe County~~ Alleghany and Ashe
32 Counties shall not receive for recordation any deed unless the deed is accompanied
33 by a certificate from the ~~Ashe County~~ Tax Collector to the effect that all delinquent
34 taxes upon the property described in the deed offered for recordation have been
35 paid."

36 Section 10. For the 1986-87 through 1996-97 fiscal years, the Town of
37 Norwood, through the budgetary procedures it adopted and followed, is deemed to
38 have adopted a budget ordinance and to have complied with all the requirements of
39 the Local Government Budget and Fiscal Control Act, Article 3 of Chapter 159 of
40 the General Statutes. Taxes levied and collected by the Town of Norwood for those
41 fiscal years are in all respects validated and confirmed. Appropriations and
42 expenditures by the Town of Norwood for those fiscal years are in all respects
43 validated and confirmed.

1 Section 11. Sections 4, 5, and 6 of this act become effective August 1,
2 1997, and apply to taxes paid on or after that date. Sections 7, 8, and 9 of this act
3 become effective October 1, 1997, and apply to deeds recorded on or after that date.
4 The remainder of this act is effective when it becomes law.

Yes

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 420
H420-CSRW-001
PROPOSED COMMITTEE SUBSTITUTE

Version II

Short Title: Kings Mt./Moss Lake amendments

(Local)

Sponsors:

Referred to: Rules, Calender and Operations of the House.

March 6, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF KINGS MOUNTAIN TO ANNEX CERTAIN
3 NONCONTIGUOUS PROPERTY, CREATING THE MOSS LAKE AUTHORITY TO
4 ADDRESS ISSUES RELATED TO THE LAKE, AND PROVIDING GUIDELINES
5 FOR THE COLLECTION AND DISBURSEMENT OF FEES GENERATED FROM THE
6 RECREATIONAL USE OF MOSS LAKE..
7
8 "PART 1. ANNEXATION OF A PORTION OF THE MOSS LAKE PROPERTY.
9 Section 1. Notwithstanding the provisions of G.S. 160A-
10 58.7 and G.S. 160A-58.1(b), the City of Kings Mountain may
11 annex under Part 4 of Article 4A of Chapter 160A of the General

1 Statutes the property on which the John Henry Moss Water
2 Treatment Plant and Moss Lake Dam are situated.

3 Section 2. The boundaries of any area annexed under this
4 act shall not be considered the primary corporate limits of the
5 City for the purpose of Part 4 of Article 4A of Chapter 160A of
6 the General Statutes and shall not be considered the boundary
7 of the municipality for the purpose of Part 1, 2, or 3 of that
8 Article, even if the area becomes contiguous due to annexation
9 of the intervening property.

10

11 **PART 2. MOSS LAKE AUTHORITY.**

12 **CREATION; MEMBERS.**

13 Section 3. There is established the Moss Lake Authority,
14 to be composed of five members: three shall be residents of the
15 City of Kings Mountain who are not elected officials or City
16 employees, appointed by the City Council; one shall be a member
17 of the Moss Lake Property Owners' Association, appointed by the
18 Association; and one shall be a member of the Cleveland County
19 Board of Commissioners, who is neither a resident of Moss Lake
20 nor of the City of Kings Mountain, appointed by the Board.
21 Members shall serve for a term of three years, except that the
22 city clerk of the City of Kings Mountain shall randomly
23 designate two of the initial members to serve initial two-year
24 terms and one of the initial members to serve an initial one-
25 year term.

26 **POWERS AND DUTIES OF THE AUTHORITY AND THE CITY OF KINGS**
27 **MOUNTAIN.**

28 Section 4.

29 (a) The Authority shall be responsible for addressing issues
30 related to recreation user fees, as described in Section 5 of
31 this act, lake patrol, and the recreation-related operation,
32 maintenance, and improvement of the Lake. Any recommendations
33 of the Authority related to the listed issues shall be

1 implemented by the City unless the Council cannot implement the
2 recommendation due to compelling reasons documented in a
3 finding of fact.

4 (b) The Authority, at the expense of the City, shall
5 biennially conduct an independent audit of the Moss Lake Fund
6 receipts and disbursements.

7 (c) Except as provided by Chapter 166A of the General
8 Statutes or any safety ordinances, homeowners who are current
9 on any user fees or assessments shall have unlimited access to
10 the waterfront contiguous to their property.

11 (d) Homeowners may make improvements on the control strip
12 that both enhance recreational use of the lake and do not
13 violate any city ordinance in effect on June 1, 1997.

14 (e) The City of Kings Mountain may not lower the water level
15 of Moss Lake, unless required by Chapter 166A of the General
16 Statutes, Part 3 of Article 21 of Chapter 143 of the General
17 Statutes, other safety or maintenance requirements, or
18 otherwise by law. The City of Kings Mountain shall give Moss
19 Lake homeowners at least 10 days prior notice before changing
20 the water level of the Lake, unless prevented from giving
21 notice by emergency.

22 **MOSS LAKE FEES: USE AND RESTRICTIONS.**

23 Section 5.

24 (a) The Authority shall annually develop a fee schedule for
25 all recreational uses of Moss Lake and the eight-foot control
26 strip around the Lake. No fee increase shall be recommended by
27 the Authority if a surplus exists in the Moss Lake fund. The
28 fee schedule shall be adopted and collected by the City as
29 recommended by the Authority. In developing a recommended fee
30 schedule, the Moss Lake Authority shall determine an equitable
31 method for allocation of pro rata cost based on boat
32 registration of homeowners of lakefront property and nonlake

1 resident registration from the preceding year accounting
2 reports of the City of Kings Mountain.
3 (b) The City shall establish and maintain a separate fund for
4 all user fees collected from Moss Lake property owners and
5 nonresidents (the "Moss Lake Fund"). Use of this Fund is
6 limited to recreation-related operation of Moss Lake and cannot
7 be transferred to any other fund of the City.
8 (c) Fees charged to property owners surrounding Moss Lake
9 shall not be used for expenses relating to:
10 (1) Public swimming areas and buildings utilized for
11 public swimming and concessions for public swimming; or
12 (2) Water treatment and reservoir functions; or
13 maintenance of the dam.
14 These items are the responsibility of the City of Kings
15 Mountain.
16 (d) Any fees applicable to homeowners on Moss Lake shall be
17 charged on a equal basis per developed lot, according to plats
18 of the Lake and surrounding property recorded in the Cleveland
19 County Register of Deeds.
20 PART 3.
21 EFFECTIVE DATE.
22 Section 6. This act becomes effective June 30, 1997."

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

Minutes: August 21, 1997

The subcommittee met in Room 544 of the Legislative Office Building at 8:30 A.M. Those members in attendance were: Rep. Charles Buchanan; Rep. Russell Capps; Rep. Pete Cunningham; Rep. Rick Eddins; Rep. Danny McComas; Rep. Charles Neely and Rep. John Rayfield.

Chairman Hill called the meeting to order and recognized Rep. Buchanan who made the motion that the subcommittee adopt the committee substitute for the purposes of discussion. The motion carried.

Rep. Miner was recognized by Chairman Hill to come forward and support SB 424, Wake Annexations/Lee Elections. Rep. Miner stated that he was aware that there were some questions about the bill, but he asked the subcommittee for a favorable report because he felt the bill would most likely be sent to a conference committee after it reached the Floor of the House.

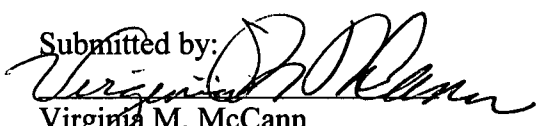
Rep. Neely and Rep. Buchanan both asked to be recognized for the motion on a favorable report. Rep. Capps was recognized and stated that on the surface he had no particular problem with the bill; however, he indicated that his colleague Rep. Ellis had questions about it, and also that the League of Municipalities had problems with it as well. He reiterated his quandary with the bill.

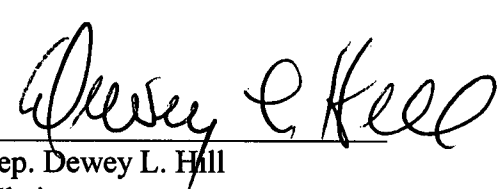
Chairman Hill recognized Rep. Eddins who stated that he too had mixed reservations about the bill as well. He further stated that there indeed was controversy about the bill, but felt that perhaps they could try to work it out on the Floor of the House.

Once again, Rep. Capps stated that he felt the bill changes the annexation laws. Rep. Neely was recognized and stated that the mayors were in support of the bill, and that he felt the League would be willing to come to the table and work on the bill.

Chairman Hill recognized Rep. Buchanan who made a motion for a favorable report and the motion carried. There being no further business, Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 424

State Government, Local Government, and Personnel Committee Substitute Adopted
3/27/97

House Committee Substitute Favorable 8/13/97

Short Title: Wake Annexations/Lee Elections.

(Local)

Sponsors:

Referred to:

March 19, 1997

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY
3 THE TOWNS OF APEX, FUQUAY-VARINA, KNIGHTDALE, RALEIGH, AND
4 WAKE FOREST, TO PROVIDE STAGGERED TERMS FOR THE TOWN OF
5 BROADWAY, AND TO PROVIDE THAT THE BOARD OF
6 COMMISSIONERS OF LEE COUNTY SHALL CONSIST OF SEVEN
7 MEMBERS ELECTED AT LARGE FOR FOUR-YEAR STAGGERED TERMS
8 ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION.
9 The General Assembly of North Carolina enacts:

10 Section 1. (a) G.S. 160A-58.1(b)(2) shall not apply to any property if:
11 (1) The property is within the Town's perimunicipal planning area, as
12 delineated on the Perimunicipal Planning Areas Map, which has
13 been approved by Wake County.
14 (2) The Town has entered into an annexation agreement pursuant to
15 Part 6 of Article 4A of Chapter 160A of the General Statutes with
16 the city to which a point on the proposed satellite corporate limits
17 is closer, and that agreement states that the parties have agreed to
18 waive the provisions of G.S. 160A-58.1(b)(2) as to any property
19 that is within the Town's Perimunicipal Planning Area and as
20 more particularly described in the agreement.

(b) This section applies only to the Towns of Apex, Fuquay-Varina, Knightdale, Raleigh, and Wake Forest.

Section 2. Section 3 of the Charter of the Town of Broadway, being Chapter 548 of the Session Laws of 1947 as amended by Chapter 789 of the Session Laws of 1949, reads as rewritten:

"Sec. 3. At the time of the holding of the next general election following ratification of this Act, and ~~biennially~~ thereafter, there shall be elected in the Town of Broadway in accordance with the provisions of Article 3 of Chapter 160 of the General Statutes of North Carolina, as amended, the following officers: ~~A mayor, five town commissioners, and a town constable.~~ A mayor and five town commissioners. The mayor shall be elected for a four-year term. In 1997, the three persons receiving the highest numbers of votes for town commissioner are elected to four-year terms, and the two persons receiving the next highest numbers of votes for town commissioner are elected to two-year terms. In 1999 and quadrennially thereafter, two town commissioners are elected to four-year terms. In 2001 and quadrennially thereafter, three town commissioners are elected to four-year terms. The mayor and the five town commissioners so elected shall constitute the governing body of the Town of Broadway, and such governing body may appoint such other officers and employ such assistants as the governing body of the town may deem necessary for the better governance of the town."

Section 3. (a) Effective with the 1998 election, the Board of Commissioners of Lee County consists of seven members elected at large for four-year terms. In 1998 and quadrennially thereafter, four commissioners shall be elected. In 2000 and quadrennially thereafter, three commissioners shall be elected.

(b) Notwithstanding the provisions of Chapter 163 of the General Statutes, the Board of Commissioners of Lee County shall be elected on a nonpartisan basis at the time set by G.S. 163-1 for the general election in each even-numbered year as terms expire. The election shall be conducted on a nonpartisan plurality basis, with the results determined in accordance with G.S. 163-292. Candidates shall file notices of candidacy not earlier than noon on the third Monday in June and not later than noon on the third Friday in July. The names of the candidates shall be printed on the ballot without reference to any party affiliations. Except as provided by this act, the election shall be conducted in accordance with the applicable provisions of Chapter 163 of the General Statutes.

(c) This section does not affect the terms of office of current members of the Board of Commissioners of Lee County.

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

EXPLANATION OF SENATE BILL 424 (3rd Edition):
Wake Annexations/Lee Elections

TO: Subcommittee on Local, Regional, and State Revenues
FROM: Martha Walston, Committee Counsel
DATE: August 21, 1997
SPONSOR:

Section 1 exempts Apex, Fuquay-Varina, Knightdale, Raleigh, and Wake Forest from G.S. 160A-58.1(b)(2) by authorizing each of these cities to annex noncontiguous areas that are closer to another city if (1) the property is within the named city's perimunicipal planning area as shown on the Perimunicipal Planning Areas Map approved by Wake County, and (2) the named city has entered into an annexation agreement with the city that is closer to the annexed area and that city has agreed to waive G.S. 160A-58.1(b)(2). Under this statute, satellite annexation by any of the named cities could not take place if the area was closer to another city than to the named city.

Section 2 amends the Charter of the Town of Broadway so that the mayor will serve a four-year term. There will be five town commissioners. In 1997, the three highest vote getters will serve four year terms, and the two persons receiving the next highest number of votes will serve two year terms. Beginning in 1999, the commissioners will serve staggered four year terms.

Section 3 provides that the Lee county board of Commissioners will be composed of seven commissioners, who will be elected at large on a nonpartisan basis and who will serve staggered four year terms.

file

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

None

☒ Committee Substitute for

S.B. 424

☐ A BILL TO BE ENTITLED AN ACT CONCERNING
ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWNS OF APEX, FUQUAY-
VARINA, KNIGHTDALE, RALEIGH, AND WAKE FOREST, TO PROVIDE STAGGERED
TERMS FOR THE TOWN OF BROADWAY, AND TO PROVIDE THAT THE BOARD OF
COMMISSIONERS OF LEE COUNTY SHALL CONSIST OF SEVEN MEMBERS ELECTED AT
LARGE FOR FOUR-YEAR STAGGERED TERMS ON A NONPARTISAN BASIS AT THE TIME
OF THE GENERAL ELECTION.

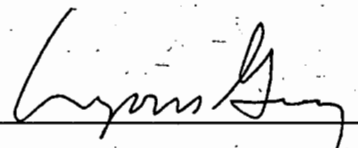
REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ 

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #). (and recommendation that the
committee substitute bill (#) be referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

SUBCOMMITTEE ON LOCAL, REGIONAL & STATE REVENUES

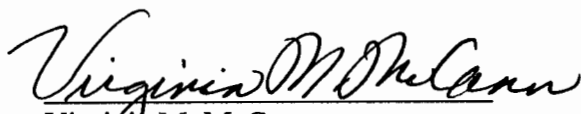
Minutes: August 27, 1997

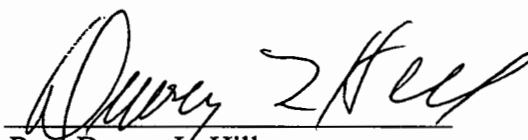
The subcommittee met in Room 1425 of the Legislative Building at 2:00. Those members in attendance were: Rep. Charles Buchanan; Rep. Russell Capps; Rep. Rick Eddins and Rep. Mia Morris.

Chairman Hill called the meeting to order and stated that a meeting was held around his desk in the Chamber after session on August 16, 1997. At that time the subcommittee failed to reach a majority vote on SB 719, the bill was once again before the subcommittee. Chairman Hill recognized Rep. Buchanan who made a motion that SB 719, Goldsboro Room Tax Use, receive a favorable report. Rep. Buchanan further stated that basically the bill was a tax already in use. The bill outlines how the money is to be used.

Chairman Hill called for a vote on the motion for a favorable report and the motion carried. There being no further business, Chairman Hill adjourned the meeting.

Submitted by:


Virginia M. McCann
Committee Clerk


Rep. Dewey L. Hill
Chairman

file

**1997 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Hill for the Permanent Subcommittee on Local, Regional & State Revenues of
the Standing Committee on FINANCE.

- ☒ Committee Substitute for
S.B. 719 ☐ A BILL TO BE ENTITLED AN ACT TO MODIFY THE
PURPOSES FOR WHICH THE GOLDSBORO ROOM OCCUPANCY TAX MAY BE USED AND
TO MAKE TECHNICAL AND CONFORMING CHANGES.

REPORTED TO THE STANDING COMMITTEE ON _____

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on _____
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the
Committee on _____
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill _____ which changes the
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, _____ which
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY
TO THE FLOOR OF THE HOUSE:

Rep. Gray for the Standing Committee on FINANCE.

s/ 

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill # _____). (and recommendation that the
committee substitute bill (# _____) be referred to the Committee on _____.)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

4/24/97

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **FINANCE/Subcommittee on Local, Regional & State Revenues** will meet as follows:

DAY & DATE: **Wednesday, August 27, 1997**

TIME: **2:00 P.M.**

LOCATION: **Room 1425**

The following bills will be considered (Bill # & Short Title):
SB 719, Goldsboro Room Tax Use

Respectfully,

Representative Dewey L. Hill
Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
10:00 on Wednesday, August 27, 1997.

____ Principal Clerk
____ Reading Clerk - House Chamber

Ginny McCann (Committee Clerk)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 719
House Committee Substitute Favorable 8/25/97

Short Title: Goldsboro Room Tax Use.

(Local)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE PURPOSES FOR WHICH THE GOLDSBORO
3 ROOM OCCUPANCY TAX MAY BE USED AND TO MAKE TECHNICAL
4 AND CONFORMING CHANGES.

5 The General Assembly of North Carolina enacts:

6 Section 1. Sections 2 through 9 of Chapter 555 of the 1991 Session Laws
7 read as rewritten:

8 "Sec. 2. Levy of Tax. The City of Goldsboro may ~~by resolution, after not less~~
9 ~~than 10 days public notice and after a public hearing held pursuant thereto,~~ levy a
10 room occupancy and tourism development tax. ~~Collection of the tax, and liability,~~
11 ~~therefore, shall begin and continue only on and after the first day of a calendar~~
12 ~~month set in the resolution levying the tax, which in no case may be earlier than the~~
13 ~~first day of the second succeeding calendar month after the date of adoption of the~~
14 ~~resolution.~~

15 ~~Sec. 3. Rate; Scope.~~ The room occupancy and tourism development tax that may
16 be levied under this act shall not be less than three percent (3%) nor more than five
17 percent (5%) of the gross receipts derived from the rental of any room, lodging, or
18 similar accommodation furnished by any hotel, motel, inn, tourist camp, or other
19 similar place within the levying unit now subject to the three percent (3%) sales tax
20 imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State
21 or local sales tax.

22 Sec. 4. Exemptions. The tax authorized by this act does not apply to gross
23 receipts derived by the following entities from accommodations furnished by them:

- (1) Religious organizations;
- (2) A business that offers to rent fewer than five units;
- (3) Educational organizations;
- (4) Summer camps; and
- (5) Charitable, benevolent, and other nonprofit organizations.

Sec. 5. Administration of Tax. A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section. ~~(a) A tax levied under this act is due and payable to the city in monthly installments on or before the twenty-fifth day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the twenty-fifth day of each month, prepare and render a return on a form prescribed by the city. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A return filed under this section is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.~~

~~(b) Any person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of fifty dollars (\$50.00) for each day's omission as provided under G.S. 160A-175.~~

~~(c) Any person who willfully attempts in any manner to evade the occupancy tax imposed by this act or to make a return or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both.~~

Sec. 6. Collection of Tax. ~~Every operator of a business subject to the tax levied by this act shall, on and after the effective date of the tax, collect the tax. The tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the governing bodies. The room occupancy tax levied pursuant to this act shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The city shall design, print, and furnish to all appropriate businesses in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

Sec. 7. Disposition of Taxes Collected. (a) Feasibility Study. After levying a tax under this act, the City of Goldsboro shall place the net proceeds of the tax in a special fund. 'Net proceeds' means gross proceeds less the cost to the city of collecting and administering the tax. When sufficient proceeds have been accumulated in the special fund, the city council shall create a citizens' advisory committee to conduct a study of the feasibility of the construction of a civic center in Goldsboro. The citizens' advisory committee shall be composed of either five or seven members, as determined by the city council. If the committee is composed of five members, three shall be appointed by the city council and two shall be appointed by the Chamber of Commerce of Wayne County. If the committee is composed of

1 seven members, four shall be appointed by the city council and three shall be
2 appointed by the Chamber of Commerce of Wayne County. The city shall remit no
3 more than twenty percent (20%) of the net proceeds of the tax levied under this act
4 to the Goldsboro Tourism Council created in Section 8 of this act. The Council shall
5 use the proceeds to develop tourism, support services, and tourist-related events, and
6 for any other appropriate activities to provide tourism-related facilities and
7 attractions. The citizens' advisory committee shall use the remainder of the net
8 proceeds of the tax levied under this act for a study of the feasibility of the
9 construction of a civic center in Goldsboro.

10 (b) If Civic Center Feasible. If the Goldsboro City Council determines that the
11 results of the feasibility study indicate that a civic center would be a viable alternative
12 for the city, the proceeds of the tax levied under this act shall thereafter be used as
13 provided in this subsection. The citizens' advisory committee created pursuant to
14 subsection (a) of this section shall continue to serve in an advisory capacity to the
15 Goldsboro City Council. The city shall ~~use~~ remit no more than twenty percent
16 (20%) of the net proceeds of the tax levied under this act to the Goldsboro Tourism
17 Council created in Section 8 of this act. The Council shall use the proceeds to
18 develop tourism, support services, and tourist-related events, and for any other
19 appropriate activities to provide tourism-related facilities and attractions. ~~for~~
20 ~~development of tourism, support services, and tourist-related events and attractions.~~
21 The city shall use the remainder of the net proceeds for improving, leasing,
22 constructing, financing, operating, or acquiring facilities and properties as needed to
23 provide for a civic center facility for Goldsboro. The city may contract with any
24 person, firm, or agency to assist it in carrying out the purposes provided in this
25 subsection.

26 (c) If Civic Center Not Feasible at Present. If the Goldsboro City Council
27 determines that the results of the feasibility study indicate that a civic center would
28 not be a viable alternative for the city at present or without the participation of other
29 governmental, educational, or nonprofit entities, then the city may, on a monthly
30 basis, remit up to fifty percent (50%) of the net proceeds of the tax to the Goldsboro
31 Tourism Council created in Section 8 of this act. The Council shall use the proceeds
32 to develop tourism, support services, and tourist-related events, and for any other
33 appropriate activities to provide tourism-related facilities and attractions. The
34 remaining net proceeds of the tax shall be invested in a special interest bearing fund
35 and held by the city for improving, leasing, constructing, financing, operating, or
36 acquiring facilities and properties, either by the city or in conjunction with other
37 governmental, educational, or nonprofit entities. Thereafter, if the Goldsboro City
38 Council determines that a civic center would be a viable alternative for the city, then
39 a citizens' advisory committee shall be again created, if it has been disbanded,
40 pursuant to subsection (a) of this section, and the provisions of subsection (b) of this
41 section shall apply. Further, the citizens' advisory committee may conduct additional
42 feasibility studies as it deems necessary. If the Goldsboro City Council later
43 determines that a civic center would not be a viable alternative for the city, then the
44 provisions of subsection (d) of this section shall apply.

(d) If Civic Center Not Feasible. If the Goldsboro City Council determines that the results of the feasibility study indicate that a civic center would not be a viable alternative for the city, the proceeds of the tax levied under this act shall thereafter be used as provided in this subsection. The citizens' advisory committee created pursuant to subsection (a) of this section shall be disbanded. The city shall, on a monthly basis, remit the net proceeds of the tax to the Goldsboro Tourism Council created in Section 8 of this act. The Council shall use the proceeds to develop tourism, support services, and tourist-related events, and for any other appropriate activities to provide tourism-related facilities and attractions.

Sec. 8. Goldsboro Tourism Council. (a) ~~If the~~ The Goldsboro City Council ~~determines that the results of the feasibility study indicate that a civic center would not be a viable alternative for the city, as provided in Section 7,~~ it shall adopt a resolution creating a Goldsboro Tourism Council. The membership of the Goldsboro Tourism Council shall be appointed by the Goldsboro City Council as follows:

- (1) Three owners or operators of hotels, motels, or other taxable accommodations in the City of Goldsboro.
- (2) Three individuals who have demonstrated an interest in conventions and tourism development in the Goldsboro area, and who do not own or operate hotels, motels, or other taxable tourism accommodations.
- (3) Three ex officio members: the city manager; the executive vice-president of the Chamber of Commerce of Wayne County, and the mayor of the City of Goldsboro.

(b) All members of the Council shall serve without compensation. Travel expenses, as approved in the annual budget, may be provided by the Goldsboro Tourism Council. Vacancies in the Council shall be filled in the same manner as the original appointments. Members appointed to fill vacancies shall serve for the remainder of the unexpired term for which they are appointed to fill. Members shall serve three-year terms which will be staggered as provided by the city council; members may serve no more than two consecutive three-year terms. The members shall elect a chairperson and treasurer, who shall serve for a term of two years. The Council shall meet at the call of the chairperson and shall adopt rules of procedure to govern its meeting as provided by Robert's Rules of Order.

(c) The Goldsboro Tourism Council may contract with any person, firm, or agency to assist it in carrying out the purposes provided in this act. The Council shall prepare an annual budget and shall report quarterly and at the close of the fiscal year to the Goldsboro City Council on its receipts and expenditures for the preceding quarter and year in such detail as the city may require. An audit will be conducted as part of the city's audit contract.

~~Sec. 9. Repeal. A tax levied under this section may be repealed by a resolution adopted by the Goldsboro City Council. Repeal of a tax levied under this section shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this section does not affect a liability for a tax that was attached before~~

1 ~~the effective date of the repeal, nor does it affect a right to a refund of a tax that~~
2 ~~accrued before the effective date of the repeal."~~

3 Section 2. Municipal Administrative Provisions. Section 3 of S.L. 1997-
4 410 reads as rewritten:

5 "Section 3. Municipal Administrative Provisions. G.S. 160A-215, as enacted by
6 ~~ratified House Bill 859 and ratified Senate Bill 585, 1997 General Assembly, S.L.~~
7 ~~1997-361 and S.L. 1997-364,~~ applies to the City of Cities of Goldsboro, Lumberton,
8 Mount Airy, Airy, and Shelby, and to the municipalities in Brunswick County."

9 Section 3. This act is effective when it becomes law. Notwithstanding
10 the provisions of G.S. 160A-215, a Goldsboro occupancy tax return for taxes that
11 accrue before October 1, 1997, is due on the 25th day rather than the 15th day of the
12 month following the month in which the tax accrues.