1997

SENATE
STATE GOVERNMENT, LOCAL GOVERNMENT, & PERSONNEL COMMITTEE

MINUTES

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

CHAIRMAN

Senator Brad Miller
Room 621
733-9349
Clerk: Cornelia McMillan

VICE-CHAIRS

Senator Luther Jordan
Room 407
715-3034
Clerk: Gloria Haywood

Senator Walter Dalton
Room 2113
733-5880
Clerk: Janet Beason

Senator Hugh Webster
Room 1101
733-5665
Clerk: Gail Musser

RANKING MINORITY MEMBER

Senator Jess Ledbetter
Room 520
733-5748
Clerk: Peggy Halifax

SENATE COMMITTEE

Senator Charlie Albertson
Room 525
733-5705
Clerk: Julia Birdsong

Senator Frank Ballance
Room 523
715-3032
Clerk: Irma Avent

Senator Eric Reeves
Room 2111
733-3460
Clerk: Becky Hedspeth

Senator John Blust
Room 1117
733-7850
Clerk: Robin Holt
(removed 8/11/97)

Senator R. C. Soles
Room 2022
733-5963
Clerks: Janet Blalock
Joan Leatherman

Senator Thomas Jenkins
Room 622
733-6275
Clerk: Katy Haynes

Senator Fletcher Hartsell, Jr.
Room 518
733-7223
Clerk: Gerry Johnson

Senator Kenneth Moore
Room 1119
733-5745
Clerk: Phyllis Porter
(added 8/11/97)

Senator Bob Shaw
Room 1129
715-3050
Clerk: Margaret Toman

STAFF

Barbara Riley
Room 545
733-2578

Sandra Timmons
Room 545
733-2578

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1997-98 Regular Session — SENATE: ST GVT, LOCAL GVT & PERSONNEL — Valid Through 8-SEP-1997

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S 644	SHAW R	HIGH POINT COUNCIL DISCLOSURE	*HF-FAILED 2ND READING	04-02-97	05-01-97
S 645	SHAW R	GUILFORD SCHOOL BOARD DISCLOSURE	*R -CH. SL 97-0191	04-02-97	05-01-97
S 648=	ALBERTSON	WALLACE MAYOR	R -CH. SL 97-0321	04-02-97	04-16-97
S 650=	PAGE	SANFORD CHARTER	S -REF TO COM ON ST GVT	04-02-97	
S 656=	KINNAIRD	HILLSBOROUGH INSPECTION CONTRACTS	H -REF TO COM ON RULES	04-02-97	04-16-97
S 664	WARREN	GREENVILLE DWELLINGS/BURLINGTON SALE	*S -REF TO COM ON ST GVT	04-02-97	04-21-97
S 664	WARREN	GREENVILLE DWELLINGS/BURLINGTON SALE	*S -REF TO COM ON ST GVT	07-30-97	
S 665	RAND	GUBERNATORIAL TEAM TICKET-2	S -RE-REF COM ON RULES &	04-02-97	04-09-97
S 666	REEVES	WAKE STREET/ALLEY CLOSURE	H -RE-REF COM ON LOC&RGI	04-02-97	04-09-97
S 672	ODOM	MECKLENBURG LOCAL BILL	*H -REF TO COM ON LOC&RGII	04-21-97	04-24-97
S 678	MILLER B	KNIGHTDALE TREE ORDINANCES	S -REF TO COM ON ST GVT	04-03-97	
S 679=	WELLONS	HENDERSON CHARTER UPDATE	S -REF TO COM ON ST GVT	04-03-97	
S 682	GULLEY W	DURHAM CHARTER-2	*H -RE-REF COM ON FINANCE	04-03-97	04-23-97
S 683	LUCAS	DURHAM MGR/ALAMANCE OMNIBUS	*R -CH. SL 97-0445	04-03-97	04-24-97
S 684	LUCAS	DURHAM/CITY DEVELOPMENT REVIEW BD	*H -CONF COM APPOINTED	04-03-97	04-24-97
S 698=	KERR	WAYNE/NAHUNTA PROPERTY CONVENANCE	R -CH. SL 97-0170	04-07-97	04-09-97
S 710=	SOLES	LELAND/BELVILLE ANNEX RESTRICTIONS	S -RE-REF COM ON COMMERCE	04-07-97	04-24-97
S 711=	SOLES	GRANTSBORO INCORPORATED-2	*R -CH. SL 97-0446	04-07-97	04-24-97
S 722	FOXX	ASHE USE OF MOTOR FLEET VEHICLES	S -REF TO COM ON ST GVT	04-07-97	
S 723=	FOXX	STONEVILLE FOUR-YEAR TERMS	H -REF TO COM ON RULES	04-07-97	04-24-97
S 725	MILLER B	STATE EMPLOYEE INCENTIVE BONUS	*S -PRES. TO GOV. 08-29	04-29-97	04-30-97
S 726=	MILLER B	ESTABLISH SWIFT CREEK JOINT ZONING	*H -REF TO COM ON RULES	04-07-97	04-28-97
S 731=	BALLANTINE	CARTERET SCHOOL BOARD ELECTION	S -REF TO COM ON ST GVT	04-07-97	
S 736	EAST	ANNEXATION REFERENDA-2	S -REF TO COM ON ST GVT	04-07-97	
S 739	GULLEY W	DURHAM CITY ZONING PROTESTS	H -REF TO COM ON WAYS&MNS	04-07-97	04-23-97
S 791=	BALLANCE	OSHA WITNESS STATEMENTS	*H -REF TO COM ON COMM	04-29-97	04-30-97
S 811	SOLES	SOUTHEASTERN REGIONAL COMM'N STAFF	R -CH. SL 97-0155	04-10-97	04-24-97
S 826=	MILLER B	SCHOOL BOARD "QUICK TAKE"	*S -RE-REF COM ON ST GVT	08-26-97	
S 840	KERR	REVISE RECORDS LAWS-1	S -REF TO COM ON ST GVT	04-15-97	
S 875	KERR	REVISE RECORDS LAWS-2	*R -CH. SL 97-0309	04-15-97	04-24-97

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NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1997-98 Regular Session — SENATE: ST GVT, LOCAL GVT & PERSONNEL — Valid Through 8-SEP-1997

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S 885	GULLEY W	NOTICE OF EXECUTION	*R -CH. SL 97-0289	04-30-97	05-01-97
S 891	DALTON	LOCAL GOVERNMENT CONTRACTING	*R -CH. SL 97-0174	04-16-97	04-24-97
S 900	WARREN	STATE BUILDING COMMISSION PROJECTS	H -REF TO COM ON SG	04-16-97	04-30-97
S 910	DALTON	LIMITATIONS FOR OFFICIAL BONDS	*R -CH. SL 97-0297	04-23-97	04-24-97
S 936	WARREN	VET EMPLOYMENT ASSISTANCE PRIORITY	*R -CH. SL 97-0171	04-17-97	04-29-97
S 941	RAND	LT. GOVERNOR/SECRETARY OF STATE	S -REF TO COM ON ST GVT	04-17-97	
S 943	RAND	MEDICAID FALSE CLAIMS ACT	*R -CH. SL 97-0338	04-28-97	04-30-97
S 959	HARTSELL	MODULAR HOME CERTIFYING AGENT	H -REF TO COM ON COMM	04-17-97	04-29-97
S 987	BALLANCE	INTERSTATE ECON. DEVELOP. PERMITS	*H -REF TO COM ON COMM	04-21-97	04-24-97
S1024=	**COOPER**	**SHERIFFS' COMM'N AMENDMENTS**	**S -RE-REF COM ON ST GVT**	**04-28-97**	
S1028	MILLER B	SUBCONTRACTOR CLAIMS AGAINST OWNERS	H -REF TO COM ON RULES	04-28-97	04-29-97
S1030	MILLER B	PUBLIC CONTRACT DISPUTES	*H -REF TO COM ON RULES	04-21-97	04-24-97
S1049	KINNAIRD	CAMPUS SATELLITE POLLING PLACES	H -REF TO COM ON RULES	04-28-97	04-30-97
S1051	PAGE	OSP REVIEW CERTAIN JOB CLASSES	S -REF TO COM ON ST GVT	04-21-97	
S1052	PAGE	BOOK PURCHASING BOARD	S -REF TO COM ON ST GVT	04-21-97	
S1053	PAGE	COMPUTERIZED VOTER REG.	S -REF TO COM ON ST GVT	04-21-97	
S1054	PAGE	ALLOW BURMA DIVESTITURE	H -RE-REF COM ON COMM	04-21-97	04-29-97
S1067	PAGE	NO BUSINESS RELATIONS WITH BURMA	S -WITHDRAWN FROM CAL	04-21-97	04-29-97
S1068=	JENKINS	HOUSING AUTHORITY AMENDMENTS	S -RE-REF COM ON ST GVT	04-29-97	
S1074=	BALLANCE	HALIWA NAME CHANGE	R -CH. SL 97-0293	04-21-97	04-23-97
S1076	KINNAIRD	CAMPUS VOTER REGISTRATION	S -REF TO COM ON ST GVT	04-21-97	

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BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 8	CARPENTER J	REPEAL MACON HUNTING RESTRICTIONS	R -CH. SL 97-0021	03-05-97	04-09-97
H 17	BOWIE	GUILFORD CONFLICT REPEAL	R -CH. SL 97-0085	03-10-97	05-21-97
H 42	DAVIS D	CAROLINA TRACE/LAKE ROYALE	*R -CH. SL 97-0294	02-27-97	06-25-97
H 51	CANSLER	BUNCOMBE MUNICIPAL DEVELOPMENT	R -CH. SL 97-0086	02-26-97	05-21-97
H 63	NICHOLS	RIVER BEND ZONING/ANNEXATION	*R -CH. SL 97-0363	04-29-97	06-25-97
H 65	BEALL	CANTON DEANNEXATION	R -CH. SL 97-0100	03-13-97	05-07-97
H 68	CRAWFORD	ROANOKE RAPIDS BICYCLE DISPOSITION	S -REF TO COM ON ST GVT	03-10-97	
H 69	CRAWFORD	ROANOKE RAPIDS HOUSING CODE	S -REF TO COM ON ST GVT	03-10-97	
H 70	CRAWFORD	ROANOKE RAPIDS STRUCTURES	*R -CH. SL 97-0101	03-10-97	05-15-97
H 71	CRAWFORD	HALIFAX-ROANOKE RAPIDS AIRPORT	R -CH. SL 97-0275	03-19-97	05-21-97
H 75	WILKINS	PERSON SCHOOL BOARD ELECTIONS	R -CH. SL 97-0087	04-10-97	05-21-97
H 84	MORGAN	PINEHURST COUNCIL TERMS	HF-POSTPONED INDEFINITELY	02-24-97	07-02-97
H 100	HUNTER H	HERTFORD SCHOOL ELECTION DATE	R -CH. SL 97-0043	04-10-97	05-07-97
H 102	BUCHANAN	MITCHELL PRECINCTS	R -CH. SL 97-0183	03-18-97	06-11-97
H 103=	BUCHANAN	AVERY PRECINCTS	*R -CH. SL 97-0217	02-24-97	06-12-97
H 112	OWENS	CAMDEN SAFETY ZONE	*R -CH. SL 97-0108	05-06-97	05-21-97
H 116=	ARNOLD	COLUMBUS & BRUNSWICK ALLIGATORS	*H -REF TO COM ON RULES	03-03-97	08-14-97
H 122=	KISER	STATE BUILDING EVACUATION	*R -CH. SL 97-0112	03-24-97	05-08-97
H 146	GRADY	JACKSONVILLE SITE PLAN REVIEW	R -CH. SL 97-0359	05-06-97	07-30-97
H 198	SEXTON	SUPERVISION OF PRISONERS	*S -REF TO COM ON ST GVT	03-13-97	
H 233	FOX	NO FIREARMS DISCHARGED NEAR SCHOOLS	*R -CH. SL 97-0128	04-29-97	05-28-97
H 265	SEXTON	COUNTY ORTHOPHOTOGRAPHY BOUNDARIES	*R -CH. SL 97-0299	03-18-97	06-25-97
H 269	ALLRED	BURLINGTON, WAYNE, PITT LOCAL ACT	*H -COM SUB RULED MATERIAL	02-27-97	08-04-97
H 275	SHERRILL	DECENTRALIZE SOME OSP FUNCTIONS	*R -CH. SL 97-0349	04-07-97	07-10-97
H 277	BUCHANAN	LIMIT RELATIVES ON ELECTION BDS.	*R -CH. SL 97-0211	04-09-97	05-29-97
H 280=	TOLSON	TARBORO CHARTER AMENDMENT	S -REF TO COM ON ST GVT	03-03-97	
H 281	STARNES	ALEXANDER CO. COMM. VACANCIES	R -CH. SL 97-0088	03-10-97	05-21-97
H 288	ADAMS	GREENSBORO HOUSING CODE	R -CH. SL 97-0089	04-02-97	05-21-97
H 296=	GULLEY J	MECKLENBURG SCHOOL ELECTION CHANGES	S -REF TO COM ON ST GVT	04-10-97	
H 298	HILL	COLUMBUS AIRPORT AUTH. MEMBERSHIP	*R -CH. SL 97-0090	03-18-97	05-21-97

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BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 309=	ALEXANDER	CHARLOTTE ON-STREET PARKING	*R -CH. SL 97-0045	03-13-97	05-07-97
H 314	SUTTON	ABOLISH ROBESON CORONER	R -CH. SL 97-0051	04-17-97	05-08-97
H 315=	RUSSELL	STATE HIRES MOST QUALIFIED	*S -RE-REF COM ON ST GVT	04-28-97	
H 316=	RUSSELL	CHANGE SPA EXEMPTION PROCESS	*S -REF TO COM ON ST GVT	05-06-97	
H 340	MOORE	KANNAPOLIS PROPERTY ACQUISITIONS	*R -CH. SL 97-0295	04-15-97	05-14-97
H 342	ALEXANDER	MECKLENBURG BID LIMIT INCREASED	*R -CH. SL 97-0184	04-03-97	05-07-97
H 367	HUNTER H	NORTHEAST COUNTIES INSPECTION LIEN	*S -RE-REF COM ON FINANCE	04-01-97	05-07-97
H 372=	ALEXANDER	CHARLOTTE TOWING VEHICLES	*S -REF TO COM ON ST GVT	03-26-97	
H 373	STARNES	CALDWELL ANNEXATION RESTRICTED	*S -REF TO COM ON ST GVT	04-30-97	
H 406	BADDOUR	CURFEW FOR PERSONS UNDER 18	*R -CH. SL 97-0189	04-09-97	05-28-97
H 410	THOMPSON	EMERGENCY MANAGEMENT COMPACT	R -CH. SL 97-0152	05-06-97	05-28-97
H 420	THOMPSON	KINGS MT./MOSS LAKE AMENDMENTS	*S -REF TO COM ON ST GVT	07-28-97	
H 429	BEALL	LOCAL BICYCLE DISPOSITION	*R -CH. SL 97-0039	03-25-97	04-03-97
H 432	BADDOUR	NAT. GUARD MOBILIZATION LESSONS	*R -CH. SL 97-0153	04-23-97	05-28-97
H 437	BAKER	PILOT MT REC/LOCAL TREE REG.	*R -CH. SL 97-0420	05-06-97	06-25-97
H 437	BAKER	PILOT MT REC/LOCAL TREE REG.	*R -CH. SL 97-0420	06-30-97	07-02-97
H 496	HALL	LEE/MUNICIPAL STRUCTURES	*R -CH. SL 97-0449	04-08-97	07-10-97
H 496	HALL	LEE/MUNICIPAL STRUCTURES	*R -CH. SL 97-0449	07-14-97	08-20-97
H 506	HUNTER H	HERTFORD LOCAL ACT	*S -RE-REF COM ON FINANCE	05-12-97	06-04-97
H 508=	BRAWLEY	UPPER CATAWBA/PERSONAL WATERCRAFT	*R -CH. SL 97-0129	04-08-97	05-21-97
H 516	HILL	COLUMBUS ROAD HUNTING	R -CH. SL 97-0061	04-08-97	05-14-97
H 517	SUTTON	INDIAN CULTURAL CTR. FUND-RAISING	*R -CH. SL 97-0041	04-01-97	04-16-97
H 526	MCCOMAS	WRIGHTSVILLE BCH. TURTLE SANCTUARY	R -CH. SL 97-0091	04-01-97	05-21-97
H 531	MERCER	PITT COUNTY ABC BOARD	R -CH. SL 97-0046	04-30-97	05-07-97
H 532=	CRAWFORD	HENDERSON CHARTER UPDATE	*R -CH. SL 97-0062	04-14-97	05-14-97
H 545=	ROGERS	WILLIAMSTON/TABOR CITY ETJ	*R -CH. SL 97-0281	04-09-97	06-30-97
H 548=	HIATT	ELKIN PRIVATE SALE	R -CH. SL 97-0130	04-08-97	05-28-97
H 549	IVES	ASHEVILLE/BILTMORE BOUNDARY	R -CH. SL 97-0250	04-22-97	06-11-97
H 559	REDWINE	SUNSET BEACH ROOFING PERMITS	R -CH. SL 97-0063	04-01-97	05-14-97
H 568	ELLIS	WAKE FOREST/BEAUFORT ANNEXATION	*R -CH. SL 97-0432	07-22-97	07-23-97

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H 569	ELLIS	WAKE LOCAL ACT-5	*R -CH. SL 97-0092	05-06-97	05-21-97
H 579	ALLRED	ALAMANCE-BURLINGTON SCH. ELECTIONS	*S -REF TO COM ON ST GVT	04-23-97	
H 583	WEATHERLY	KINGS MOUNTAIN ABC BOARD	R -CH. SL 97-0047	04-15-97	05-07-97
H 587=	WILSON C	MECKLENBURG ABC LAW ENFORCEMENT	*R -CH. SL 97-0224	04-17-97	06-18-97
H 589	ROGERS	WASHINGTON ROAD HUNTING-2	*S -REF TO COM ON ST GVT	04-08-97	
H 596=	MCMAHAN	CHARLOTTE CIVIL SERVICE BOARD	S -REF TO COM ON ST GVT	04-08-97	
H 604	SMITH	NEWPORT-MOREHEAD BOUNDARIES	*R -CH. SL 97-0185	05-12-97	06-03-97
H 612	WILSON C	CHARLOTTE SPEED LIMIT AUTHORITY	*S -REF TO COM ON ST GVT	04-15-97	
H 629=	DAVIS D	HARNETT ROAD HUNTING	*R -CH. SL 97-0103	04-08-97	05-14-97
H 633	JUSTUS	HENDERSON/LOCAL UNCLAIMED BICYCLES	S -REF TO COM ON ST GVT	04-15-97	
H 636	CULPEPPER	MANTEO ORDINANCES	R -CH. SL 97-0048	04-07-97	05-07-97
H 637	HALL	BROADWAY STAGGERED TERMS	*R -CH. SL 97-0416	04-21-97	07-10-97
H 637	HALL	BROADWAY STAGGERED TERMS	*R -CH. SL 97-0416	07-14-97	08-20-97
H 643	RAYFIELD	BELMONT ANNEXATION AGREEMENT	R -CH. SL 97-0105	04-29-97	05-14-97
H 649	CARPENTER J	ABOLISH CHEROKEE CORONER	*R -CH. SL 97-0049	04-29-97	05-07-97
H 651	HUNTER H	INTERSTATE ECON. DEVELOP. ZONE	*R -CH. SL 97-0395	05-06-97	06-25-97
H 655	SEXTON	MADISON ANNEXATION	*R -CH. SL 97-0251	05-07-97	06-25-97
H 656	BRAWLEY	WATERSHED EXEMPTION/ANNEXATION	*S -REF TO COM ON ST GVT	05-06-97	
H 661	JUSTUS	HENDERSON COMMISSIONER DISTRICTS	*S -RE-REF COM ON ST GVT	04-15-97	08-26-97
H 661	JUSTUS	HENDERSON COMMISSIONER DISTRICTS	*S -RE-REF COM ON ST GVT	08-27-97	
H 668	MCALLISTER	CUMBERLAND COUNTY HOUSING CODE	*R -CH. SL 97-0378	04-15-97	07-30-97
H 670	HALL	LEE/HARNETT UNCLAIMED BICYCLES	S -REF TO COM ON ST GVT	04-15-97	
H 671=	HALL	SANFORD CHARTER	*R -CH. SL 97-0245	04-15-97	06-25-97
H 673=	HIATT	SURRY SCHOOL ELECTIONS	S -REF TO COM ON ST GVT	04-15-97	
H 675	ARNOLD	ROCKY MOUNT HOUSING CODE PROCESS	R -CH. SL 97-0296	04-15-97	07-10-97
H 676	ARNOLD	ROCKY MOUNT HOUSING CODE	S -REF TO COM ON ST GVT	04-15-97	
H 681=	WILKINS	ROXBORO CHARTER	*R -CH. SL 97-0282	05-06-97	05-21-97
H 685	DAVIS D	HARNETT SUBDIVISION DEFINITION	*R -CH. SL 97-0246	05-06-97	06-25-97
H 687	JUSTUS	HENDERSON E&R BOARD	R -CH. SL 97-0186	04-15-97	06-11-97
H 695	MORGAN	ABERDEEN ANNEXATION	R -CH. SL 97-0252	04-29-97	06-26-97

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H 698	SMITH	MOREHEAD-NEWPORT/MOORESVILLE ANNEX.	*R -CH. SL 97-0219	05-12-97	06-03-97
H 699	SMITH	LOCAL ABANDONED STRUCTURES	*R -CH. SL 97-0414	05-06-97	07-10-97
H 708=	ALEXANDER	LOCAL SPRINKLER SYSTEMS	*H -RE-REF COM ON LOC&RGII	04-15-97	06-30-97
H 710=	YONGUE	LAURINBURG CONSTRUCTION	*R -CH. SL 97-0247	04-28-97	06-25-97
H 712=	EARLE	CHARLOTTE PARKING ORDINANCE	S -REF TO COM ON ST GVT	04-21-97	
H 718	HARDY	TAKING OF FOXES AND RACCOONS	*R -CH. SL 97-0132	04-22-97	05-28-97
H 722	HARDY	WASHINGTON ANNEXATION AGREEMENTS	*R -CH. SL 97-0323	05-12-97	06-25-97
H 733	HARDY	BEAUFORT VACANCIES	*R -CH. SL 97-0248	04-22-97	06-25-97
H 740=	DAUGHTRY	EXPEDITE JOHNSTON SCHOOL CONSTR.	*R -CH. SL 97-0037	04-23-97	04-23-97
H 747	GULLEY J	MECKLENBURG SCHOOL ELECTIONS	*S -REF TO COM ON ST GVT	04-29-97	
H 748	GULLEY J	MATTHEWS/CHARLOTTE BOUNDARY	R -CH. SL 97-0220	05-06-97	06-04-97
H 752	ARNOLD	STOLEN LICENSES	S -REF TO COM ON ST GVT	07-22-97	
H 753	MORGAN	ABERDEEN/SOUTHERN PINES BOUNDARY	R -CH. SL 97-0253	05-06-97	06-26-97
H 761=	INSKO	ORANGE LOCAL ACT-2	*R -CH. SL 97-0407	05-06-97	07-10-97
H 771	REDWINE	SANITARY DISTRICT STAGGERED TERMS	R -CH. SL 97-0117	04-28-97	05-14-97
H 772	REDWINE	SHALLOTTE CHARTER/WHITEVILLE SCHOOLS	*R -CH. SL 97-0187	04-28-97	06-04-97
H 773	REDWINE	BALD HEAD ISLAND CHARTER	*R -CH. SL 97-0324	05-07-97	05-14-97
H 786	MOORE	CONCORD/CABARRUS/DURHAM/SANFORD	*R -CH. SL 97-0452	04-21-97	08-04-97
H 789	BARBEE	TOWN OF OAKBORO	*R -CH. SL 97-0254	05-12-97	06-11-97
H 791	MICHAUX	DURHAM SCHOOL CONVEYANCE	R -CH. SL 97-0064	04-29-97	05-14-97
H 792	MICHAUX	DURHAM CHARTER	R -CH. SL 97-0065	05-06-97	05-14-97
H 798=	WATSON	WALLACE MAYOR	S -REF TO COM ON ST GVT	04-22-97	
H 806=	BERRY	CONOVER HOUSING CODE	*R -CH. SL 97-0093	04-22-97	05-21-97
H 812=	RUSSELL	WAYNE/NAHUNTA PROPERTY CONVEYANCE	S -REF TO COM ON ST GVT	05-06-97	
H 828	FITCH	WILSON CHARTER	*R -CH. SL 97-0104	04-28-97	05-15-97
H 831	HUNTER R	YANCEY/CONSENT FOR CONDEMNATION	R -CH. SL 97-0164	05-06-97	06-04-97
H 832	THOMPSON	COLLECT DELINQUENT PROPERTY TAX	*H -COM SUB RULED MATERIAL	05-06-97	06-11-97
H 833	WRIGHT	SERVICE IN HOUSING CODE CASES	*R -CH. SL 97-0201	05-06-97	05-29-97
H 834	WRIGHT	WILMINGTON/LENOIR WHEEL LOCKS	*R -CH. SL 97-0218	05-06-97	06-12-97
H 836=	WRIGHT	NEW HANOVER AIRPORT DEVELOP ZONE	*R -CH. SL 97-0415	05-06-97	08-14-97

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BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 844	COLE	REIDSVILLE ANNEXATION RESTRICTED	*R -CH. SL 97-0360	05-07-97	06-25-97
H 845	RAYFIELD	GASTON ROAD HUNTING	R -CH. SL 97-0066	04-21-97	05-14-97
H 851	SMITH	CAPE CARTERET NO-WAKE ZONE	*R -CH. SL 97-0050	04-28-97	05-07-97
H 852	BAKER	911 DATABASE CONFIDENTIALITY	*R -CH. SL 97-0287	04-21-97	06-23-97
H 855	HALL	LEE COMMISSIONERS ELECTIONS	S -REF TO COM ON ST GVT	04-29-97	
H 866=	PRESTON	CARTERET/MOORE SCHOOL BD ELECTIONS	*R -CH. SL 97-0389	04-15-97	07-30-97
H 867	GULLEY J	MATTHEWS ANNEXATION/ZONING	*R -CH. SL 97-0283	05-27-97	06-04-97
H 870	ALLRED	LOCAL WORKING OF PRISONERS	*S -REF TO COM ON ST GVT	05-06-97	
H 877	MCCOMAS	KURE BEACH EROSION CONTROL	R -CH. SL 97-0094	04-28-97	05-21-97
H 879	MILLER G	DURHAM BOARD OF ADJUSTMENT VOTES	R -CH. SL 97-0165	05-06-97	06-04-97
H 881	MILLER G	DURHAM BOARD 0F ADJUSTMENT	R -CH. SL 97-0166	04-28-97	06-04-97
H 885	ALLRED	BUSING FROM DAY CARE/ALAMANCE	S -REF TO COM ON ST GVT	04-28-97	
H 892	HARDY	BEAUFORT INITIATIVE	*R -CH. SL 97-0265	04-28-97	06-25-97
H 894=	SEXTON	STONEVILLE FOUR-YEAR TERMS	S -REF TO COM ON ST GVT	04-28-97	
H 972=	HARDAWAY	HALIWA NAME CHANGE	S -REF TO COM ON ST GVT	04-29-97	
H 988	WILKINS	RESTORE PERSON INDIAN RECOGNITION	R -CH. SL 97-0147	05-06-97	05-21-97
H1050	97 HSE LOC&RGII	DONATION OF UNCLAIMED BICYCLES	R -CH. SL 97-0180	04-23-97	05-28-97
H1069	WOMBLE	ENCOURAGE STATE WORK FIRST HIRES	S -REF TO COM ON ST GVT	05-06-97	
H1135	CANSLER	STATE EMPLOYEE AMENDMENTS	*H -REF TO COM ON RULES	05-06-97	06-26-97
S 30	JORDAN	SPEEDING IN A WORK ZONE	*S -PRES. TO GOV. 08-29	04-30-97	05-01-97
S 43	MCDANIEL	FORSYTH JAILS HOUSE JUVENILES	S -REF TO COM ON ST GVT	02-04-97	
S 47	MARTIN R	WASHINGTON ROAD HUNTING	*R -CH. SL 97-0095	02-06-97	02-20-97
S 56=	ALLRAN	CATAWBA ANNEXATIONS	*S -RE-REF COM ON FINANCE	02-06-97	02-20-97
S 58	KINCAID	UNLAWFUL TO REMOVE DOG COLLARS	*R -CH. SL 97-0150	02-06-97	02-19-97
S 59=	BALLANCE	LOCAL SCHOOL ACQUISITION	*R -CH. SL 97-0024	02-06-97	02-19-97
S 61=	HARTSELL	MUNICIPAL INCORP. STUDY	*S -RE-REF COM ON RULES &	04-30-97	05-01-97
S 62=	HARTSELL	ANNEXATION/MUNICIPAL SERVICES	S -RE-REF COM ON ST GVT	04-29-97	
S 64=	MARTIN R	TARBORO CHARTER AMENDMENT	R -CH. SL 97-0096	02-10-97	02-19-97
S 69	FOXX	STOKES SCHOOL ACQUISITION	*R -CH. SL 97-0190	02-10-97	02-19-97
S 78=	BALLANCE	STATE BUILDING EVACUATION	*H -REF TO COM ON SG	02-10-97	03-24-97

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BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S 84=	BALLANTINE	ATLANTIC BEACH NO-WAKE ZONE	*R -CH. SL 97-0005	02-11-97	02-26-97
S 85=	MARTIN R	WILSON DEER HUNTING	*R -CH. SL 97-0004	02-11-97	02-19-97
S 91=	KINCAID	AVERY PRECINCTS	S -REF TO COM ON ST GVT	02-12-97	
S 105	FOXX	LOCAL ORTHOPHOTOGRAPHY BOUNDARIES	*H -CAL PURSUANT RULE 36(A)	02-13-97	02-26-97
S 121	LEDBETTER	STATEWIDE TAKING OF BEAVER	R -CH. SL 97-0097	02-17-97	02-26-97
S 130	ODOM	MECKLENBURG SPHERES OF INFLUENCE	*R -CH. SL 97-0106	02-17-97	03-17-97
S 172	ALBERTSON	NO SAFETY COURSE/DISABLED HUNTERS	*R -CH. SL 97-0365	05-15-97	07-23-97
S 186	FOXX	ALLEGHANY/DELINQUENT PROP. TAX	H -RE-REF COM ON RULES	02-19-97	02-26-97
S 198=	JENKINS	HENDERSON CO. ANNEXATION AGREEMENTS	R -CH. SL 97-0188	02-20-97	03-05-97
S 199=	SOLES	TOWN MANAGERS/DUAL OFFICE HOLDING	*R -CH. SL 97-0025	02-20-97	02-26-97
S 210	WARREN	INMATES PAY FOR MISCONDUCT	*H -REF TO COM ON RULES	02-20-97	04-21-97
S 216=	RUCHO	MECKLENBURG SCHOOL ELECTION CHANGE	S -REF TO COM ON ST GVT	02-24-97	
S 227=	WINNER	CHARLOTTE ON-STREET PARKING	S -REF TO COM ON ST GVT	02-24-97	
S 229=	RAND	FAYETTEVILLE RECALL	HF-FAILED 2ND READING	02-24-97	02-26-97
S 282=	ODOM	CHARLOTTE TOWING VEHICLES	*R -CH. SL 97-0107	03-03-97	03-12-97
S 290	DALTON	RUTHERFORDTON ABC DISTRIBUTIONS	R -CH. SL 97-0098	03-04-97	03-12-97
S 291=	WELLONS	JOHNSTON SCHOOL BOARD ELECTIONS	R -CH. SL 97-0032	03-04-97	03-12-97
S 300=	MARTIN W	HIGH POINT ZONING-2	S -REF TO COM ON ST GVT	03-05-97	
S 302	**RAND**	**COORDINATE SPECIAL AUDITS/FUNDS**	**S -RE-REF COM ON APPROPR**	**03-05-97**	**03-19-97**
S 321	KERR	MODIFY WAYNE AIRPORT LEGISLATION	*H -RE-REF COM ON FINANCE	03-06-97	03-19-97
S 322	KINCAID	AVERY UNAFFILIATED PETITIONS	R -CH. SL 97-0099	03-06-97	03-26-97
S 326=	ODOM	CHARLOTTE ON-STREET PARKING-2	S -REF TO COM ON ST GVT	03-10-97	
S 327=	MILLER B	NC MUSEUM OF HISTORY TECHS	R -CH. SL 97-0411	03-10-97	03-12-97
S 343	WARREN	HOUSING AUTHORITY DUTIES	*R -CH. SL 97-0455	03-10-97	03-19-97
S 356=	FOXX	REIDSVILLE ANNEXATIONS	*R -CH. SL 97-0343	03-11-97	03-19-97
S 363	PAGE	HARNETT COMM. COLL. ACQUISTION	R -CH. SL 97-0042	03-11-97	03-19-97
S 378	FOXX	COUNTY SUPERVISE PRISONERS	*R -CH. SL 97-0303	03-12-97	04-03-97
S 390	ODOM	HUNTERSVILLE ANNEXATION	*R -CH. SL 97-0267	03-13-97	03-26-97
S 401	KINNAIRD	PINEHURST COUNCIL TERMS	S -REF TO COM ON ST GVT	03-17-97	
S 406=	BLUST	CHANGE SPA EXEMPTION PROCESS	S -REF TO COM ON ST GVT	03-17-97	

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S 407=	BLUST	STATE HIRES MOST QUALIFIED	S -REF TO COM ON ST GVT	03-17-97	
S 410	LEDBETTER	BUNCOMBE COMMISSIONERS ELECTIONS	S -REF TO COM ON ST GVT	03-18-97	
S 411=	MARTIN R	WILLIAMSTON EXTRATERRITORIAL JURIS	*S -RE-REF COM ON ST GVT	03-18-97	03-27-97
S 411=	MARTIN R	WILLIAMSTON EXTRATERRITORIAL JURIS	*S -RE-REF COM ON ST GVT	07-03-97	
S 424	MILLER B	WAKE ANNEXATIONS	*SA-CONF REPORT ADOPTED	03-19-97	03-27-97
S 428	GULLEY W	BUTNER PLANNING COUNCIL	*R -CH. SL 97-0059	03-19-97	04-07-97
S 429=	ODOM	CHARLOTTE CIVIL SERVICE BOARD	*R -CH. SL 97-0305	03-19-97	03-26-97
S 436=	WINNER	MECKLENBURG ABC LAW ENFORCEMENT	S -REF TO COM ON ST GVT	03-20-97	
S 437=	EAST	ELKIN PRIVATE SALE	R -CH. SL 97-0131	03-20-97	04-24-97
S 453=	BALLANTINE	AIRPORT ECON. DEVELOP. ZONE ACT	H -RE-REF COM ON FINANCE	03-24-97	04-23-97
S 464	HORTON	WINSTON-SALEM/FORSYTH HOUSING CODE	R -CH. SL 97-0126	03-24-97	04-16-97
S 474	ODOM	MUNICIPALITIES' TREE ORDINANCES	*H -REF TO COM ON WAYS&MNS	03-24-97	04-24-97
S 499=	ODOM	CHARLOTTE PARKING ORDINANCES	R -CH. SL 97-0127	03-25-97	04-02-97
S 500=	ODOM	MTN. ISLAND LAKE MARINE COMMISSION	*R -CH. SL 97-0257	03-25-97	04-02-97
S 501=	GULLEY W	ROXBORO CHARTER	*S -RE-REF COM ON FINANCE	03-25-97	04-24-97
S 524=	ALLRAN	CONOVER/SANFORD HOUSING CODE	*R -CH. SL 97-0160	03-26-97	04-17-97
S 529	RAND	HOPE MILLS/WEAVERVILLE ANNEXATIONS	*R -CH. SL 97-0151	03-26-97	04-09-97
S 531	ALBERTSON	STATE PHONE SYSTEMS	*R -CH. SL 97-0351	03-27-97	04-16-97
S 535	CARPENTER R	COUNTY CONSENT BEFORE ACQUISTION	*R -CH. SL 97-0263	03-27-97	04-24-97
S 541	MILLER B	RALEIGH BICYCLE DISPOSITION	S -REF TO COM ON ST GVT	03-27-97	
S 546	MILLER B	WAKE REAL PROPERTY DISCLOSURE	*H -REF TO COM ON RULES	03-27-97	04-29-97
S 548	FOXX	STOKES/DELINQUENT PROP. TAXES	S -REF TO COM ON FINANCE	03-27-97	04-29-97
S 552	LEDBETTER	MCDOWELL ROAD HUNTING	*R -CH. SL 97-0453	03-27-97	04-30-97
S 553	ALLRAN	ELECTION NOTICES/ONE STOP-2	*S -PRES. TO GOV. 08-29	03-27-97	04-17-97
S 555=	CONDER	LAURINBURG CONSTRUCTION	S -REF TO COM ON ST GVT	03-27-97	
S 556=	RUCHO	SPRINKLER SYSTEM REQUIREMENTS	*R -CH. SL 97-0316	03-27-97	04-03-97
S 579	KINCAID	LENOIR CHARTER	*R -CH. SL 97-0262	04-01-97	04-23-97
S 586	REEVES	WAKE ABC LAW ENFORCEMENT	S -REF TO COM ON ST GVT	04-01-97	
S 590=	PAGE	HARNETT ROAD HUNTING	S -REF TO COM ON ST GVT	04-01-97	
S 643	SHAW R	GREENSBORO COUNCIL DISCLOSURE	*HF-FAILED 2ND READING	04-02-97	05-01-97

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S 644	SHAW R	HIGH POINT COUNCIL DISCLOSURE	*HF-FAILED 2ND READING	04-02-97	05-01-97
S 645	SHAW R	GUILFORD SCHOOL BOARD DISCLOSURE	*R -CH. SL 97-0191	04-02-97	05-01-97
S 648=	ALBERTSON	WALLACE MAYOR	R -CH. SL 97-0321	04-02-97	04-16-97
S 650=	PAGE	SANFORD CHARTER	S -REF TO COM ON ST GVT	04-02-97	
S 656=	KINNAIRD	HILLSBOROUGH INSPECTION CONTRACTS	H -REF TO COM ON RULES	04-02-97	04-16-97
S 664	WARREN	GREENVILLE DWELLINGS/BURLINGTON SALE	*S -REF TO COM ON ST GVT	04-02-97	04-21-97
S 664	WARREN	GREENVILLE DWELLINGS/BURLINGTON SALE	*S -REF TO COM ON ST GVT	07-30-97	
S 665	RAND	GUBERNATORIAL TEAM TICKET-2	S -RE-REF COM ON RULES &	04-02-97	04-09-97
S 666	REEVES	WAKE STREET/ALLEY CLOSURE	H -RE-REF COM ON LOC&RGI	04-02-97	04-09-97
S 672	ODOM	MECKLENBURG LOCAL BILL	*H -REF TO COM ON LOC&RGII	04-21-97	04-24-97
S 678	MILLER B	KNIGHTDALE TREE ORDINANCES	S -REF TO COM ON ST GVT	04-03-97	
S 679=	WELLONS	HENDERSON CHARTER UPDATE	S -REF TO COM ON ST GVT	04-03-97	
S 682	GULLEY W	DURHAM CHARTER-2	*H -RE-REF COM ON FINANCE	04-03-97	04-23-97
S 683	LUCAS	DURHAM MGR/ALAMANCE OMNIBUS	*R -CH. SL 97-0445	04-03-97	04-24-97
S 684	LUCAS	DURHAM/CITY DEVELOPMENT REVIEW BD	*H -CONF COM APPOINTED	04-03-97	04-24-97
S 698=	KERR	WAYNE/NAHUNTA PROPERTY CONVENANCE	R -CH. SL 97-0170	04-07-97	04-09-97
S 710=	SOLES	LELAND/BELVILLE ANNEX RESTRICTIONS	S -RE-REF COM ON COMMERCE	04-07-97	04-24-97
S 711=	SOLES	GRANTSBORO INCORPORATED-2	*R -CH. SL 97-0446	04-07-97	04-24-97
S 722	FOXX	ASHE USE OF MOTOR FLEET VEHICLES	S -REF TO COM ON ST GVT	04-07-97	
S 723=	FOXX	STONEVILLE FOUR-YEAR TERMS	H -REF TO COM ON RULES	04-07-97	04-24-97
S 725	MILLER B	STATE EMPLOYEE INCENTIVE BONUS	*S -PRES. TO GOV. 08-29	04-29-97	04-30-97
S 726=	MILLER B	ESTABLISH SWIFT CREEK JOINT ZONING	*H -REF TO COM ON RULES	04-07-97	04-28-97
S 731=	BALLANTINE	CARTERET SCHOOL BOARD ELECTION	S -REF TO COM ON ST GVT	04-07-97	
S 736	EAST	ANNEXATION REFERENDA-2	S -REF TO COM ON ST GVT	04-07-97	
S 739	GULLEY W	DURHAM CITY ZONING PROTESTS	H -REF TO COM ON WAYS&MNS	04-07-97	04-23-97
S 791=	BALLANCE	OSHA WITNESS STATEMENTS	*H -REF TO COM ON COMM	04-29-97	04-30-97
S 811	SOLES	SOUTHEASTERN REGIONAL COMM'N STAFF	R -CH. SL 97-0155	04-10-97	04-24-97
S 826=	MILLER B	SCHOOL BOARD "QUICK TAKE"	*S -RE-REF COM ON ST GVT	08-26-97	
S 840	KERR	REVISE RECORDS LAWS-1	S -REF TO COM ON ST GVT	04-15-97	
S 875	KERR	REVISE RECORDS LAWS-2	*R -CH. SL 97-0309	04-15-97	04-24-97

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S 885	GULLEY W	NOTICE OF EXECUTION	*R -CH. SL 97-0289	04-30-97	05-01-97
S 891	DALTON	LOCAL GOVERNMENT CONTRACTING	*R -CH. SL 97-0174	04-16-97	04-24-97
S 900	WARREN	STATE BUILDING COMMISSION PROJECTS	H -REF TO COM ON SG	04-16-97	04-30-97
S 910	DALTON	LIMITATIONS FOR OFFICIAL BONDS	*R -CH. SL 97-0297	04-23-97	04-24-97
S 936	WARREN	VET EMPLOYMENT ASSISTANCE PRIORITY	*R -CH. SL 97-0171	04-17-97	04-29-97
S 941	RAND	LT. GOVERNOR/SECRETARY OF STATE	S -REF TO COM ON ST GVT	04-17-97	
S 943	RAND	MEDICAID FALSE CLAIMS ACT	*R -CH. SL 97-0338	04-28-97	04-30-97
S 959	HARTSELL	MODULAR HOME CERTIFYING AGENT	H -REF TO COM ON COMM	04-17-97	04-29-97
S 987	BALLANCE	INTERSTATE ECON. DEVELOP. PERMITS	*H -REF TO COM ON COMM	04-21-97	04-24-97
S1024=	**COOPER**	**SHERIFFS' COMM'N AMENDMENTS**	**S -RE-REF COM ON ST GVT**	**04-28-97**	
S1028	MILLER B	SUBCONTRACTOR CLAIMS AGAINST OWNERS	H -REF TO COM ON RULES	04-28-97	04-29-97
S1030	MILLER B	PUBLIC CONTRACT DISPUTES	*H -REF TO COM ON RULES	04-21-97	04-24-97
S1049	KINNAIRD	CAMPUS SATELLITE POLLING PLACES	H -REF TO COM ON RULES	04-28-97	04-30-97
S1051	PAGE	OSP REVIEW CERTAIN JOB CLASSES	S -REF TO COM ON ST GVT	04-21-97	
S1052	PAGE	BOOK PURCHASING BOARD	S -REF TO COM ON ST GVT	04-21-97	
S1053	PAGE	COMPUTERIZED VOTER REG.	S -REF TO COM ON ST GVT	04-21-97	
S1054	PAGE	ALLOW BURMA DIVESTITURE	H -RE-REF COM ON COMM	04-21-97	04-29-97
S1067	PAGE	NO BUSINESS RELATIONS WITH BURMA	S -WITHDRAWN FROM CAL	04-21-97	04-29-97
S1068=	JENKINS	HOUSING AUTHORITY AMENDMENTS	S -RE-REF COM ON ST GVT	04-29-97	
S1074=	BALLANCE	HALIWA NAME CHANGE	R -CH. SL 97-0293	04-21-97	04-23-97
S1076	KINNAIRD	CAMPUS VOTER REGISTRATION	S -REF TO COM ON ST GVT	04-21-97	

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STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

FEBRUARY 19, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, February 19, 1997 at 11:00 a.m. in Room 1124 of the Legislative Building. Eleven members were present, including Sen. Brad Miller, who presided.

Action was taken on the following bills:

SB 47, Washington Road Hunting, was explained by Senator Martin. Senator Shaw moved the adoption of an amendment to provide that the legislation apply to Washington County only. The motion carried unanimously. Senator Shaw moved the bill as amended be put into a committee substitute and given a favorable report. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 56, Catawba Annexations, was explained by Senator Allran, who requested an amendment to provide a sunset for the legislation and that the bill be redone as a committee substitute. Senator Dalton moved the adoption of the amendment. The motion carried unanimously. Senator Dalton moved that the bill as amended be put into a committee substitute and given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 58, Unlawful to Remove Collars, was explained by Senator Kincaid. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 59, Gates School Acquisition, was explained by Senator Ballance. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 64, Tarboro Charter Amendment, was explained by Senator Martin. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 69, Stokes School Acquisition, was explained by Senator Foxx. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 85, Wilson Deer Hunting, was explained by Senator Martin. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

Senator Brad Miller, Chairman

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Wednesday, February 19, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **58** Unlawful to Remove Collars
Sequential Referral: None
Recommended Referral: None

S.B. **59** Gates School Acquisition
Sequential Referral: None
Recommended Referral: None

S.B. **64** Tarboro Charter Amendment
Sequential Referral: None
Recommended Referral: None

S.B. **69** Stokes School Acquisition
Sequential Referral: None
Recommended Referral: None

S.B. **85** Wilson Deer Hunting
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 5

Committee Clerk Comment: Sen. Miller to sign

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Thursday, February 20, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 47 Washington Road Hunting

Draft Number:	PCS7555
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. 56 Catawba Annexations

Draft Number:	PCS6544
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller will sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, FEBRUARY 19, 1997

ROOM 1124

SB 47	Washington Road Hunting	Senator Martin
SB 64	Tarboro Charter Amendment	Senator Martin
SB 85	Wilson Deer Hunting	Senator Martin
SB 56	Catawba Annexations	Senator Allran
SB 58	Unlawful to Remove Collars	Senator Kincaid
SB 59	Gates School Acquisition	Senator Ballance
SB 69	Stokes School Acquisition	Senator Foxx

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 2

SENATE BILL 47

State Government, Local Government, and Personnel Committee Substitute Adopted 2/20/97

Short Title: Washington Road Hunting. (Local)

Sponsors:

Referred to:

February 6, 1997

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN WASHINGTON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to use a firearm, bow and arrow, or crossbow carelessly or heedlessly or in willful or wanton disregard of the rights or safety of others. Such reckless use of a weapon in violation of this section includes using a firearm, bow and arrow, or crossbow in a manner that poses a hazard to any person or property, or involves the discharge of a firearm sending a projectile across the property of another without that person's permission.

Section 2. It is unlawful to hunt, take, or kill, or to attempt to hunt, take, or kill, any wild animal or wild bird with firearm, bow and arrow, or crossbow, on, from, or across the right-of-way of any State-maintained road or highway, or to discharge any firearm, bow and arrow, or crossbow on, from, or across the right-of-way of any State-maintained road or highway. A hunter recovering dogs shall not be in violation of this section so long as all the hunter's weapons remain in a motor vehicle.

Section 3. It is unlawful to possess a loaded shotgun or center-fire rifle while on the right-of-way of any State-maintained road or highway outside the confines of the passenger area of a vehicle. This section does not apply to the owner in fee of the land adjacent to the right-of-way.

Section 4. It is unlawful for any person to hunt, take, or kill a wild animal or wild bird with firearms or dogs, or to possess a loaded firearm outside the confines of the passenger area of a vehicle, on the land of another, without the permission of the owner or lessee of the land.

Section 5. This act does not apply to:

(1) The use or possession of firearms in defense of persons or property;

(2) Law enforcement officers or members of the armed forces acting in the line of duty;

(3) The use of firearms pursuant to the lawful direction of law enforcement officers;

(4) Persons lawfully engaged in pest control;

(5) Public or private shooting galleries; or

(6) Private landowners on their own property using their own firearms to control pests or pursuant to permits issued by the Wildlife Resources Commission.

Section 6. Violation of this act is a Class 3 misdemeanor.

Section 7. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Section 8. This act shall apply to Washington County only.

Section 9. This act becomes effective December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 2

SENATE BILL 56*

State Government, Local Government, and Personnel Committee Substitute Adopted 2/20/97

Short Title: Catawba Annexations. (Local)

Sponsors:

Referred to:

February 6, 1997

A BILL TO BE ENTITLED

AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF CATAWBA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-58.1(b)(5) does not apply to the Town of Catawba.

Section 2. This act is effective when it becomes law, but it applies only to annexation ordinances adopted on or before December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 2

SENATE BILL 56*

State Government, Local Government, and Personnel Committee Substitute Adopted 2/20/97

Short Title: Catawba Annexations. (Local)

Sponsors:

Referred to:

February 6, 1997

A BILL TO BE ENTITLED

AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF CATAWBA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-58.1(b)(5) does not apply to the Town of Catawba.

Section 2. This act is effective when it becomes law, but it applies only to annexation ordinances adopted on or before December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 58

Short Title: Unlawful to Remove Collars. (Local)

Sponsors: Senators Kincaid; and Garwood.

Referred to: State Government, Local Government, and Personnel.

February 6, 1997

A BILL TO BE ENTITLED

AN ACT TO ADD BURKE, CALDWELL, AND WILKES COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 699 of the 1993 Session Laws reads as rewritten:

"Sec. 4. This act applies only to Burke, Caldwell, Haywood, Jackson, Swain, Macon, Henderson, ~~and Transylvania~~ Transylvania, and Wilkes Counties."

Section 2. This act becomes effective October 1, 1997, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 59

Short Title: Gates School Acquisition. (Local)

Sponsors: Senator Ballance.

Referred to: State Government, Local Government, and Personnel.

February 6, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-158.1 reads as rewritten:

"**§ 153A-158.1. Acquisition and improvement of school property in certain counties.**

(a) Acquisition by County. -- A county may acquire, by any lawful method, any interest in real or personal property for use by a school administrative unit within the county. In exercising the power of eminent domain a county shall use the procedures of Chapter 40A. The county shall use its authority under this subsection to acquire property for use by a school administrative unit within the county only upon the request of the board of education of that school administrative unit and after a public hearing.

(b) Construction or Improvement by County. -- A county may construct, equip, expand, improve, renovate, or otherwise make available property for use by a school administrative unit within the county. The local board of education shall be involved in the design, construction, equipping, expansion, improvement, or renovation of the property to the same extent as if the local board owned the property.

(c) Lease or Sale by Board of Education. -- Notwithstanding the provisions of G.S. 115C-518 and G.S. 160A-274, a local board of education may, in connection with additions, improvements, renovations, or repairs to all or part of any of its property, lease or sell the property to the board of commissioners of the county in which the property is located for any price negotiated between the two boards.

(d) Board of Education May Contract for Construction. -- Notwithstanding the provisions of G.S. 115C-40 and G.S. 115C-521, a local board of education may enter into contracts for the erection or repair of school buildings upon sites owned in fee simple by one or more counties in which the local school administrative unit is located.

(e) Scope. -- This section applies to Alleghany, Ashe, Avery, Bladen, Brunswick, Cabarrus, Carteret, Cherokee, Chowan, Columbus, Currituck, Dare, Duplin, Edgecombe, Forsyth, Franklin, Gates, Graham, Greene, Guilford, Halifax, Harnett, Haywood, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Macon, Madison, Martin, Moore, Nash, New Hanover, Orange, Pasquotank, Pender, Person, Pitt, Randolph, Richmond, Rockingham, Rowan, Sampson, Scotland, Stanly, Surry, Union, Vance, Wake, Wilson, and Watauga Counties."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 64

Short Title: Tarboro Charter Amendment. (Local)

Sponsors: Senator Martin of Pitt.

Referred to: State Government, Local Government, and Personnel.

February 10, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO PERMIT MEMBERS OF THE TOWN COUNCIL TO ENTER INTO UNDERTAKINGS OR CONTRACTS WITH THE TOWN UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Tarboro, being Chapter 73 of the 1995 Session Laws, is amended by adding a new section to read:

"Sec. 2.8. **Contracts With Council Members.** G.S. 14-234 shall not apply to any member of the Town Council if all of the following conditions are met:

(1) The undertaking or contract is for the purchase of apparatus, supplies, materials, or equipment which requires an expenditure during any single fiscal year of an amount that is less than the amounts stated in G.S. 143-129.

(2) The Town seeks informal bids from at least two other suppliers, in addition to the supplier in which the member of the Council has a financial interest.

(3) The other suppliers are either unwilling or unable to sell to the Town the needed apparatus, supplies, materials, or equipment, or the supplier in which the member of the Council has a financial interest is the lowest responsible bidder.

(4) The undertaking or contract between the Town and the member of the Council is approved by specific resolution of the Council adopted in an open meeting and is recorded in its minutes.

(5) The member of the Council does not vote on any matters related to the undertaking or contract and does not participate in the consideration of or action upon the authorizing resolution."

Section 2. This act is effective when it becomes law and applies to undertakings or contracts entered into on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 69

Short Title: Stokes School Acquisition. (Local)

Sponsors: Senators Foxx; and East.

Referred to: State Government, Local Government, and Personnel.

February 10, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-158.1 reads as rewritten:

"**§ 153A-158.1. Acquisition and improvement of school property in certain counties.**

(a) Acquisition by County. -- A county may acquire, by any lawful method, any interest in real or personal property for use by a school administrative unit within the county. In exercising the power of eminent domain a county shall use the procedures of Chapter 40A. The county shall use its authority under this subsection to acquire property for use by a school administrative unit within the county only upon the request of the board of education of that school administrative unit and after a public hearing.

(b) Construction or Improvement by County. -- A county may construct, equip, expand, improve, renovate, or otherwise make available property for use by a school administrative unit within the county. The local board of education shall be involved in the design, construction, equipping, expansion, improvement, or renovation of the property to the same extent as if the local board owned the property.

(c) Lease or Sale by Board of Education. -- Notwithstanding the provisions of G.S. 115C-518 and G.S. 160A-274, a local board of education may, in connection with additions, improvements, renovations, or repairs to all or part of any of its property, lease or sell the property to the board of commissioners of the county in which the property is located for any price negotiated between the two boards.

(d) Board of Education May Contract for Construction. -- Notwithstanding the provisions of G.S. 115C-40 and G.S. 115C-521, a local board of education may enter into contracts for the erection or repair of school buildings upon sites owned in fee simple by one or more counties in which the local school administrative unit is located.

(e) Scope. -- This section applies to Alleghany, Ashe, Avery, Bladen, Brunswick, Cabarrus, Carteret, Cherokee, Chowan, Columbus, Currituck, Dare, Duplin, Edgecombe, Forsyth, Franklin, Graham, Greene, Guilford, Halifax, Harnett, Haywood, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Macon, Madison, Martin, Moore, Nash, New Hanover, Orange, Pasquotank, Pender, Person, Pitt, Randolph, Richmond, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Union, Vance, Wake, Wilson, and Watauga Counties."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 85*

Short Title: Wilson Deer Hunting. (Local)

Sponsors: Senators Martin of Pitt; Cooper and Wellons.

Referred to: State Government, Local Government, and Personnel.

February 11, 1997

A BILL TO BE ENTITLED

AN ACT TO REGULATE DEER HUNTING IN WILSON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to take or to hunt deer with rifles, except from a stationary stand elevated at least eight feet above the ground. The height of the stand described in this section shall be such that the bottom of the hunter's feet when standing are at least eight feet above the ground. As used in this section, the terms "to hunt" and "to take" are used as those terms are defined in G.S. 113-130(5a) and G.S. 113-130(7), respectively.

Section 2. Violation of Section 1 of this act is a Class 3 misdemeanor.

Section 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, by officers of the State Highway Patrol, and by other peace officers with general subject matter jurisdiction.

Section 4. This act applies only to Wilson County.

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

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February 19, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 47: Washington Road Hunting

Senate Bill 47, introduced by Senator Martin of Pitt, would regulate hunting from the right-of-way in Washington County.

Section 1 of the bill makes it unlawful to recklessly use a firearm, crossbow, or bow and arrow. Reckless use is defined to mean the use of such weapons in a manner that poses a hazzrd to persons or property and includes the discharge of a firearm across the property of another without permission.

Section 2 of the bill makes it unlawful to hunt wild animals or birds or discharge a firearm from, on, or across the right-of-way of any State maintained road. If recovering dogs, a hunter must leave his weapon in his motor vehicle.

Section 3 makes it unlawful to have a loaded centerfire rifle or shotgun outside the passenger area of a vehicle while on the right-of-way of any State maintained road. This section, however does not apply to the owner of property adjacent to the right-of-way.

Section 4 makes it unlawful to hunt wildlife with firearms or dogs, or to possess a loaded firearm on the land of another without the permission of the owner of lessee of land.

Section 5 provides the exceptions to the rules laid out in Sections 1-4. The exceptions include:

1. The use of possession of firearms in defense of persons or property;
2. Law enforcement officers acting in the line of duty;.
3. Persons acting at the direction of law enforcement officers;
4. Pest control;
5. Shooting galleries; and
6. Persons on their own property hunting with the appropriate permits.

Violation of this act is a class 3 misdemeanor. The act becomes effective December 1, 1997.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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February 19, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 64: Tarboro Charter Amendment

Senate Bill 64, introduced by Senator Martin of Pitt, would craft an exception to G.S. 14-234 for the members of the Town Council of Tarboro.

G.S. 14-234 makes it a misdemeanor for any person appointed or elected to a position of public trust to enter into contracts or other undertakings under such authority for his own benefit. Senate Bill 64 would allow the members of the Tarboro Town Council to enter into such contracts if:

1. The contract is for the purchase of equipment and supplies which annually does not exceed the threshold amount set in G.S. 143-129, currently $20,000.
2. The Town seeks informal bids from at least two other suppliers.
3. The supplier in which the council member has an interest is either the lowest bidder or the other two suppliers are unwilling or unable to provide the equipment.
4. The contract is approved by specific resolution of the Council.
5. The council member does not vote on any matters pertaining to the undertaking, or participate in consideration of or vote on the authorizing resolution.

The act is effective when it becomes law and applies to contracts and undertakings entered into on or after that date.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

§ 14-232. Swearing falsely to official reports.

Editor's Note. — Session Laws 1993, c. 539, s. 144, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

§ 14-233. Making of false report by bank examiners; accepting bribes.

Editor's Note. —

Session Laws 1993, c. 539, s. 1214, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

The correct citation for State v. Barnes under this section in the main pamphlet is 380 S.E.2d 118.

§ 14-234. Director of public trust contracting for his own benefit; participation in business transaction involving public funds; exemptions.

(a) If any person appointed or elected a commissioner or director to discharge any trust wherein the State or any county, city or town may be in any manner interested shall become an undertaker, or make any contract for his own benefit, under such authority, or be in any manner concerned or interested in making such contract, or in the profits thereof, either privately or openly, singly or jointly with another, he shall be guilty of a misdemeanor. Provided, that this section shall not apply to public officials transacting business with banks or banking institutions or savings and loan associations or public utilities regulated under the provisions of Chapter 62 of the General Statutes in regular course of business: Provided further, that such undertaking or contracting shall be authorized by said governing board by specific resolution on which such public official shall not vote.

(b) Nothing in this section nor in any general principle of common law shall render unlawful the acceptance of remuneration from a governmental board, agency or commission for services, facilities, or supplies furnished directly to needy individuals by a member of said board, agency or commission under any program of direct public assistance being rendered under the laws of this State or the United States to needy persons administered in whole or in part by such board, agency or commission; provided, however, that such programs of public assistance to needy persons are open to general participation on a nondiscriminatory basis to the practitioners of any given profession, professions or occupation; and provided further that the board, agency or commission, nor any of its employees or agents, shall have no control over who, among licensed or qualified providers, shall be selected by the beneficiaries of the assistance, and that the remuneration for such services, facilities or supplies shall be in the same amount as would be paid to any other

provider; and provided further that, although the board, agency or commission member may participate in making determinations of eligibility of needy persons to receive the assistance, he shall take no part in approving his own bill or claim for remuneration.

(c) No director, board member, commissioner, or employee of any State department, agency, or institution shall directly or indirectly enter into or otherwise participate in any business transaction involving public funds with any firm, corporation, partnership, person or association which at any time during the preceding two-year period had a financial association with such director, board member, commissioner or employee.

(c1) The fact that a person owns ten percent (10%) or less of the stock of a corporation or has a ten percent (10%) or less ownership in any other business entity or is an employee of said corporation or other business entity does not make the person "in any manner interested" or "concerned or interested in making such contract, or in the profits thereof," as such phrase is used in subsection (a) of this section, and does not make the person one who "had a financial association," as defined in subsection (c) of this section; provided that in order for the exception provided by this subsection to apply, such undertaking or contracting must be authorized by the governing board by specific resolution on which such public official shall not vote.

(d) The provisions of subsection (c) shall not apply to any transactions meeting the requirements of Article 3, Chapter 143 of the General Statutes or any other transaction specifically authorized by the Advisory Budget Commission.

(d1) The first sentence of subsection (a) shall not apply to (i) any elected official or person appointed to fill an elective office of a village, town, or city having a population of no more than 7,500 according to the most recent official federal census, (ii) any elected official or person appointed to fill an elective office of a county within which there is located no village, town, or city with a population of more than 7,500 according to the most recent official federal census, (iii) any elected official or person appointed to fill an elective office on a city board of education in a city having a population of no more than 7,500 according to the most recent official federal census, (iv) any elected official or person appointed to fill an elective office as a member of a county board of education in a county within which there is located no village, town or city with a population of more than 7,500 according to the most recent official federal census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social services board, local health board, or area mental health, developmental disabilities, and substance abuse board serving one or more counties within which there is located no village, town, or city with a population of more than 7,500 according to the most recent official federal census, and (vi) any member of the board of directors of a public hospital if:

(1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed

ten thousand dollars ($10,000) for medically related services and fifteen thousand dollars ($15,000) for other goods or services within a 12-month period; and

(2) The official entering into the contract or undertaking with the unit or agency does not in his official capacity participate in any way or vote; and

(3) The total annual amount of undertakings or contracts with each official, shall be specifically noted in the audited annual financial statement of the village, town, city, or county; and

(4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public hospital which undertakes or contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such undertakings or contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly.

(d2) The provision of subsection (d1) shall not apply to contracts required by Article 8 of Chapter 143 of the General Statutes, Public Building Contracts.

(d3) Subsection (a) of this section does not apply to an application for or the receipt of a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to G.S. 143-215.74 by a member of the Soil and Water Conservation Commission if the requirements of G.S. 139-4(e) are met, and does not apply to a district supervisor of a soil and water conservation district if the requirements of G.S. 139-8(b) are met.

(e) Anyone violating this section shall be guilty of a Class 1 misdemeanor. (1825, c. 1269, P.R.; 1826, c. 29; R.C., c. 34, s. 38; Code, s. 1011; Rev., s. 3572; C.S., s. 4388; 1929, c. 19, s. 1; 1969, c. 1027; 1975, c. 409; 1977, cc. 240, 761; 1979, c. 720; 1981, c. 103, ss. 1, 2, 5; 1983, c. 544, ss. 1, 2; 1985, c. 190; 1987, c. 570; 1989, c. 231; 1991 (Reg. Sess., 1992), c. 1030, s. 5; 1993, c. 539, s. 145; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 519, s. 4.)

Local Modification. — Bladen: 1993 (Reg. Sess., 1994), c. 721, s. 3; Northhampton: 1995, c. 260, s. 6; Gulford County Board of Education: 1995 (Reg. Sess., 1996), c. 738, s. 2.

For additional local modifications to this section, see the main pamphlet.

Editor's Note. — Session Laws 1993, c. 539, s. 145, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1995 amendment, effective July 29, 1995, added subsection (d3).

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February 19, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 85: Wilson Deer Hunting.

Senate Bill 85, introduced by Senator Martin of Pitt, would make it unlawful to hunt deer in Wilson County except from an elevated, stationary stand. The height of the stand must be such that the hunter's feet are at least eight feet above the ground. Violation of the act is a Class 3 misdemeanor.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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February 19, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 56, Catawba Annexations

Below please find the explanation for House Bill 34, the Companion Bill for Senate Bill 56.

TO: Members of the House of Representatives
FROM: Representative Robert Brawley
DATE: February 19, 1997

House Bill 34 concerns voluntary satellite annexations by the Town of Catawba. The bill will give the Town of Catawba the ability to annex property that is not contiguous with its primary corporate limits even though the annexed property will exceed 10% of the area within the primary city limits. The bill, as amended by the House Finance Committee, will apply only to annexation ordinances adopted on or before December 31, 1997.

G.S. 160A-58.1 governs the voluntary annexation of noncontiguous property. Property owners may petition a city for voluntary annexation of noncontiguous property if the property meets several standards. Under G.S. 160A-58.1(b)(5), the area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed 10% of the area within the primary corporate limits of the annexing city.

There is less than 4,400 acres within the primary corporate limits of the Town of Catawba. The property owners of approximately 440 acres of land noncontiguous to the primary corporate limits of Catawba desire to petition the

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 56

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

S56-ARB-1

Date_____,1997

Comm. Sub. [ ]
Amends Title [ ]

Representative_____

moves to amend the bill on page 1, line 6, by rewriting the line to read:

"Section 2. This act is effective when it becomes law but it applies only to annexation ordinances adopted on or before December 1, 1997.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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February 19, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 58: Unlawful to Remove Collars.

Senate Bill 58, introduced by Senator Kincaid, adds Burke, Caldwell, and Wilkes Counties to those in which it is a misdemeanor to intentionally remove or destroy electronic dog collars.

A first conviction is punishable as a Class 3 misdemeanor. Second and subsequent violations are punishable a Class 2 misdemeanors.

The act becomes effective October 1, 1997 and applies to offenses ocurring on or after that date.

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February 19, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 59: Gates School Acquisition.

Senate Bill 59, introduced by Senator Ballance, would add Gates County to the list of counties that may acquire property for use by a school administrative unit under G.S. 153A-158.1.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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February 19, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 69: Stokes School Acquisition.

Senate Bill 59, introduced by Senators Foxx and East, would add Stokes County to the list of counties that may acquire property for use by a school administrative unit under G.S. 153A-158.1. 52 counties are now authorized under the statute to so acquire property for their school systems.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

State & Local Government — 2/20/97

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
LYNN WILSON	SCDNR
Kim Smith	NCLM
JDW	TDA
John C	TDA

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

FEBRUARY 26, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday at 11:00 in Room 1124 of the Legislative Building. Nine members were present, including Sen. Brad Miller, who presided.

Action was taken on the following bills:

SB 84, Atlantic Beach No-Wake Zone, was explained by Sen. Ballantine. Sen. R. Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 105, Local Orthophotography Boundaries, was explained by Sen. Foxx. Sen. Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 121, Statewide Taking of Beaver, was explained by Sen. Ledbetter. Sen. Webster moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 186, Alleghany/Delinquent Prop. Taxes, was explained by Sen. Foxx. Sen. Webster moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 199, Town Managers/Dual Office Holding, was explained by Sen. Soles. Sen. Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 229, Fayetteville Recall, was explained by Sen. Rand. Sen. Blust moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

Senator Brad Miller, Chairman

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Wednesday, February 26, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **84** Atlantic Beach No-Wake Zone
Sequential Referral: None
Recommended Referral: None

S.B. **105** Local Orthophotography Boundaries
Sequential Referral: None
Recommended Referral: None

S.B. **121** Statewide Taking of Beaver
Sequential Referral: None
Recommended Referral: None

S.B. **186** Alleghany/Delinquent Prop. Taxes
Sequential Referral: None
Recommended Referral: None

S.B. **199** Town Managers/Dual Office Holding
Sequential Referral: None
Recommended Referral: None

S.B. **229** Fayetteville Recall
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 6

Committee Clerk Comment: Sen. Miller to Sign

STATE & LOCAL GOVERNMENT AND PERSONNEL COMMITTEE MEETING

Wednesday, February 26, 1997

Room 1124

Welcome	Senator Brad Miller
Bills	
SB 84, Atlantic Beach No-Wake Zone	Senator Ballantine
SB 105, Local Orthophotography Boundaries	Senator Foxx
SB 121, Statewide Taking of Beaver	Senator Ledbetter
SB 186, Alleghany/Delinquent Prop. Taxes	Senator Foxx
SB 199, Town Managers/Dual Office Holding	Senator Soles
SB 229, Fayetteville Recall	Senator Rand
Adjournment	

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 84*

Short Title: Atlantic Beach No-Wake Zone. (Local)

Sponsors: Senator Ballantine.

Referred to: State Government, Local Government, and Personnel.

February 11, 1997

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NO-WAKE ZONE WITHIN THE CANALS AND WATERWAYS OF THE EIGHT AND ONE-HALF MARINA CONDOMINIUMS IN THE TOWN OF ATLANTIC BEACH.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to operate a vessel at greater than no-wake speed in the canals and waterways of 8 1/2 Marina Condominiums, located within the town limits of the Town of Atlantic Beach in Carteret County. No-wake speed is idle speed or a slow speed creating no appreciable wake.

Section 2. The Town of Atlantic Beach or its designee may place and maintain markers in accordance with the Uniform Waterway Marking System and any supplementary standards for that system adopted by the Wildlife Resources Commission. All markers of the no-wake speed zone must be buoys or floating signs placed in the water and must be in sufficient number and size to give adequate warning of the no-wake speed zone to vessels approaching from various directions.

Section 3. Violation of this act is a Class 3 misdemeanor.

Section 4. This act is enforceable under G.S. 75A-17 as if it were a provision of Chapter 75A of the General Statutes.

Section 5. This act is effective when it becomes law, and is enforceable after markers complying with Section 2 of this act are placed in the water.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 105

Short Title: Local Orthophotography Boundaries. (Local)

Sponsors: Senators Foxx; and East.

Referred to: State Government, Local Government, and Personnel.

February 13, 1997

A BILL TO BE ENTITLED

AN ACT TO ADD ALLEGHANY AND ROCKINGHAM COUNTIES TO THOSE COUNTIES AUTHORIZED TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY.

The General Assembly of North Carolina enacts:

Section 1. Section 5 of Chapter 357 of the 1985 Session Laws, as amended by Chapter 710 of the 1995 Session Laws, reads as rewritten:

"Sec. 5. Section 4 of this act applies to ~~Caswell, Orange, Person, and Chatham~~ Alleghany, Caswell, Chatham, Orange, Person, and Rockingham Counties only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 121

Short Title: Statewide Taking of Beaver. (Local)

Sponsors: Senators Ledbetter; Carpenter and Clark.

Referred to: State Government, Local Government and Personnel.

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO INCLUDE BUNCOMBE, MADISON, MCDOWELL, AND YANCEY COUNTIES IN THE STATEWIDE SEASONS FOR TAKING BEAVER.

The General Assembly of North Carolina enacts:

Section 1. Subsection (f) of Chapter 33 of the 1993 Session Laws is repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 186

Short Title: Alleghany/Delinquent Prop. Taxes. (Local)

Sponsors: Senators Foxx; and East.

Referred to: State Government, Local Government, and Personnel.

February 19, 1997

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.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 657 of the 1993 Session Laws reads as rewritten:

"Section 1. The ~~Register~~ Registers of Deeds of Ashe ~~County~~ and Alleghany Counties shall not receive for recordation any deed unless the deed is accompanied by a certificate from the ~~Ashe~~ County Tax Collector to the effect that all delinquent taxes upon the property described in the deed offered for recordation have been paid."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 199

Short Title: Town Managers/Dual Office Holding. (Public)

Sponsors: Senator Soles.

Referred to: State Government, Local Government, and Personnel.

February 20, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD CONCURRENTLY APPOINTIVE AND ELECTIVE OFFICES UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-147 reads as rewritten:

"**§ 160A-147. Appointment of city manager; dual office holding.**

(a) In cities whose charters provide for the council-manager form of government, the council shall appoint a city manager to serve at its pleasure. The manager shall be appointed solely on the basis of ~~his~~ the manager's executive and administrative qualifications. ~~He~~ The manager need not be a resident of the city or State at the time of ~~his~~ appointment. The office of city manager is hereby declared to be an office that may be held concurrently with other appointive (but not elective) offices pursuant to Article VI, Sec. 9, of the Constitution.

(b) Notwithstanding the provisions of subsection (a), a city manager may serve on a county board of education ~~which~~ that is elected on a non-partisan basis if the following criteria are met:

(1) The population of the city by which the city manager is employed does not exceed 10,000;

(2) The city is located in two counties; and

(3) The population of the county in which the city manager resides does not exceed 40,000.

(c) Notwithstanding the provisions of subsection (a), a city manager may hold elective office if the following criteria are met:

(1) The population of the city by which the city manager is employed does not exceed 3,000.

(2) The city manager is an elected official of a city other than the city by which the city manager is employed.

(d) For the purposes of this section, ~~The~~ population figures shall be according to the latest United States decennial figures issued at the time the second office is assumed. If census figures issued after the second office is assumed increase the city or county population beyond the limits of this ~~subsection,~~ section, the city manager may complete the term ~~on the county board of education which he~~ of elected office that the city manager is then serving."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 229*

Short Title: Fayetteville Recall. (Local)

Sponsors: Senator Rand.

Referred to: State Government, Local Government, and Personnel.

February 24, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE VOTERS OF THE CITY OF FAYETTEVILLE TO RECALL THE MAYOR AND CITY COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. Chapter IV of the Charter of the City of Fayetteville, being Chapter 557, Session Laws of 1979, is amended by adding a new section to read:

"§ 4.4. **Recall.** The Mayor and members of the City Council are subject to removal pursuant to this section. An officer is removed upon the filing of a sufficient recall petition and the affirmative vote of a majority of those voting on the question of removal at a recall election.

A recall petition shall be filed with the City Clerk, who shall immediately forward the petition to the board of elections that conducts elections for the City of Fayetteville. A petition to recall the Mayor or a member of the City Council elected at large shall bear the signatures equal in number to at least fifteen percent (15%) of the registered voters of the City of Fayetteville. A petition to recall a member of the City Council elected from a district shall bear the signatures equal in number to at least fifteen percent (15%) of the registered voters of such district.

The board of elections shall verify the petition signatures. If a sufficient recall petition is submitted, the board of elections shall certify its sufficiency to the governing body, and the governing body shall adopt a resolution calling for a recall election to be held not more than 60 days after the petition has been certified to the governing body. The election may be held by itself or at the same time as any other general or special election within the period established in this section, and shall be held as otherwise provided in G.S. 163-287. The board of elections shall conduct the

recall election. The proposition submitted to the voters shall be substantially in the following form:

'[ ] FOR [ ] AGAINST

The recall of [name of officer]'.

The registered voters of the City of Fayetteville are eligible to vote in an election to recall the Mayor or a member of the City Council. Any recall election for a council member from an electoral district shall be held within that district only.

If less than a majority of the votes cast on the question are for the officer's recall, the officer continues in office. If a majority of the votes cast on the question are for the officer's recall, the officer is removed on the date the board of elections certifies the results of the election. A vacancy created by removal of a member of the City Council or the Mayor shall be filled in accordance with the provisions of G.S. 160A-63, and the Mayor may vote on the filling of a vacancy on the City Council."

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

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February 24, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 84: Atlantic Beach No-Wake Zone.

Senate Bill 84, introduced by Senator Ballentine, establishes a no-wake zone in the canals and waterways of the 8 1/2 Marina Condominium in Atlantic Beach. The Town of Atlantic Beach or its designee may place the markers delineating the no-wake zone. The act is enforceable by wildlife protectors and other law enforcement officers under the Boating Safety Act, Article 1, Chapter 75A of the General Statutes. Violation of the Act is a Class 3 misdemeanor.

The act is effective when it becomes law. It becomes enforceable after markers have been placed in the water.

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February 24, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 105: Local Orthophotography Boundaries.

Senate Bill 105, introduced by Senator Foxx, would allow Alleghany and Rockingham counties to use orthophotography to determine the county lines. Orthophotography is a high tech, computerized mapping process that displays actual ground features. This mapping method was developed in the 1960's but has become more available in the past several years due to the development of more powerful computers. (See attachments).

Orthophotography has been used by Orange and Chatham and Person and Caswell counties to resolve boundary questions.

The act is effective when it becomes law.

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February 24, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 121: Statewide Taking of Beaver.

Senate Bill 121, introduced by Senator Ledbetter, would eliminate the exception for Buncombe, Madison, McDowell, and Yancey Counties, otherwise allowing the taking beaver without a permit from the Wildlife Resources Commission by landowners whose property is being destroyed by the animals.

Chapter 33 of the 1993 Session Laws gave this authority to all landowners except in the 4 counties listed above. As originally drafted, Chapter 33 would have extended its provisions statewide, however the delegation from the mountain area requested that their counties be exempt from the provisions of the bill.

The act is effective when it becomes law.

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February 24, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 186: Alleghany Delinquent Property Taxes.

Senate Bill 186, introduced by Senator Foxx, permits the Alleghany County Register of Deeds to refuse to record any deed unless the deed is accompanied by a certificate from the Alleghany County tax collector that all deliquent taxes have been paid on the property.

Under the duties of the Register of Deeds, Article 2 of Chapter 161 of the General Statutes, the Register of Deeds must immediately register all written instruments presented to him for registration and endorse on the instrument the date and time at which it was presented. G.S. 161-14. The Register of Deeds faces both civil and criminal liability for failure to properly discharge his office. G.S. 161-16, G.S. 161-27. Senate Bill 186 creates an exception to this rule requiring immediate registration of all instruments when presented as set forth above.

Ashe County obtained the same exemption from the General Assembly in 1993.

The act is effective when it becomes law.

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February 24, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 199: Town Managers/Dual Office Holding.

Senate Bill 199, introduced by Senator Soles, would allow dual office holding by a city manager if (1) the town employing him has a population of 3,000 or less and (2) the city manager is an elected official of a town other than the one employing him. The population of the town is to be determined using the latest US decennial census figures. If census figures issued after the second office is assumed increase beyond the 3,000 person threshold, the city manager may complete the term of elective office then being served.

Article VI, Section 9 of the North Carolina Constitution contains the prohibition on dual office holding. An exception is provided, however, for dual office holding when General Assembly provides for such by general law. Senate Bill 199 would establish such an exception for managers of small towns.

The act is effective when it becomes law.

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February 26, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 229: Fayetteville Recall.

Senate Bill 229, introduced by Senator Rand,would amend the charter of the City of Fayetteville to allow for recall of the mayor and members of the city council.

A petition to recall the mayor or a member of the city council elected at large must be signed by at least 15% of the registered voters of the city. If the petition is to recall a member of the city council elected from a district, it must bear the signatures of at least 15% of the registered voters of that district.

The Board of Elections must verify the signatures on the petition. If sufficient, the Board must certify its sufficiency to the governing body and the governing body must adopt a resolution calling for a recall election to be held within 60 days.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

North Carolina General Assembly
Legislative Services Office
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TERRENCE D. SULLIVAN, Director
Research Division
Suite 545, (919) 733-2578

December 6, 1995

MEMORANDUM

TO: Sen. Jess Ledbetter

FROM: Tim Hovis, Staff Attorney

RE: G.S. 113-291.9-Taking of Beaver

Enclosed please find a copy of Senate Bill 457 from the 1993 Session of the General Assembly. As we discussed on the phone, this bill amended G.S. 113-291.1 to provide that landowners may take beaver on their property by any lawful method without obtaining a depredation permit. The bill, however, excludes Buncombe County from its provisions.

I spoke with Mr. Perry Sumner of the Wildlife Resources Commission who informed me that if a landowner wishes to take beaver in Buncombe County, he or she needs to obtain a depredation permit from a game officer. According to Mr. Sumner, any game officer can provide such a permit. In case you have any questions of Mr. Sumner, his number is 919-733-0254.

I hope this information is helpful. If I can be of further assistance, please do not hesitate to call me at 733-2578.

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

North Carolina State University
Department of Zoology
College of Agriculture and Life Sciences

W. T. "Bill" Sullivan
2016 Fanning Bridge Road
Fletcher, NC 28732

Fax: (704)684-8715
Phone: (704) 684-5757
email: wtsulliv@fletcher.ces.state.nc.us

Enclosed you will find a copy of Senate Bill 457 that passed April 26, 1993. My concern with the bill is that the 28th District was exempt from the state wide law. There are a lot of beaver in this area and in many cases are causing damage. With expanding beaver populations in Western North Carolina, it is only a matter of a very short time that economic damage will occur. I have seen damage in Buncombe and McDowell counties myself.

As a professional wildlife researcher, I see many good things beaver do, but there are times they can become "depredatory beaver." I helped write the Bill (457) and it is a sound state wide law that will help control problem beaver now and in the future. I would like to see Buncombe, Madison, Yancey and McDowell counties included in what was to be the state wide law. Omitting the part "except for Buncombe, Madison, McDowell, and Yancey."

I would like to discuss this matter and some other important wildlife issues with you as soon as possible.

Sincerely,

William T. Sullivan
Department of Zoology
North Carolina State University

North Carolina State University is a land-grant university and a constituent institution of The University of North Carolina.

Legal Status of Beaver

Responding to the need for controlling beaver problems year round, the North Carolina General Assembly in 1993 changed the legal status of beaver and liberalized control options.

Senate Bill 457, of April 26, 1993, establishes seasons for taking beaver and allows the taking of depredating beavers without obtaining a permit from the North Carolina Wildlife Resources Commission (NCWRC). This law applies to all counties in North Carolina except for Buncombe, Madison, McDowell, and Yancey. It opens the season for taking beaver with firearms year round with permission from the owner or lessee of the land. It allows the sale of beaver parts taken under a depredation permit issued by the NCWRC. It allows the setting of 330 conibear traps as long as at least one-half of the trap is covered by water. It allows the use of snares when trapping beavers. Any landowner whose property is or has been damaged or destroyed by beaver may take beaver at any time on their property by any lawful method and may obtain assistance from other persons in taking the depredating beaver by giving those persons permission to take beaver on the landowner's property. These "other persons" are not required to have a trapping license but would still need either a trapping or hunting license to sell beaver parts.



William A. V. Cecil, Jr.

December 1, 1995

Senator Jesse I. Ledbetter
22 Braddockway
Asheville, NC 28803

Dear Senator Ledbetter:

Bill Sullivan from North Carolina State University Zoology Department asked me to write you supporting a change in the beaver laws for our county.

In the state-wide law, Buncombe, Madison, McDowell, and Yancey counties were not included. Apparently, Senator Dennis Winner asked that they be excluded. He must have had a reason for his request. I would like to know what that reason was and if it is still valid. If the reason is no longer valid, is it possible to unexempt our county?

Dr. Sullivan is correct in saying that we at Biltmore Estate have a lot of beaver damage. Our grapevines and Azalea Garden have been particularly popular. We currently use electric fencing to deter the beavers in the Vineyard.

Thank you in advance for checking into this matter.

Sincerely,

W. A. V. Cecil, Jr.
Chief Executive Officer

msw

One North Pack Square, Asheville, North Carolina 28801-3400, (704) 255-1776, Fax (704) 255-1111

VISITOR REGISTRATION SHEET

State + Local Govt — 2/26/97

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	[signature], P.O. Box 1863 Fayetteville, N.C. 28302
Kathie Austin Padgett	OSPL
[signature]	NCHB

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, MARCH 5, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, March 5, 1997 at 11:00 in Room 414 of the Legislative Office Building. Eleven members were present, including Senator Brad Miller, who presided.

Action was taken on the following bill:

SB 198, Henderson Co. Annexation Agreements, was explained by Sen. Jenkins. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

Senator Brad Miller, Chairman

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Wednesday, March 05, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **198** Henderson Co. Annexation Agreements
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign

STATE & LOCAL GOVERNMENT AND PERSONNEL COMMITTEE MEETING

Wednesday, March 5, 1997

Room 414

Welcome	Senator Brad Miller
Bills	
SB 78, State Building Evacuation	Senator Ballance
SB 130, Davidson Sphere of Influence	Senator Odom
SB 198, Henderson Co. Annexation Agreements	Senator Jenkins
Adjournment	

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 78

Short Title: State Building Evacuation. (Public)

Sponsors: Senator Ballance.

Referred to: State Government, Local Government, and Personnel.

February 10, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE TO PROVIDE FOR THE EVACUATION OF STATE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 36 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-341.1. Evacuation of State buildings and grounds.

The Director of the State Capitol Police, appointed by the Secretary pursuant to G.S. 143-340(22), or the Director's designee, shall exercise at all times those means that, in the opinion of the Director or the designee, may be effective in protecting all State buildings and grounds and the persons within those buildings and grounds from fire, bombs, bomb threats, or any other emergency or potentially hazardous conditions, including both the ordering and control of the evacuation of those buildings and grounds. The Director or the Director's designee may employ the assistance of other available law enforcement agencies and emergency agencies to aid and assist in evacuations of those buildings and grounds."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 130

Short Title: Davidson Sphere of Influence. (Local)

Sponsors: Senator Odom.

Referred to: State Government, Local Government, and Personnel.

February 17, 1997

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF DAVIDSON TO EXERCISE EXTRATERRITORIAL JURISDICTION WITHIN ITS SPHERE OF INFLUENCE.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 161 of the 1991 Session Laws reads as rewritten:

"Section 1. Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws, as amended by Chapter 966 of the 1983 Session Laws (Regular Session 1984), the Towns of Matthews, Mint Hill, and Pineville and the City of Charlotte may exercise the powers granted by Article 19 of Chapter 160A of the General Statutes within extraterritorial areas in Mecklenburg County not to exceed one mile of their respective corporate limits, subject to the limitations set forth in this act. Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws, as amended by Section 1 of Chapter 966 of the 1983 Session Laws, the Town of Davidson may exercise in Mecklenburg County the powers granted by Article 19 of Chapter 160A of the General Statutes within the sphere of influence as defined by the annexation agreement described in Chapter 953 of the 1983 Session Laws, subject to the limitations set forth in this act."

Section 2. Ordinances authorized under this act may be adopted as provided by law at any time after ratification of this act but may not become effective prior to July 1, 1997.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 198

Short Title: Henderson Co. Annexation Agreements. (Local)

Sponsors: Senators Jenkins; and Carpenter.

Referred to: State Government, Local Government, and Personnel.

February 20, 1997

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.

The General Assembly of North Carolina enacts:

Section 1. A city may, by written agreement approved by the governing board, provide that certain manufacturing industrial property described in the agreement may not be annexed by the city under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes for a period not to exceed 20 years from the effective date of the agreement.

Section 2. The consideration flowing to the city under an agreement authorized by Section 1 of this act shall be annual payments in lieu of taxes. The payments shall be negotiated by the city and the industry involved. Consideration may be given to the economic benefits to the city that are derived from said industry, the number of employees, and the potential for future growth and expansion.

Section 3. Nothing in this act impairs the right of the General Assembly to annex any property by specific local act.

Section 4. This act applies only to the City of Hendersonville and the Town of Laurel Park.

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

North Carolina General Assembly
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February 28, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 78: State Building Evacuation.

Senate Bill 78, introduced by Senator Ballance, adds a new section to Article 36 of Chapter 143 of the General Statutes, Department of Administration, that permits the Director of the State Capitol Police, or his designee, to order the evacuation of state buildings and grounds in the event of fire, bomb threats, or other emergencies. The assistance of other law enforcement agencies and personnel may be employed to assist in such evacuations.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

North Carolina General Assembly
Legislative Services Agency

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March 5, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 198: Henderson County Annexation Agreements.

Senate Bill 198, introduced by Senator Jenkins, authorizes the City of Hendersonville and the Town of Laurel Park to enter into agreements not to annex certain industrial tracts that are otherwise subject to annexation under Part 2, Article 4A of Chapter 160A, Annexation by Cities of Less than 5,000, or Part 3, Article 4A of Chapter 160A, Annexation by Cities of 5,000 or more.

The consideration to Hendersonville or Laurel Park for entering into such an agreement will be annual payments in lieu of taxes. In determining the amount of the payments, the municipalities may consider the current and potential economic benefits of the industry to the area.

The provisions of the act do not affect the General Assemlby's right to annex such property by local act.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

MARCH 12, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday at 11:00 a.m. in Room 414 of the Legislative Office Building. Eleven members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

SB 130, Davidson Sphere of Influence, was explained by Senator Odom, who requested an amendment to extend jurisdiction within the respective spheres of influence to the towns of Cornelius and Huntersville and that the bill be redone as a committee substitute. Senator Albertson moved adoption of the amendment. The motion carried unanimously. Senator Albertson moved the bill as amended be put into a committee substitute and given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 282, Charlotte Towing Vehicles, was explained by Senator Odom. Senator Jenkins moved to amend the bill on page 1, line 6, by deleting the term "Article I" and substituting the term "Article II". The motion carried unanimously. Senator Jenkins moved that the bill as amended be given a favorable report. The motion carried unanimously. **Favorable report.**

SB 290, Rutherfordton ABC Distributions, was explained by Senator Dalton. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 291, Johnston School Board Elections, was explained by Senator Wellons. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 327, NC Museum of History Techs/AB, was explained by Senator Miller. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

Senator Brad Miller, Chair

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Monday, March 17, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 130 Davidson Sphere of Influence

Draft Number:	PCSA550
Sequential Referral:	none
Recommended Referral:	none
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment: Senator Miller to sign

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Wednesday, March 12, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **290** Rutherfordton ABC Distributions
Sequential Referral: None
Recommended Referral: None

S.B. **291** Johnston School Board Elections
Sequential Referral: None
Recommended Referral: None

S.B. **327** NC Museum of History Techs/AB
Sequential Referral: None
Recommended Referral: None

FAVORABLE, AS AMENDED

S.B. **282** Charlotte Towing Vehicles
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comment: Sen. Miller to sign

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL COMMITTEE MEETING

Wednesday, March 12, 1997

Room 414

Welcome	Senator Brad Miller
Bills	
SB 78, State Building Evacuation	Senator Ballance
SB 130, Davidson Sphere of Influence	Senator Odom
SB 282, Charlotte Towing Vehicles	Senator Odom
SB 290, Rutherfordton ABC Distributions	Senator Dalton
SB 291, Johnston School Board Elections	Senator Wellons
SB 327, NC Museum of History Techs/AB	Senator Miller
Adjournment	

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 130

Short Title: Davidson Sphere of Influence. (Local)

Sponsors: Senator Odom.

Referred to: State Government, Local Government, and Personnel.

February 17, 1997

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF DAVIDSON TO EXERCISE EXTRATERRITORIAL JURISDICTION WITHIN ITS SPHERE OF INFLUENCE.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 161 of the 1991 Session Laws reads as rewritten:

"Section 1. Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws, as amended by Chapter 966 of the 1983 Session Laws (Regular Session 1984), the Towns of Matthews, Mint Hill, and Pineville and the City of Charlotte may exercise the powers granted by Article 19 of Chapter 160A of the General Statutes within extraterritorial areas in Mecklenburg County not to exceed one mile of their respective corporate limits, subject to the limitations set forth in this act. Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws, as amended by Section 1 of Chapter 966 of the 1983 Session Laws, the Town of Davidson may exercise in Mecklenburg County the powers granted by Article 19 of Chapter 160A of the General Statutes within the sphere of influence as defined by the annexation agreement described in Chapter 953 of the 1983 Session Laws, subject to the limitations set forth in this act."

Section 2. Ordinances authorized under this act may be adopted as provided by law at any time after ratification of this act but may not become effective prior to July 1, 1997.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 130
Proposed Committee Substitute S130-PCSA550

Short Title: Mecklenburg Spheres of Influence. (Local)

Sponsors:

Referred to:

February 17, 1997

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION WITHIN THEIR RESPECTIVE SPHERES OF INFLUENCE.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 161 of the 1991 Session Laws reads as rewritten:

"Section 1. Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws, as amended by Chapter 966 of the 1983 Session Laws (Regular Session 1984), the Towns of Matthews, Mint Hill, and Pineville and the City of Charlotte may exercise the powers granted by Article 19 of Chapter 160A of the General Statutes within extraterritorial areas in Mecklenburg County not to exceed one mile of their respective corporate limits, subject to the limitations set forth in this act. Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws, as amended by Section 1 of Chapter 966 of the 1983 Session Laws, the Towns of Cornelius, Davidson, and Huntersville may exercise in Mecklenburg County the powers granted by Article 19 of Chapter 160A of the General Statutes within the sphere of influence as defined by the annexation agreement described in Chapter 953 of the 1983 Session Laws, subject to the limitations set forth in this act."

Section 2. Ordinances authorized under this act may be adopted as provided by law at any time after ratification of this act but may not become effective prior to July 1, 1997.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 282

Short Title: Charlotte Towing Vehicles. (Local)

Sponsors: Senators Odom; and Dannelly.

Referred to: State Government, Local Government, and Personnel.

March 3, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CHARLOTTE TO RETAIN POSSESSION OF TOWED VEHICLES UNTIL THE OWNER PAYS THE TOWING FEE AND OVERDUE TICKETS OR POSTS A BOND.

The General Assembly of North Carolina enacts:

Section 1. Chapter VI, Subchapter A, Article 1 of the Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws, is amended by adding a new section:

"Section 6.24. Towing Vehicles. The City may retain possession of any vehicle that was towed until the owner pays the towing fee and any related parking tickets and penalties or posts a bond in the amount of the towing fee and any related parking tickets and penalties. Payment of the towing fee and any related parking tickets and penalties or posting of a bond shall not constitute a waiver of a person's right to contest the towing or any related parking tickets and penalties."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 282

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

S282-ARF-001

Date March 12 ,1997

Comm. Sub. [ ]
Amends Title [ ]

1 moves to amend the bill on page 1, line 6,
2 by deleting the term "Article I" and substituting the term "Article
3 II".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 290

Short Title: Rutherfordton ABC Distributions. (Local)

Sponsors: Senator Dalton.

Referred to: State Government, Local Government, and Personnel.

March 4, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF RUTHERFORDTON CONCERNING THE DISTRIBUTIONS OF PROFITS FROM THE LOCAL ALCOHOLIC BEVERAGE CONTROL SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Section 5.4 of Chapter 350 of the 1979 Session Laws reads as rewritten:

"Section 5.4. Alcoholic Beverage Control Stores. A. The governing body of the Town of Rutherfordton may, on its own motion, and shall, upon receipt of petition signed by qualified voters of the Town equal in number to fifteen percent (15%) of the votes cast for Mayor in the most recent regular town election, call and conduct a special election in the Town upon the question of whether Alcoholic Beverage Control stores shall be established in the Town and/or whether 'off-premises' sales of malt beverages shall be permitted. Such election or elections may be held notwithstanding the provisions of G.S. 18A-52(d)(h) and (i). No new registration of voters shall be necessary for such special election, and all qualified voters of the town who are registered prior to the registration period for such special election, and all who register during such period shall be eligible and entitled to vote in such special election. Except as otherwise provided herein, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Town of Rutherfordton. The governing body shall cause public notice of any such special election to be posted at the Town Hall and published in a newspaper having general circulation in the town at least 15 days preceding the day of the election.

B. At such special election, ballots shall be provided which contain the words, 'For Town Alcoholic Beverage Control Stores' and 'Against Town Alcoholic Beverage Control Stores' and/or, 'For off-premises sales of malt beverages' and 'Against off-premises sales of malt beverages'. The Town Council shall determine whether both questions are to be included on the same ballot or separate ballots. Appropriate squares shall be printed to the left of each phrase so that each voter may designate with an 'X' his preference. The cost of conducting the election shall be appropriated from the General Fund of the Town of Rutherfordton.

C. If a majority of the votes cast at any such special election authorized under this section shall be cast 'For Town Alcoholic Beverage Control Stores' then it shall thereafter be lawful for such store or stores to be established and operated within the town, and the Town Council will then immediately create and appoint the Town of Rutherfordton Alcoholic Beverage Control Board, to be composed of a chairman and two other members. The member designated chairman by the Town Council shall serve for a term of three years; one member for a term of two years; and one member for a term of one year. After serving the initial terms, successors shall be appointed for terms of three years. Any vacancy on such board shall be filled by the Town Council for the unexpired term. Compensation of the members of the Board shall be fixed by the Town Council. If a majority of the votes cast in any such election authorized under this section shall be cast 'For off-premises sales of malt beverages' then the off-premises sale of malt beverages shall thereafter be lawful in the Town of Rutherfordton.

D. The Town of Rutherfordton Alcoholic Beverage Control Board shall have all the powers granted to, and duties imposed upon, county alcoholic control boards by G.S. 18A-17, except that G.S. 18A-17 (14) shall not apply to the Rutherfordton Board of Alcoholic Beverage Control, and shall be subject to the powers and authority of the State Board of Alcoholic Beverage Control as granted by G.S. 18A-15; provided, however, that the location of stores and the purchase or lease of real property shall be subject to the approval of the Town Council.

The Rutherfordton Board of Alcoholic Beverage Control on a quarterly basis shall, after retaining a sufficient and proper working capital and making payment of salaries and expenses, distribute the net profits out of the operation of said alcoholic beverage control store(s) in the following manner, and none other:

Five percent (5%) to the Rutherford County Department of Mental Health to be specifically used for ~~operation and programs of the Green Street Center for Alcohol and Drug Abuse Rehabilitation, for so long as the Center shall be located in the corporate limits of the Town of Rutherfordton.~~ alcohol and drug rehabilitation programs.

Ten percent (10%) to the Rutherford County Board of Education for specific use in meeting capital outlay needs at Rutherfordton-Spindale High School.

Five percent (5%) to the Rutherford County Board of Education for specific use in meeting the capital outlay needs at Rutherfordton Elementary School.

Five percent (5%) to the Rutherford County Board of Education for specific use in meeting the capital outlay needs at ~~New Hope~~ Rutherfordton-Spindale Middle School.

Five percent (5%) to the Rutherford County Board of Education for specific use in meeting the capital outlay needs at Ruth Elementary School.

Twenty percent (20%) to the Town of Rutherfordton Parks and Recreation Commission to be used for capital improvements, maintenance and programs in its Recreational activities.

Twenty-five percent (25%) to the Town Council of Rutherfordton for use in law enforcement through the Town Police Department.

Twenty-five percent 25%) to the Town Council of Rutherfordton to be used for any lawful purposes the board may deem necessary and essential.

All agencies outside of the government of the Town of Rutherfordton which receive net proceeds from the Town Alcoholic Beverage Control Board, shall be required to file an annual report to the Town Council, specifying how all proceeds were expended.

E. Subsequent elections on Alcoholic Beverage Control stores or off-premises sales of malt beverages shall not be held within two years of any previous election on the question, provided an election on one question shall not prevent an election on the other question.

If a subsequent election is held and the majority of the votes are cast 'Against Town Alcoholic Beverage Control Stores' the Town of Rutherfordton Alcoholic Beverage Control Board shall, within three months of certification of such election, dispose of all alcoholic beverages on hand and all of the assets under the control of said board, and convert the same into cash and turn the same over to the Town Treasurer. If a subsequent election is held and the majority of the votes are cast 'Against off-premises sales of malt beverages' then the off-premises sale of malt beverages shall cease to be lawful in the Town of Rutherfordton."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 291*

Short Title: Johnston School Board Elections. (Local)

Sponsors: Senators Wellons; Miller, Page, and Reeves.

Referred to: State Government, Local Government, and Personnel.

March 3, 1997

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR NONPARTISAN ELECTIONS OF THE JOHNSTON COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Beginning with the 1998 election, the Johnston County Board of Education shall be elected in nonpartisan elections held in even-numbered years as provided in this act.

Section 2. The Board of Education shall continue to consist of seven members elected at large for four-year staggered terms. Three members shall be elected in 1998 and every four years thereafter; and four members shall be elected in 2000 and every four years thereafter.

Section 3. The period of filing of candidates for the Board of Education shall be the same as for other county offices. If the number of candidates who qualify to run for the board in any election year is at least three more than twice the number of seats being elected that year, there shall be a nonpartisan primary held at the same time as party primaries for other county offices; otherwise, there shall be no primary. The purpose of the primary, if one is required, shall be to reduce the number of candidates to twice the number of seats open. The number of candidates receiving the most votes in the primary, equal to twice the number of seats open, shall be nominated for the November general election, with no second primary.

Section 4. If a vacancy occurs on the Board of Education, the remaining members of the board shall appoint a person to fill that seat. The person appointed to fill the vacancy shall serve the remainder of the unexpired term of the office.

Section 5. Members of the Board of Education elected in 1996 for four-year terms under the partisan method of selection shall be entitled to complete the terms for which they were elected.

Section 6. Chapter 218 of the Session Laws of 1991 and Chapter 261 of the Session Laws of 1969 are repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 327*

Short Title: NC Museum of History Techs/AB. (Public)

Sponsors: Senator Miller.

Referred to: State Government, Local Government, and Personnel.

March 10, 1997

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CHANGES TO THE GENERAL STATUTES GOVERNING THE DEPARTMENT OF CULTURAL RESOURCES AND THE NORTH CAROLINA HISTORICAL COMMISSION.

Whereas, having relocated to a much improved facility capable of supporting expanded programs, the North Carolina Museum of History has become a separate Division of the Department of Cultural Resources; and

Whereas, portions of two of the General Statutes governing the Department of Cultural Resources and the North Carolina Historical Commission make direct or oblique reference to the North Carolina Museum of History as an organizational unit of the Division of Archives and History; and

Whereas, these and other changes in these General Statutes are needed to provide proper legal and procedural protection for the North Carolina Historical Commission and the Department of Cultural Resources, its Division of Archives and History, and its new Division of the North Carolina Museum of History; and

Whereas, the North Carolina Historical Commission has endorsed these technical corrections; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-62(1)i. reads as rewritten:

"i. To serve as a search committee to seek out, interview, and recommend to the Secretary of Cultural Resources one or more experienced and professionally trained historian(s) for either the position of Director of the Division of Archives and History or the position of the Director of the North

Carolina Museum of History Division when a vacancy occurs, and to assist and cooperate with the Secretary in periodic reviews of the performance of the ~~Director~~ Directors and the ~~Division;~~ Divisions; and".

Section 2. G.S. 143B-62(1)j. reads as rewritten:

"j. To assist and advise the Secretary of Cultural Resources and the Director of the Division of Archives and ~~History~~ History, and the Director of the North Carolina Museum of History Division in the development and implementation of plans and priorities for the State's historical programs."

Section 3. G.S. 143B-62(2)a. reads as rewritten:

"a. For the acquisition and use of historical materials suitable for acceptance in the North Carolina ~~State Archives~~ Division of Archives and History or the North Carolina Museum of ~~History;~~ History Division;".

Section 4. G.S. 121-7 reads as rewritten:

"**§ 121-7. Historical museums.**

(a) The Department of Cultural Resources shall maintain and administer State historic attractions under the management of the Division of Archives and History and the North Carolina Museum of History Division for the collection, preservation, study, and exhibition of authentic artifacts and other historical materials relating to the history and heritage of North Carolina. The Department, with the approval of the Historical Commission, may acquire, either by purchase, gift, or loan such artifacts and materials, and, having acquired them, shall according to accepted museum practices classify, accession, preserve, and where feasible exhibit such materials and make them available for study. Within available funds, one or more branch museums of history or specialized regional history museums may be established and administered by the Department. The Department of Cultural Resources, subject to the availability of staff and funds, may give financial, technical, and professional assistance to nonstate historical museums sponsored by governmental agencies and nonprofit organizations according to regulations adopted by the North Carolina Historical Commission.

The Department of Cultural Resources may, with the explicit approval of the North Carolina Historical Commission sell, trade, or place on permanent loan any artifact owned by the State of North Carolina and in the custody of and curated by the Museum of History Division or Division of Archives and History, unless the sale, trade, or loan would be contrary to the terms of acquisition. The net proceeds of any sale, after deduction of the expenses attributable to that sale, shall be deposited to the State treasury to the credit of either the Division of Archives and History Artifact ~~Fund,~~ Fund or the Museum of History Artifact Fund, as appropriate, and shall be used only for the purchase of other artifacts. No artifact curated by any agency of the Department of Cultural Resources may be pledged or mortgaged.

(b) Insofar as practicable, the ~~North Carolina Museum of History~~ Division of Archives and History shall accession and maintain records showing provenance,

value, location, and other pertinent information on such furniture, furnishings, decorative items, and other objects as have historical or cultural importance and which are owned by or to be acquired by the State for use in the State Capitol and the Executive Mansion, and, upon request of the Department of Administration, any other state-owned building. When any such item or object has been entered in the accession records of the ~~Museum of~~ Division of Archives and History, the custodian of such item or object shall, upon its removal from the premises upon which it was located or when it is otherwise disposed of, submit to the ~~Museum of~~ Division of Archives and History sufficient details concerning its removal or disposition to permit an adequate entry in the accession records to the end that its location or disposition, and authority for such change, shall be ~~showed~~ shown therein.

(c) Title to an artifact whose ownership is unknown or whose owner cannot be located passes to the ~~Division of Archives and History~~ Department of Cultural Resources if:

(1) The artifact was placed on loan with the Division of Archives and History or the North Carolina Museum of History Division for a period of time exceeding five years or for an indefinite period of time or the artifact's status with the Division of Archives and History or the North Carolina Museum of History Division as a loan, gift, purchase, or other arrangement is unknown; and

(2) The artifact has been a part of the inventory of the Division of Archives and History or the North Carolina Museum of History Division for more than five years; and

(3) The Department of Cultural Resources makes a reasonable effort, including a diligent search of its own records to locate and inform the owner, his heirs or successors, that either the Division of Archives and History or the North Carolina Museum of History Division is holding the artifact and clarify the artifact's status with ~~the Division of Archives and History.~~ that Division.

To initiate the procedure to clarify title to an artifact, the Department of Cultural Resources shall mail, first class postage prepaid, a notice to the last known address of the owner of the artifact or the last known address of the owner's heirs or successors. The Department need not mail a notice, if after exercising due diligence to find a record within the Department of Cultural Resources indicating the owner of the artifact and his latest address, that information is not available. If no claim is made within 90 days from the date that notice is mailed, the Department of Cultural Resources shall publish a notice in three papers of general circulation once a week for four consecutive weeks. If, at the end of 30 days, no claim of ownership is submitted to the Department of Cultural Resources, the Department may determine that legal title to the artifact is vested in the Division of Archives and ~~History.~~ History or the North Carolina Museum of History Division.

(d) Any person claiming legal title to an artifact to which the North Carolina Division of Archives and History or the North Carolina Museum of History Division also claims title as provided by subsection (c) may file a claim with the Department

of Cultural Resources on a form prescribed by the Department. If the claimant is not the owner from whom the ~~museum~~ Department originally obtained the artifact, the claimant shall state in addition to any other information required by the Department, the facts surrounding the unavailability of the person who originally loaned or bestowed the property to the Division of Archives and History or the North Carolina Museum of History Division and the basis for the claim to title of the artifact. If the Department of Cultural Resources is satisfied that the claim is valid and that the claimant is the legal owner of the artifact, the Department shall return the artifact to the owner. If the Department determines that the claim is not valid and rejects the claim to the artifact, the claimant may appeal the determination as provided by Chapter 150B."

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

North Carolina General Assembly
Legislative Services Agency

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March 5, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 130: Davidson Sphere of Influence.

Senate Bill 130, introduced by Senator Odom, would allow the Town of Davidson to exercise the powers granted under Article 19 of Chapter 160A, (development, zoning, subdivision regulation, etc.) in an area know as its "Sphere of Influence". Davidson's right to exercise Article 19 powers had been limited by local act in the 1971 Session laws which provided:

> "In Mecklenburg County, municipalities may exercise the powers granted by this Article only within their corporate limits. Elsewhere in the county, the powers shall be exercised by the Board of County Commissioners." Chapter 860, 1971 Session Laws.

Davidson's sphere of influence is that area defined in annexation agreements described in Chapter 953 of the 1983 Session Laws, in which other municipalities in Mecklenburg County may not exercise their annexation authority. In 1991, Matthews, Mint Hill, Pineville, and Charlotte were given ETJ authority within one mile of their territorial limits.

Ordinances adopted pursuant to this act may not become effective prior to July 1, 1997. The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

North Carolina General Assembly
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March 10, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 282: Charlotte Towing Vehicles

Senate Bill 282, introduced by Senator Odom, would allow the City of Charlotte to keep possession of cars that have been towed until the owner pays the the towing fee and related parking tickets or posts bond to cover that amount. Payment of the fee is not a waiver of the right to contest the towing or the tickets.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 282

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

S282-ARF-001 Page 1 of __

Date_____,1997

Comm. Sub. []
Amends Title []

1 moves to amend the bill on page 1, line 6,
2 by deleting the term "Article I" and substituting the term "Article
3 II".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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March 11, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 290: Rutherfordton ABC Distributions.

Senate Bill 290, introduced by Senator Dalton, would change some of the distributions of profits from the local ABC stores. Currently, the town charter provides that 5% of the profits go to the Rutherford County Department of Mental Health for distribution to the Green Street Center for Alcohol and Drug Rehabilitation. This distribution was to continue as long as the Center was within the corporate limits of Rutherfordton. The Green Center is no longer located in Rutherfordton, therefore Senate Bill 290 provides that this distribution be designated for alcohol and drug rehabilitation. The bill also provides that a 5% distribution that was designated for meeting capital outlay needs at New Hope Middle School be redirected to Rutherfordton-Spindale Middle School.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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March 11, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 291: Johnston School Board Elections.

Senate Bill 291, introduced by Senator Wellons, would change the Johnston County School Board elections from a partisan to a nonpartisan basis. The Board will continue to consist of 7 members elected to staggered terms.

Primaries will be held when there are three more than twice the number of seats being elected in that year. (ie. if there are three seats open, a primary will only be held if there are 9 or more candidates for office. If four seats are open the number required for a primary will be 11.)

Vacancies will be filled by appointment by the remaining members of the Board. Members elected in 1996 for four year terms under the partisan system will complete the terms for which they were elected.

Chapter 218 of the Session Laws of 1991 and Chapter 261 of the Session Laws of 1969, both dealing with the election of Johnston County School Board members under the partisan method, are repealed.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

State Gov't, Local Gov't. and Personnel | 3/12/97

Name of Committee | **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
MICHAEL CROWELL	JOHNSTON CO. BD OF ED
J.M. Mitchell	General Assembly Police
Johnny Massey	State Capitol Police
[illegible]	OSPL
Kim Smith	NCLM

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

MARCH 19, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday at 11:00 a.m. in Room 414 of the Legislative Office Building. Ten members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

SB 78, State Building Evacuation, was explained by Senator Ballance who requested an amendment to authorize the Chief of the General Assembly Police to provide for the evacuation of State and Legislative Buildings and grounds and that the bill be redone as a committee substitute. Senator Ballance then moved for the adoption of the amendment. The motion carried unanimously. Senator Ballance moved the bill as amended be put into a committee substitute and given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute bill.**

SB 302, Coordinate Special Audits/Funds, was explained by Senator Rand. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. The bill was referred to the Appropriations Committee. **Favorable Report.**

SB 321, Modify Wayne Airport Legislation, was explained by Senator Kerr. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 343, Mid-East Housing Auth. Duties, was explained by Senator Warren. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 356, Reidsville Annexations (Rockingham), was explained by Senator Foxx. Senator Reeves moved a favorable report of the bill, referring it to the Finance Committee. The motion carried unanimously. **Favorable Report.**

SB 363, Harnett Community College Acquisition, was explained by Senator Page. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

Senator Brad Miller

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Wednesday, March 19, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **302** Coordinate Special Audits/Funds
Sequential Referral: None
Recommended Referral: Appropriations Committee

S.B. **321** Modify Wayne Airport Legislation
Sequential Referral: None
Recommended Referral: None

S.B. **343** Mid-East Housing Auth. Duties
Sequential Referral: None
Recommended Referral: None

S.B. **356** Reidsville Annexations (Rockingham)
Sequential Referral: None
Recommended Referral: Finance Committee

S.B. **363** Harnett Community College Acquisition
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 5

Committee Clerk Comment: Senator Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Monday, March 24, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 78 State Building Evacuation

Draft Number:	PCSA592
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

Wednesday, March 19, 1997

Room 414

Welcome	Senator Brad Miller
Bills	
SB 78, State Building Evacuation	Senator Frank Ballance
SB 300, High Point Zoning	Senator Martin of Guilford
SB 302, Coordinate Special Audits/Funds	Senator Rand
SB 321, Modify Wayne Airport Legislation	Senator Kerr
SB 343, Mid-East Housing Auth. Duties	Senator Warren
SB 356, Reidsville Annexations (Rockingham)	Senator Foxx
SB 363, Harnett Community College Acquisition	Senator Page
Adjournment	

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 78

Short Title: State Building Evacuation. (Public)

Sponsors: Senator Ballance.

Referred to: State Government, Local Government, and Personnel.

February 10, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE TO PROVIDE FOR THE EVACUATION OF STATE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 36 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-341.1. Evacuation of State buildings and grounds.

The Director of the State Capitol Police, appointed by the Secretary pursuant to G.S. 143-340(22), or the Director's designee, shall exercise at all times those means that, in the opinion of the Director or the designee, may be effective in protecting all State buildings and grounds and the persons within those buildings and grounds from fire, bombs, bomb threats, or any other emergency or potentially hazardous conditions, including both the ordering and control of the evacuation of those buildings and grounds. The Director or the Director's designee may employ the assistance of other available law enforcement agencies and emergency agencies to aid and assist in evacuations of those buildings and grounds."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 78
Proposed Committee Substitute S78-PCSA592

Short Title: State Building Evacuation. (Public)

Sponsors:

Referred to:

February 10, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE AND THE CHIEF OF THE GENERAL ASSEMBLY POLICE TO PROVIDE FOR THE EVACUATION OF STATE AND LEGISLATIVE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 36 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-341.1. Evacuation of State buildings and grounds.

The Director of the State Capitol Police, appointed by the Secretary pursuant to G.S. 143-340(22), or the Director's designee, shall exercise at all times those means that, in the opinion of the Director or the designee, may be effective in protecting all State buildings and grounds, except for the State legislative buildings and grounds as defined in G.S. 120-32.1(d), and the persons within those buildings and grounds from fire, bombs, bomb threats, or any other emergency or potentially hazardous conditions, including both the ordering and control of the evacuation of those buildings and grounds. The Director or the Director's designee may employ the assistance of other available law enforcement agencies and emergency agencies to aid and assist in evacuations of those buildings and grounds."

Section 2. Article 7 of Chapter 120 of the General Statutes is amended by adding a new section to read:

"§ 120-32.1A. Evacuation of legislative buildings and grounds.

The Chief of the General Assembly Police, or the Chief's designee, shall exercise at all times those means that, in the opinion of the Chief, or the Chief's designee, may be effective in protecting the State legislative buildings and grounds and the persons within those buildings and grounds from fire, bombs, bomb threats, or any other emergency or potentially hazardous conditions, including both the ordering and control of the evacuation of those buildings and grounds. The Chief, or the Chief's designee, may employ the assistance of other available law enforcement agencies and emergency agencies to aid and assist in evacuations of the legislative buildings and grounds."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

s78-pcsrf-01
PROPOSED COMMITTEE SUBSTITUTE
Senate Bill 78
THIS IS A DRAFT 19-MAR-97 09:51:04
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: State Building Evacuation. (Public)

Sponsors:

Referred to: State Government, Local Government, and Personnel

February 10, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE AND THE CHIEF OF THE GENERAL ASSEMBLY POLICE TO PROVIDE FOR THE EVACUATION OF STATE AND LEGISLATIVE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 36 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-341.1. Evacuation of State buildings and grounds.

The Director of the State Capitol Police, appointed by the Secretary pursuant to G.S. 143-340(22), or the Director's designee, shall exercise at all times those means that, in the opinion of the Director or the designee, may be effective in protecting all State buildings and grounds, except for the state legislative buildings and grounds as defined in G.S. 120-32.1(d), and the persons within those buildings and grounds from fire, bombs, bomb threats, or any other emergency or potentially hazardous conditions, including both the ordering and control of the evacuation of those buildings and grounds. The Director or the Director's designee may employ the assistance of other

available law enforcement agencies and emergency agencies to aid and assist in evacuations of those buildings and grounds."

Section 2. G.S. 120-32.1 is amended by adding a new subsection to read:

"(a1) As a part of the provision for security mandated by subdivision (a)(3) of this section, the Legislative Services Commission may delegate to the Chief of the General Assembly Police, or the Chief's designee, the authority to exercise at all times those means that, in the opinion of the Chief, or the Chief's designee, may be effective in protecting the State legislative buildings and grounds and the persons within those buildings and grounds from fire, bombs, bomb threats, or any other emergency or potentially hazardous conditions, including both the ordering and control of the evacuation of those buildings and grounds. The Chief, or the Chief's designee, may employ the assistance of other available law enforcement agencies and emergency agencies to aid and assist in evacuations of the legislative buildings and grounds."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 300*

Short Title: High Point Zoning. (Local)

Sponsors: Senators Martin of Guilford; and Blust.

Referred to: State Government, Local Government, and Personnel.

March 5, 1997

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF HIGH POINT TO DELEGATE ZONING POWERS TO THE HIGH POINT PLANNING AND ZONING COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. The City Council of the City of High Point may, by ordinance, delegate the authority for the rezoning of property and the issuance of special or conditional use permits to the High Point Planning and Zoning Commission with rights of appeal and review before the City Council as prescribed by the ordinance. Such authority shall be exercised by the High Point Planning and Zoning Commission under such rules and procedures as may be established by the City Council.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 302

Short Title: Coordinate Special Audits/Funds. (Public)

Sponsors: Senators Rand; and Perdue.

Referred to: State Government, Local Government, and Personnel.

March 5, 1997

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR THE COORDINATION OF LEGISLATIVE REQUESTS FOR SPECIAL AUDIT ASSISTANCE.

The General Assembly of North Carolina enacts:

Section 1. (a) Notwithstanding any other provision of law, requests from members or committees of the General Assembly for audit assistance as authorized by G.S. 147-64.5(b) shall be presented to the Joint Legislative Commission on Governmental Operations for review, comment, and approval. After consultation with the Office of the State Auditor, the Joint Legislative Commission on Governmental Operations shall indicate to the State Auditor the priority it assigns to each legislative request for an audit or assistance and shall determine the due date of each report. The Joint Legislative Commission on Governmental Operations, after consultation with the State Auditor, may extend the due date for any report requested pursuant to this section. The State Auditor shall provide the Joint Legislative Commission on Governmental Operations with copies of each report issued in response to a request submitted pursuant to this section.

(b) Notwithstanding any other provision of law, the Office of the State Auditor shall not be obligated to undertake an audit or review requested by the General Assembly if undertaking the audit or review would require more audit resources than provided by Section 2 of this act.

(c) Nothing in this section is intended nor shall it be construed to limit the duties, powers, or independence of the State Auditor under Article 5A of Chapter 147 of the General Statutes.

Section 2. (a) There is appropriated from the General Fund to the Office of the State Auditor the sum of two hundred fifty-seven thousand two hundred forty dollars ($257,240) for the 1997-98 fiscal year and the sum of two hundred thirty-one thousand two hundred eighty dollars ($231,280) for the 1998-99 fiscal year for additional audit positions, including related expenses, to be used for performance audits requested by the Joint Legislative Commission on Governmental Operations pursuant to Section 1 of this act.

(b) There is appropriated from the General Fund to the Office of the State Auditor the sum of two hundred thousand dollars ($200,000) for the 1997-98 fiscal year and the sum of two hundred thousand dollars ($200,000) for the 1998-99 fiscal year for the hiring of consultants, travel expenses, and related expenses incurred by the Office of the State Auditor in responding to requests for legislative assistance as provided by Section 1 of this act. Any funds which are not expended or encumbered during the fiscal year for which they were appropriated shall revert to the General Fund.

Section 3. This act becomes effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 321

Short Title: Modify Wayne Airport Legislation. (Local)

Sponsors: Senator Kerr.

Referred to: State Government, Local Government, and Personnel.

March 6, 1997

A BILL TO BE ENTITLED

AN ACT TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 711 of the 1993 Session Laws is repealed.

Section 2. Section 8(c) of Chapter 927 of the 1963 Session Laws, as amended by Chapter 1006 of the 1987 Session Laws, reads as rewritten:

"(c) To lease real or personal property under the supervision of or administered by the Authority, without ~~(without~~ the joinder in the lease agreements of the owning municipalities, to wit, the County of Wayne and the City of ~~Goldsboro) for a term not to exceed 20 years, and for purposes~~ Goldsboro, for purposes that the board considers advantageous or conducive to the development of the Airport and that are not inconsistent with the grants and agreements under which the ~~said~~ Airport is held by ~~said owning municipalities, real or personal property under the supervision of or administered by the said Authority.~~ the owning municipalities. The term of a lease to the City of Goldsboro, Wayne County, or Wayne Community College may not exceed 50 years. The term of a lease to any other lessee may not exceed 20 years."

Section 3. Section 12 of Chapter 927 of the 1963 Session Laws, as amended by Chapter 1006 of the 1987 Session Laws, is further amended by deleting the phrase "'20 years'" and substituting the phrase "'the maximum term provided in Section 8 of this act'".

Section 4. This act is effective on and after July 7, 1994.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 343

Short Title: Mid-East Housing Auth. Duties. (Local)

Sponsors: Senator Warren.

Referred to: State Government, Local Government, and Personnel.

March 10, 1997

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DUTIES OF COMMISSIONERS OF THE MID-EAST REGIONAL HOUSING AUTHORITY UNDER THE PROVISIONS OF ARTICLE 1 OF CHAPTER 157 OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 157-6 reads as rewritten:

"**§ 157-6. Duty of authority and commissioners.**

The authority ~~and its commissioners~~ shall be under a statutory duty to comply or to cause compliance strictly with all provisions of this Article and the laws of the State and in addition thereto, with each and every term, provision and covenant in any contract of the authority on its part to be kept or performed."

Section 2. This act applies to the Counties of Beaufort, Bertie, Hyde, Martin, Pitt, Tyrrell, and Washington and to the Mid-East Regional Housing Authority only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 356

Short Title: Reidsville Annexations (Rockingham). (Local)

Sponsors: Senators Foxx; and East.

Referred to: State Government, Local Government, and Personnel.

March 11, 1997

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.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Reidsville, being Chapter 957, Session Laws of 1989, is amended by adding the following new sections:

"Sec. 1.4. **Effective date of annexation ordinances.**

(a) The provisions of G.S. 160A-31(d), 160A-58.2, and 160A-58.7 notwithstanding, the city council may make annexation ordinances adopted pursuant to Part 1 or 4 of Article 4A of Chapter 160A of the General Statutes effective on any specified date within four years from the date of passage of the annexation ordinance.

(b) The provisions of G.S. 160A-49(e)(4) notwithstanding, the city council may fix the effective date of annexation ordinances adopted pursuant to Part 3 of Article 4A of Chapter 160A of the General Statutes for any date not less than 40 days nor more than four years from the date of passage of the ordinances.

(c) This section applies only to the following described area:

Being a tract of land located in Reidsville Township, Rockingham County, North Carolina.

BEGINNING at a concrete right-of-way monument at the southwest quadrant intersection of N.C. Highway 87 and U.S. Highway 29; specifically, said beginning monument being located by North Carolina Grid system tie North 69 deg. 13 min. 47 sec. West 416.92 feet from North Carolina Grid monument 'Holiday Inn,' a brass disc

set in concrete on the north side of the N. C. Highway 87 bridge over U.S. Highway 29 and approximately situated over the western edge of the east lane of U. S. Highway 29; thence, from said beginning monument along and with the western controlled access right-of-way of U. S. Highway 29 the following courses and distances:

South 10 deg. 29 min. 32 sec. West 329.37 feet to a concrete monument, South 02 deg. 25 min. 31 sec. West 214.10 feet to a concrete monument, South 02 deg. 27 min. 59 sec. East 109.57 feet to a concrete monument, South 01 deg. 05 min. 19 sec. East 192.01 feet to a concrete monument, South 05 deg. 26 min. 27 sec. West 243.44 feet to a concrete monument, South 16 deg. 37 min. 08 sec. West 1,242.82 feet to an existing iron pipe, a corner with Laidlaw Environmental Services, Inc.; thence leaving the controlled access right-of-way of U. S. Highway 29 and with the line of Laidlaw Environmental Services North 80 deg. 35 min. 23 sec. West 952.84 feet to an existing iron pipe in the east right-of-way of Watlington Industrial Drive (SR 2664); thence continuing with said right-of-way, North 00 deg. 27 min. 49 sec. East 632.38 feet to an iron pipe set at the P. C. of a curve; thence continuing with said right-of-way along the arc of a curve right with a radius of 1,442.45 feet, a distance of 456.49 feet to an iron pipe set; said curve having a chord of North 09 deg. 31 min. 47 sec. East 454.59 feet; thence North 18 deg. 35 min. 45 sec East 754.96 feet to an iron pipe set in said right-of-way of Watlington Industrial Drive and being the P. C. of a curve; thence continuing along with said right-of-way the arc of said curve right with a radius of 1,424.90 feet, a distance of 393.88 feet to an iron pipe set, said curve having a chord of North 26 deg. 30 min. 54 sec. East 392.63 feet; thence continuing said right-of-way North 34 deg. 25 min. 31 sec. East 544.62 feet to an iron pipe set in the right-of-way at the southeast quadrant intersection of Watlington Industrial Drive and N. C. Highway 87; thence along and with the right-of-way of N. C. Highway 87 at the following courses and distances: South 51 deg. 21 min. 01 sec. East 386.10 feet to a concrete right-of-way monument, South 48 deg. 48 min. 36 sec. East 247.82 feet to a concrete right-of-way monument, South 48 deg. 54 min. 44 sec. East 115.28 feet to a concrete right-of-way monument, the point of beginning and containing 60.269 Acres as per survey dated May 24, 1993, by Obie M. Chambers and Associates, R. L. S., Reidsville, North Carolina.

"Sec. 1.5. **Satellite annexations.** The area annexed by an annexation ordinance adopted by the City of Reidsville on April 13, 1995, shall not be included in any calculations made under G.S. 160A-58.1(b)(5)."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 363

Short Title: Harnett Community College Acquisition. (Local)

Sponsors: Senator Page.

Referred to: State Government, Local Government, and Personnel.

March 11, 1997

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.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 613 of the 1993 Session Laws, as amended by Chapters 154, 399, and 706 of the 1995 Session Laws, reads as rewritten:

"Section 3. This act applies only to Gaston, Green, Halifax, Harnett, Montgomery, Nash, Sampson, and Wilson Counties."

Section 2. The amendments to G.S. 153A-158 made by Chapter 613 of the 1993 Session Laws and Chapter 399 of the 1995 Session Laws apply to Harnett County.

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

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February 28, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 78: State Building Evacuation.

Senate Bill 78, introduced by Senator Ballance, adds a new section to Article 36 of Chapter 143 of the General Statutes, Department of Administration, that permits the Director of the State Capitol Police, or his designee, to order the evacuation of state buildings and grounds in the event of fire, bomb threats, or other emergencies. The assistance of other law enforcement agencies and personnel may be employed to assist in such evacuations.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 78

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

S78-ARF-001 Page 1 of __

Date_____,1997

Comm. Sub. []
Amends Title []

moves to amend the bill on page 1, line 13,
by rewriting that line to read:

"State buildings and grounds, except for the State legislative building and grounds as defined in G.S. 120-32.1(d), and the persons within those buildings and grounds from".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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March 14, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 300: High Point Zoning.

Senate Bill 300, introduced by Senator Martin of Guilford, authorizes the City of High Point to delegate the authority for rezoning property and the issuance of special permits to the High Point Planning and Zoning Commission. Appeal from a decision of the Commission is to the City Council.

The act is effective when it becomes law.

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March 14, 1997

MEMORANDUM

TO: <Senate Committee on State Government, Local Government, and Personnel

FROM: <Barbara Riley, Committee Counsel

RE: <Senate Bill 302: Coodinate Special Audits

Senate Bill 302, introduced by Senator Rand, would require requests for audit assistance from members or committees of the General Assembly first to be reviewed and approved by the Joint Legislative Commission on Governmental Operations. At the present, Committees of the General Assembly may make written requests directly to the Auditor. G.S. 147-64.5(b). Gov Ops will inform the Auditors Office of the priority assigned to each request and the date upon which the report is due. The Auditors Office shall not be required to undertake any audit request from the General Assembly if the audit would require resources in excess of those provided in Section 2 of the bill.

Section 2(a) of the bill appropriates $257,240 for FY 1997-1998 and $231,280 for FY 1998-1999 to the Office of State Auditor for additional personnel to handle performance audits requested by Gov Ops. Section 2(b) provides for $200,000 for each year of the biennium for the hiring of consultants. Funds for consultants not expended or encumbered during the fiscal year for which they were appropriated will revert to the General Fund

The act becomes effective July 1, 1997.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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March 19, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 321: Modify Wayne Airport Legislation

Senate Bill 321, introduced by Senator Kerr, makes a technical correction in the authorizing legislation for the Wayne Airport Authority.

Chapter 711 of the Session Laws of 1993 provided that leases by the Airport Authority to the City of Goldsboro, Wayne County, or the Wayne Community College were to be governed by G.S. 160A-274 which covers the sale or lease of property between governmental units. That section of the General Statutes, however, only addresses the sale or lease of property owned by a unit of local government. Since some of the property that the Authority leases to the Community College is held by lease, Senate Bill 321 makes the correction by repealing Chapter 711.

The bill also changes the maximum term of a lease by the Authority to the City of Goldsboro, Wayne County, or Wayne Community College from 20 to 50 years. The term of a lease to any other lessee is capped at 20 years.

The act is retroactively effective back to July 7, 1994.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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March 19, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 343: Mid-East Housing Authority

Senate Bill 343, introduced by Senator Warren, eliminates the individual statutory duty of the Commissioners of the Mid-East Housing Authority to both comply and cause compliance with the provisions of the Housing Authorities Law, Article 1, Chapter 157 of the General Statutes all the laws of the State, and every provision of every contract of the Authority.

The bill applies to the Mid-East Regional Housing Authority and its member counties; Beaufort, Bertie, Hyde, Martin, Pitt, Tyrell, and Washington. The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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March 18, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill, 356, Reidsville Annexations

Senate Bill 356, introduced by Senator Foxx, alters the statutory time frame in which annexations take effect for a specified tract of land in the Reidsville Township of Rockingham County.

G.S. 160A-31(d), G.S. 160A-58.2 and G.S. 160A-58.7, which set the time frame for annexations by petition, Part 1 of Article 4A, and annexations of noncontiguous property, Part 4 of Article 4A, all provide that an annexation ordinance enacted pursuant to that part may become effective immediately or within 6 months. Section 1(a) of Senate Bill 356 would allow the effective date of an annexation ordinance to be any specified date within 4 years of the adoption of the ordinance.

Section 1(b) addresses annexations under Part 3 of Article 4A, Annexation by Cities of 5,000 or more. G.S. 160A-49(e) provides that an annexation pursuant to Part 3 may occur no less than 40 days after the adoption of the annexation ordinance, nor more than 400 days. The bill would provide that the effective date of the annexation could be extended to 4 years.

Section 1.5 of the bill exempts the area Reidsville annexed on April 13, 1995 from the area to be included in calculations for annexations of noncontiguous property. G.S. 160A-58.1(b)(5) limits the area of noncontiguous property that may be annexed to 10% of the area of the municipality lying within its primary corporate limits. It is my understanding that the area annexed in 1995 was the reservoir for Reidsville.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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March 19, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 363: Harnett Community College Acquisition

Senate Bill 363, introduced by Senator Page, adds Harnett County to those counties who may acquire property for the local community college. The bill parallels what is being done for the local school systems.

Under the bill Harnett County, at the request of the Board of Trustees of the Community College, may acquire property for use by the Board. The County Commissioners must hold a public hearing on the matter prior to taking final action. The County may also construct, equip, improve, etc. property for use by a community college within the county on terms to be negotiated

The Board of Trustees may also lease or sell property to the County in which the property is located, subject to prior approval by the State Board of Community Colleges. This action may be taken only in conjuction with improvements to the property.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

State & Local Gov

~~SENATE COMMITTEE ON HEALTH AND HUMAN RESOURCES~~ 3/19/97

Name of Committee Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Kathie Austin Padgett	Office of State Planning
Heather Jail	OSA
Jack Bond	OSA
Rob Hillman	OSA
Kim Williams	Senator Fair
[illegible]	[illegible]

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, MARCH 26, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, March 26, 1997 at 11:00 in Room 414 of the Legislative Office Building. Nine members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

SB 322, Avery Unaffiliated Petitions, was explained by Senator Kincaid. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 390, Huntersville Annexation, was explained by Senator Odom. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. The bill was referred to the Finance Committee. **Favorable Report.**

SB 411, Williamston Extraterritorial Jurisdiction, was explained by Senator R. Martin. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 424, Wake Forest Annexations, was explained by Senator Miller, who requested an amendment to include the towns of Apex, Fuquay-Varina and Knightdale in the annexation of noncontiguous areas and that the bill be redone a committee substitute. Senator Miller moved adoption of the amendment. The motion carried unanimously. Senator Jordan moved the bill as amended be put into a committee substitute and given a favorable report. The motion carried unanimously. The bill was referred to the Finance Committee. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 429, Charlotte Civil Service Board, was explained by Senator Odom. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

Senator Brad Miller

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Wednesday, March 26, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **322** Avery Unaffiliated Petitions
Sequential Referral: None
Recommended Referral: None

S.B. **390** Huntersville Annexation
Sequential Referral: None
Recommended Referral: Finance Committee

S.B. **429** Charlotte Civil Service Board
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 3

Committee Clerk Comment: Senator Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Thursday, March 27, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. **424** Wake Forest Annexations

Draft Number:	PCS2634
Sequential Referral:	None
Recommended Referral:	Finance Committee
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Thursday, March 27, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. 411 Williamston Extraterritorial Jurisdiction
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 322

Short Title: Avery Unaffiliated Petitions. (Local)

Sponsors: Senators Kincaid and Garwood.

Referred to: State Government, Local Government, and Personnel.

March 6, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT PETITIONS TO QUALIFY INDEPENDENT CANDIDATES ON THE BALLOT FOR COUNTY OFFICE IN AVERY COUNTY RECEIVE THE MINIMUM AMOUNT OF SIGNATURES FROM EACH PRECINCT.

The General Assembly of North Carolina enacts:

Section 1. In the application of G.S. 163-122(a)(3) to county offices elected at large within the county, petitions must be signed by qualified voters of each precinct equal in number to four percent (4%) of the total number of registered voters in each precinct, rather than four percent (4%) of the total number of voters in the county. If the certification of registered voters to the State Board of Elections required by that subdivision is not broken down on a precinct-by-precinct basis, then the records of the county board of elections at the time the petition is submitted shall govern.

Section 2. This act applies to Avery County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 378

Short Title: Rockingham/Supervision of Prisoners. (Local)

Sponsors: Senators Foxx; and East.

Referred to: State Government, Local Government, and Personnel.

March 12, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO CONTRACT FOR THE SUPERVISION OF WORKING PRISONERS BY EMPLOYEES OF ANOTHER UNIT OF STATE OR LOCAL GOVERNMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 162-58 reads as rewritten:

"**§ 162-58. Counties may work prisoners.**

The board of commissioners of the several counties may enact by resolution all necessary rules and regulations for work on projects to benefit units of State or local government by persons convicted of crimes and imprisoned in the local confinement facilities or satellite jail/work release units of their respective counties. The sheriff shall approve rules and regulations enacted by the board. Prisoners working under this section shall be supervised by county employees or by the sheriff. The board of county commissioners may also contract with units of State or local government to allow State or local government employees to supervise county prisoners. The contract shall set forth the terms and conditions under which employees of units of State and local government will supervise county prisoners. The rules enacted by the board of county commissioners and approved by the sheriff shall specify a procedure for ensuring that county employees or employees of another unit of State or local government supervising prisoners pursuant to this section be provided with notice that the persons placed under their supervision are inmates from a local confinement facility or a satellite jail/work release unit."

Section 2. This act applies only to Rockingham County.

Section 3. 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

A BILL TO BE ENTITLED

AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Effective as of midnight, June 30, 1997, the corporate limits of the Town of Huntersville are extended to include the following area and territory lying in Mecklenburg County, which area and territory shall be deemed annexed to and part of the Town of Huntersville:

AREA 96-A-I.a

BEGINNING AT A POINT being on the existing municipal boundary line of the Town of Huntersville at its intersection with the eastern right-of-way boundary line of Interstate Highway Number 77 (I-77), said point being approximately 1,875 feet north of the intersection of said highway right-of-way with the centerline of Sam Furr Road, SR 2145; thence northwesterly approximately 1,338 feet to a point being the intersection of Northcross Drive with the western right-of-way boundary line of I-77; thence southwest along the centerline of Northcross Drive approximately 964 feet to a point being the intersection of said centerline with the eastern extension of the northern property boundary line of parcel 62-9, tax map 05-06; thence westerly along the northern property boundary lines of said parcel and parcel 62-1 approximately 2,584 feet to a point being a corner of said parcel, said point also being the southwestern property boundary corner of parcel 62-2, tax map 05-06; thence southwesterly in a straight line from said point approximately 1,394 feet to a point being the southeast property boundary corner of parcel 61-3, tax map 05-06; thence continuing southwesterly along the southern property boundary line of said parcel

and parcels 61-14, 61-16, 61-8, 61-12 and 61-18 approximately 2,831 feet to a point being the intersection of said property boundary lines with the centerline of NC Highway 73; thence southwest along said centerline approximately 6,278 feet to a point being the intersection of said centerline and the centerline of Oliver Hager Road, SR 2142; thence southeast approximately 61 feet to a point being the northwest property boundary corner of parcel 11-6, tax map 09-01; thence easterly along the northern property boundary lines of parcels 11-6 and 11-16 approximately 651 feet to a point being the northeast property boundary corner of parcel 11-16, tax map 09-01; thence south along the eastern property boundary line of parcel 11-16 approximately 157 feet to a point being the intersection of said boundary line and the centerline of a branch of McDowell Creek; thence southeast with the centerline of said branch approximately 5,776 feet to a point being the intersection of the centerline of said branch and the centerline of McDowell Creek, said point also being on the existing municipal boundary line of the Town of Huntersville; thence northeast with said municipal boundary line approximately 11,107 feet to the POINT OF BEGINNING.
tract 96-A-I.a encompasses 1026.35 Acres more or less.

AREA 96-A-I.b

BEGINNING AT A POINT being on the existing municipal boundary line of the Town of Huntersville at its intersection with the centerline of McDowell Creek, said point being located northeast approximately 2,720 feet from the centerline intersection of Ervin Cook Road, SR 2137, and Gilead Road, SR 2136; thence southwesterly with the centerline of McDowell Creek approximately 2,975 feet to a point being the intersection of the centerline of McDowell Creek and the centerline of Torrence Creek; thence easterly with the centerline of Torrence Creek approximately 411 feet to a point being the intersection of the centerline of Torrence Creek and the existing municipal boundary line of the Town of Huntersville; thence southeasterly with said municipal boundary line approximately 13,543 feet to the POINT OF BEGINNING.
Tract 96-A-I.b encompasses 224.76 Acres more or less.

AREA 96-A-I.c

BEGINNING AT A POINT being on the existing municipal boundary line of the Town of Huntersville at its intersection with the northern right-of-way boundary line of McIlwaine Road, SR 2130, said point being located east approximately 610 feet from the centerline intersection of McIlwaine Road, SR 2130, and Crabapple Lane; thence southerly at a right angle from the northern right-of-way boundary line of McIlwaine Road, SR 2130, approximately 23 feet to a point on the centerline of McIlwaine Road, SR 2130; thence westerly along the centerline of McIlwaine Road, SR 2130, approximately 1,590 feet to a point being the centerline intersection of McIlwaine Road, SR 2130, and McIntosh Drive; thence northerly with the centerline of McIntosh Drive approximately 1,600 feet to a point being the intersection of the centerline of McIntosh Drive and the southwestern extension of the northwestern property boundary line of parcel 282-1, tax map 015-28; thence northeasterly along the northwestern property boundary line of parcel 282-1 approximately 629 feet to a point being a corner in the northern property boundary line of parcel 282-1; thence

northeasterly in a straight line from said point approximately 479 feet to a point being a corner on the existing municipal boundary line of the Town of Huntersville; thence southerly with said municipal boundary line approximately 2,772 feet to the POINT OF BEGINNING.

Tract 96-A-I.c encompasses 63.27 Acres more or less.

AREA 96-A-I.d

BEGINNING AT A POINT being on the existing municipal boundary line of the Town of Huntersville at its intersection with the centerline of Hambright Road, SR 2117, said point being located west approximately 1,434 feet from the centerline intersection of Hambright Road, SR 2117, and U. S. Highway 21; thence westerly along the centerline of Hambright Road, SR 2117, approximately 11,367 feet to a point being the centerline intersection of Hambright Road, SR 2117, and McCoy Road, SR 2138; thence northeasterly along the centerline of McCoy Road, SR 2138, approximately 899 feet to a point being the intersection of McCoy Road, SR 2138, and the southeastward extension of the northern right-of-way of McIlwaine Road, SR 2130; thence to the northwest said right-of-way extension approximately 21 feet to a point being the intersection of the northern right-of-way for McIlwaine Road and the western right-of-way for McCoy Road, SR 2138, said point being a corner on the existing municipal boundary line of the Town of Huntersville; thence eastward with said municipal boundary line approximately 12,949 feet to the POINT OF BEGINNING.

Tract 96-A-I.d encompasses 551.06 Acres more or less.

Section 2. Effective as of midnight, June 30, 1998, the corporate limits of the Town of Huntersville are extended to include the following area and territory lying in Mecklenburg County, North Carolina, which area and territory shall be deemed annexed to and part of the Town of Huntersville:

AREA 96-A-II

BEGINNING AT A POINT being on the existing municipal boundary line of the Town of Huntersville, said point being the centerline intersection of NC Highway 73 and Oliver Hager Road, SR 2142; thence west along the centerline of NC Highway 73 approximately 10,304 feet to a point being the intersection of said centerline and the southern extension of the western property boundary line of parcel 11-6, tax map 01-01; thence northward with the western property boundary lines of parcels 11-6, 11-15, 11-16, 11-17, 11-18, 11-10, 11-9, and 11-19 of tax map 01-01 approximately 1,159 feet to a point being the southwestern property boundary corner of parcel 11-19; thence southwesterly with the southern property boundary lines of parcels 11-7 and 11-8 of tax map 01-01 approximately 490 feet to a point being the southwestern property boundary corner of parcel 11-8; thence northward with the western property boundary line of parcel 11-8, crossing the Hagers Ferry Road right-of-way, and with the western property boundary lines for parcels 13-41 and 13-2 of tax map 01-01 approximately 1,613 feet to a point being a property boundary corner for parcel 13-2, said point also being a point being the intersection of said property boundary lines with the shore line of the impounded body of water known as Lake Norman; thence easterly along said shoreline approximately 38,932 feet to a point being the

intersection of said shoreline with a northeastern property boundary corner of parcel 24-18, tax map 01-02; thence southeasterly with the northern property boundary lines of parcels 24-18 and 24-11, tax map 01-02, approximately 1,173 feet to a point being the intersection of the southeastern extension of the northern property boundary line of parcel 24-11 and the centerline of NC Highway 73, said point also being on the existing municipal boundary line of the Town of Huntersville; thence westward with said municipal boundary line approximately 92 feet to the POINT OF BEGINNING. Tract 96-A-II encompasses 415.84 Acres more or less.

Section 3. Effective as of midnight, June 30, 1999, the corporate limits of the Town of Huntersville are extended to include the following area and territory lying in Mecklenburg County, North Carolina, which area and territory shall be deemed annexed to and part of the Town of Huntersville:

AREA 96-A-III

BEGINNING AT A POINT being on the existing municipal boundary line of the Town of Huntersville, said point being the centerline intersection of NC Highway 73 and Beatties Ford Road, SR 2128; thence southward with the centerline of Beatties Ford Road, SR 2128, approximately 1,659 feet to a point being the centerline intersection of Beatties Ford Road, SR 2128, and Gilead Road, SR 2136; thence southeast with the centerline of Gilead Road, SR 2136, approximately 6,460 feet to a point being the centerline intersection of Gilead Road, SR 2136, and Bud Henderson Road, SR 2131; thence southwesterly with the centerline of Bud Henderson Road, SR approximately 5,657 feet to a point being the intersection of the centerline Bud Henderson Road, SR 2131, and the centerline of a branch of Torrence Creek; thence southerly with the centerline of a branch of Torrence Creek approximately 3,343 feet to a point being the intersection of the centerline of a branch of Torrence Creek and the centerline of Torrence Creek; thence southwesterly with the centerline of Torrence Creek approximately 10,040 feet to a point being the intersection of the centerline of Torrence Creek and the centerline of Neck Road, SR 2074; thence easterly along the centerline of said road approximately 8,677 feet to a point being the intersection of said road centerline and the centerline of Beatty's Ford Road, SR 2128; thence southeasterly along said road centerline approximately 13,491 feet to a point being the intersection of said road centerline and the centerline of Overhill Road, SR 2122; thence east along said road centerline approximately 517 feet to a point being the intersection of said road centerline and the centerline of Pembroke Road, SR 2121; thence northeast along said road centerline approximately 336 feet to a point being the intersection of said road centerline and the northwest extension of the western property boundary line of parcel 264-44, map 15-26; thence southeasterly along said property boundary line, said line also being a northern property boundary line of parcel 264-43, tax map 15-26, approximately 230 feet to a point being a property boundary corner of said parcel; thence southeasterly along the northern property boundary lines of said parcel approximately 1,578 feet to a point being an eastern property boundary corner at its intersection with the northern property boundary lines of parcel 264-29, tax map 15-26; thence easterly along the northern property boundary lines of said parcel approximately 1,236 feet to a point being the

intersection of said property boundary lines extended to the centerline of Mount Holly - Huntersville Road, SR 2004; thence northeasterly along said road centerline approximately 8,076 feet to a point being the intersection of said road centerline and the centerline of Alexanderana Road, SR 2116; thence east along said road centerline approximately 5,577 feet to a point being the intersection of said road centerline and the western right-of-way boundary line of US Highway 21, said point being on the existing municipal boundary line of the Town of Huntersville; thence northerly along the existing municipal boundary line approximately 45,475 feet to the POINT OF BEGINNING.

Tract 96-A-III encompasses 6582.88 Acres more or less.

Section 4. Effective as of midnight, June 30, 2000, the corporate limits of the Town of Huntersville are extended to include the following area and territory lying in Mecklenburg County, North Carolina, which area and territory shall be deemed annexed to and part of the Town of Huntersville:

AREA 96-A-IV

BEGINNING AT A POINT being on the existing municipal boundary line of the Town of Huntersville, said point being the southwestern boundary corner of parcel 11-6, tax map 01-01, said point also being located west approximately 140 feet from the centerline intersection of Hagers Ferry Road and NC Highway 73; thence with the eastern property boundary line of parcel 11-6 approximately 20 feet to a point being the southeastern property boundary corner of parcel 11-5, tax map 01-01; thence westerly along the southern property boundary lines of parcels 11-5, 11-4, 11-3, and 11-13 of tax map 01 approximately 438 feet to a point being the southeastern property boundary corner of parcel 11-2, tax map 01-01; thence northerly, westerly, and then southerly with the property boundary lines of parcel 11-2 approximately 600 feet to the southwestern property boundary corner of parcel 11-2; thence westerly with the southern boundary line of parcels 11-13 and 11-1 of tax map 01-01 approximately 387 feet to the southwestern property boundary corner of parcel 11-1; thence southwesterly with the southwestern extension of the western property boundary line of parcel 11-1 approximately 160 feet to a point being a property boundary corner in the northern property boundary line of parcel 151-2, tax map 13-15; thence easterly with said property line approximately 900 feet to the northwestern property boundary corner of parcel 141-8, tax map 13-14; thence southerly, easterly, and then southerly with the eastern property boundary line of parcel 151-2 approximately 947 feet to a point being the southwestern property boundary corner of parcel 141-7, tax map 13-14, said point also being on the property boundary line of parcel 141-9, tax map 13-14; thence with the easterly, southeasterly, and then westerly with the eastern and southern property boundary lines of parcel 141-9 approximately 4,309 feet to the southwestern boundary corner of parcel 141-9; thence northerly and then southwesterly with the northern property boundary lines of parcel 151-8, tax map 13-15 approximately 1,535 feet to the northwestern property boundary corner of parcel 151-8; thence southerly with the western property boundary lines of parcels 151-8, 151-3, 151-10, and 151-6 of tax map 13-15 approximately 969 feet to the southwestern property boundary corner of parcel 151-6; thence easterly with the

southern property boundary lines of parcels 151-6 and 151-5 of tax map 13-15 approximately 897 to a point being the intersection of the eastern extension of the southern property boundary line of parcel 151-5 and the centerline of Cashion Road, SR 2133; thence southwesterly with the centerline of Cashion Road, SR 2133, approximately 780 feet to a point being the intersection of the eastern extension of the northern property boundary line of parcel 151-1, tax map 13-15, and the centerline of Cashion Road, SR 2133; thence westerly with the northern property boundary line of parcel 151-1 approximately 1044 feet to a point being the northwestern property boundary corner of parcel 151-1; thence southeasterly with the southwestern property boundary line of parcel 151-1 approximately 529 feet to a point being the intersection of the southeastern extension of the southwestern property boundary line of parcel 151-1 and the centerline of Cashion Road, SR 2133; thence to the southwest with the centerline of Cashion Road, SR 2133, approximately 298 feet to a point being the intersection of the centerline of Cashion Road, SR 2133, and the eastern extension of the northern property boundary line of parcel 111-4, tax map 13-11; thence westerly with the northern property boundary line of parcel 111-4 approximately 2,484 feet to a point being the northwestern property boundary corner of parcel 111-4; thence southerly with the western property boundary line of parcel 111-4 approximately 5,504 feet to the southwestern property boundary corner of parcel 111-4; thence westerly with the northern property boundary line of parcel 161-2, tax map 13-16 approximately 2,060 feet to a point being the intersection of the westward extension of said property boundary line with the centerline of the Catawba River, said point being on the Mecklenburg County line; thence southerly along said county line, said line also lying within the Catawba River approximately 7,247 feet to a point being the confluence of the Catawba River and an unnamed tributary flowing north-northwest; thence southeasterly along said unnamed tributary approximately 2,460 feet to a point being the intersection of said unnamed tributary and the western property boundary line of parcel 41-6, tax map 13-04; thence southeasterly along the southern property boundary lines of said parcel and parcels 41-3 and 41-2, tax map 13-04 approximately 1,917 feet, to a point being the intersection of said property boundary lines extended and the centerline of Neck Road, SR 2074; thence southeasterly with the centerline of Neck Road, SR 2074, approximately 4,470 feet to a point being the intersection of the centerline of Torrence Creek and the centerline of Neck Road, SR 2074, said point being on the existing municipal boundary line of the Town of Huntersville; thence northerly along the existing municipal boundary line approximately 33,395 feet to the POINT OF BEGINNING.

Save and except the following tract:

BEGINNING AT A POINT being northwestern property boundary corner for parcel 131-16, tax map 13-13, said point being south approximately 810 feet from the centerline intersection of NC Highway 73 and Hubbard Road, SR 2134; thence easterly with the northern property boundary line of parcels 131-16, 131-18, and 131-17 of tax map 13-13 approximately 2035' to a point being the northeastern property boundary corner of parcel 131-17; thence southwesterly with the southeastern property boundary lines of parcels 131-17 and 131-18 approximately 1311 feet to a

point being the intersection of the southwestern extension of the said property boundary lines and the southeastward extension of the western property boundary line for parcel 131-18; thence northwesterly with the western property boundary lines of parcels 131-18 and 131-16 approximately 1144 feet to a point being a corner on the southern property line of parcel 131-16; thence westerly with the southern property line of parcel 131-16 approximately 300 feet to a point being the southeastern property boundary corner of parcel 131-16; thence northerly with the western property boundary line of parcel 131-16 approximately 379 feet to the POINT OF BEGINNING.

This save and except tract encompasses 25,73 Acres more or less.

Tract 96-A-IV encompasses 3846.35 Acres more or less (without the save and except tract described).

Section 5. From and after the effective date of each such annexation, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Huntersville, and shall be entitled to the same privileges and benefits as other parts of the Town of Huntersville.

The area so annexed shall receive services provided by the Town of Huntersville in substantially the same basis and in the same manner, and according to the same policies as such services are provided by the Town of Huntersville within the rest of the municipality prior to each such annexation. Each such annexation shall have the same effect as if adopted pursuant to Part 3 of Article 4A of Chapter 160A of the General Statutes of North Carolina.

Section 6. The provisions of G.S. 160A-49.1 and G.S. 160A-49.2 shall apply to each annexation made by this act.

Section 7. A map of the area annexed under each such annexation shall be duly recorded in the same manner as set forth in G.S. 160A-51, but without the necessity of filing any ordinance.

Section 8. Nothing herein shall prevent the owner or owners of property within any of the annexation areas from voluntarily seeking annexation to the Town of Huntersville pursuant to the provisions of G.S. 160A-31 or Part 4 of Article 4A of Chapter 160A of the North Carolina General Statutes, and any such voluntary annexation shall not in any manner affect the subsequent annexations of territory as set forth in this act.

Section 9. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 411

Short Title: Williamston Extraterritorial Jurisdiction. (Local)

Sponsors: Senator Martin of Pitt.

Referred to: State Government, Local Government, and Personnel.

March 18, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 160A-360(a), the Town of Williamston may exercise the powers granted in Article 19 of Chapter 160A of the General Statutes over an area extending not more than two miles beyond its limits.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 424
Proposed Committee Substitute S424-PCS2634

Short Title: Wake Forest Annexations. (Local)

Sponsors:

Referred to:

March 19, 1997

A BILL TO BE ENTITLED

AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWNS OF APEX, FUQUAY-VARINA, KNIGHTDALE, AND WAKE FOREST.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-58.1(b)(2) shall not apply to any property if:

(1) The property is within the Town's perimunicipal planning area, as delineated on the Perimunicipal Planning Areas Map, which has been approved by Wake County.

(2) The Town has entered into an annexation agreement pursuant to Part 6 of Article 4A of Chapter 160A of the General Statutes with the city to which a point on the proposed satellite corporate limits is closer, and that agreement states that the parties have agreed to waive the provisions of G.S. 160A-58.1(b)(2) as to any property that is within the Town's Perimunicipal Planning Area and as more particularly described in the agreement.

Section 2. This act applies only to the Towns of Apex, Fuquay-Varina, Knightdale, and Wake Forest.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 429

Short Title: Charlotte Civil Service Board. (Local)

Sponsors: Senators Odom; Dannelly, Rucho, and Winner.

Referred to: State Government, Local Government, and Personnel.

March 19, 1997

A BILL TO BE ENTITLED

AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD.

The General Assembly of North Carolina enacts:

Section 1. The first six sentences of Section 4.61 of the Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws, as rewritten by Chapter 623 of the 1995 Session Laws, reads as rewritten:

"Sec. 4.61. There is hereby continued a Civil Service Board for the City of Charlotte, to consist of five ~~members,~~ members and two alternates; three members and one alternate to be appointed by the City Council and two members and one alternate to be appointed by the Mayor. Each member shall serve for a term of three (3) years. In case of a vacancy on the Board, the City Council or the Mayor, as the case may be, shall fill such vacancy for the unexpired term of said member. For the purposes of establishing a quorum of the Board, any combination of Board members and alternates totaling three shall constitute a quorum. All board members and alternates shall attend regular meetings for the purposes of meeting attendance policy and familiarity with Board business and procedures. Alternates shall attend hearings when needed due to scheduling conflicts of regular Board members and shall vote only when serving in the absence of a regular Board member. Attendance at meetings and continued service on the Board shall be governed by the attendance policies established by the City Council. Vacancies resulting from a member's failure to attend the required number of meetings or hearings shall be filled as provided herein."

Section 2. Section 4.61(7)c. of the Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws, as enacted by Chapter 449 of the 1979 Session Laws, reads as rewritten:

"c. Appeal hearings. Upon receipt of a citation for termination from either Chief or upon receipt of notice of appeal for a suspension from any Civil Service covered police officer ~~or employee of the Fire or Police Department,~~ or firefighter, the Board shall hold a hearing not less than 15 days nor more than 30 days from the date the notice of appeal, or the citation, is received by the Board, and shall promptly notify the officer of the hearing date. Termination hearings shall be held with a panel of five made up of any combination of available members or alternates, and suspension hearings shall be held with a panel of three made up of any combination of available members or alternates. In the event an officer desires a hearing at a date other than that set by the Board within the period set forth above, such officer may file a written request for a change of hearing date setting forth the reasons for such request, and the Chairman of the Board is empowered to approve or disapprove such request; provided, that such request must be received by the Board at least seven days prior to the date set for the hearing. For good cause, the Chairman of the Board may set a hearing date other than within the period set forth above, or may continue the hearing from time to time."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 436*
Corrected Copy 3/21/97

Short Title: Mecklenburg ABC Law Enforcement. (Local)

Sponsors: Senators Winner, Odom; and Rucho.

Referred to: State Government, Local Government, and Personnel.

March 20, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-501(f) reads as rewritten:

"(f) Contracts with Other Agencies. -- Instead ~~of~~ of, or in addition to, hiring local ABC officers, a local board may contract ~~to pay its enforcement funds to~~ with a sheriff's department, city police department, or other local law-enforcement agency for enforcement of the ABC laws within the law-enforcement agency's territorial jurisdiction. Enforcement agreements may be made with more than one agency at the same time. When such a contract for enforcement exists, the officers of the contracting law-enforcement agency shall have the same authority to inspect under G.S. 18B-502 that an ABC officer employed by that local board would have. If a city located in two or more counties approves the sale of some type of alcoholic beverage pursuant to the provisions of G.S. 18B-600(e4), and there are no local ABC boards established in the city and one of the counties in which the city is located, the local ABC board of any county in which the city is located may enter into an enforcement agreement with the city's police department for enforcement of the ABC laws within the entire city, including that portion of the city located in the county of the ABC board entering into the enforcement agreement.

Payments, if any, received by a contracting agency for furnishing law enforcement services shall be in addition to any profits allocated to local governments derived from the sale of alcoholic beverages."

Section 2. This act applies to the Mecklenburg County Alcoholic Beverage Control Board only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 437*

Short Title: Elkin Private Sale. (Local)

Sponsors: Senators East; and Foxx.

Referred to: State Government, Local Government, and Personnel.

March 20, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Town of Elkin may convey to the Elkin-Jonesville Chamber of Commerce (also known as the Elkin-Jonesville-Arlington Chamber of Commerce) by private sale, with or without monetary consideration, any or all of its right, title, and interest in the following described property:

Located at 116 East Market Street, Elkin, North Carolina.

Beginning at an iron stake on the corner of Market Street and Court Place and running South with Court Place 90 feet to an alley, thence with said alley West, 50 feet to E.F. McNeers corner, thence with E.F. McNeers line 90 feet North to Market Street, thence with Market Street 50 feet to the beginning, continuing 4,500 square feet more or less.

For a more specific description of this property see Elkin Land Co. map recorded in Book 29 page 600 Surry County Registry.

Said map is now recorded in Plat Book 1 at 204 of the Surry County Registry.

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

North Carolina General Assembly
Legislative Services Agency

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March 10, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 322: Avery Unaffiliated Petitions.

Senate Bill 322, introduced by Senator Kincaid, would require independent candidates for county office to obtain signatures of 4% of the registered voters of each precinct in the county on a petition in order to be placed on the ballot. G.S. 163-122(a)(3) simply requires such petitions be signed by 4% of the total number of registered voters in the county. In essence, the bill would require independent candidates to demonstrate broad based support across the county in order to be placed on the ballot.

The bill applies only to Avery County and is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

North Carolina General Assembly
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March 24, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 378: Rockingham/Supervision of Prisoners

Senate Bill 378, introduced by Senator Foxx, allows Rockingham County to contract with units of State and local government to provide supervision for prisoners working on county projects. G.S. 162-58 currently provides that prisoners must be supervised by either county employees or by the sheriff. The act also provides that notice must be given to those supervising prisoners that the persons under their supervision are either inmates or from a satellite jail/work release unit.

The bill applies to Rockingham County only and is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

North Carolina General Assembly
Legislative Services Office

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March 24, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 390: Huntersville Annexations

Senate Bill 390, introduced by Senator Odom, provides for the sequential annexation by the Town of Huntersville of 4 areas of land within Mecklenburg County. The annexations become effective on June 30 of each year through the year 2000.

Huntersville will be required to make a good faith effort to contract with any existing rural fire departments per G.S. 160A-49.1, and, in those cases in which agreements are not reached will be required, as of the effective date of the annexation, to pay a proportionate share of any payments due on debt relating to the equipment and facilities of the rural fire department. G.S. 160A-49.2.

The bill also provides that the owners of property in any of the areas to be annexed may seek voluntary annexation pursuant to G.S. 160A-31, Annexation by petition, or Part 4 of Article 4A, annexation of noncontiguous areas.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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March 21, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 411: Williamston ETJ.

Senate Bill 411, introduced by Senator Martin of Pitt, would permit the Town of Williamston to extend its extraterritorial jurisdiction to two miles beyond its corporate limits. As a town with a population of less than 10,000 persons, G.S. 160A-360(a) limits Williamston's ETJ to one mile. Municipalities with a population ranging from 10,000 to 25,000 persons may, with approval from the county commissioners exercise, their ETJ authority within 2 miles of their corporate limits, and cities with a population of 25,000 or more have ETJ authority, with approval, up to three miles.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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March 25, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 424: Wake Forest Annexations

Senate Bill 424, introduced by Senator Miller, would allow the Town of Wake Forest to annex property that is situated closer to the primary corporate limits of another municipality than to its own. To qualify for this exemption from the statutory requirements for the annexation of noncontiguous property, the area in question must be within Wake Forest's perimunicipal planning area and Wake Forest and the other town must have entered into an agreement to waive the requirements of G.S. 160A-58.1(b)(2) as to any property within Wake Forest's perimunicipal planning area.

The proposed committee substitute would extend the provisions of the bill to the Towns of Apex, Fuquay-Varina, and Knightdale.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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March 25, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 429: Charlotte Civil Service Board

Senate Bill 429, introduced by Senator Odom, clarifies the participation of alternates on the Charlotte Civil Service Board. The Board is to hear appeals from citations for termination or suspension issued to Civil Service covered police officers and firefighters.

Termination hearings are to be held before a panel of 5 made up of any combination of members and alternates. Suspension hearings are to be held before a panel of 3 made up of any combination of members or alternates.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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March 25, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 436: Mecklenburg ABC Law Enforcement

Senate Bill 436, introduced by Senator Winner, would allow the Mecklenburg County ABC Board to contract with another law enforcement agency for the enforcement of ABC laws in its jurisdiction in addition to supplying its own ABC officers. The statutes currently provided that an ABC board shall either supply its own officers or contract with another law enforcement agency.

The bill also provides that payments to local government for additional law enforcement services shall be in addition to any distribution of profits derived from the sale of alcoholic beverages.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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March 25, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 437: Elkin Private Sale.

Senate Bill 437, introduced by Senator East, would allow the Town of Elkin to dispose of real property described in the bill by private sale. G.S. 160A-266 limits private sales of property by units of local government to personal property valued at $10,000 or less and real property that is of special interest, for example historical properties, and is sold to a nonprofit corporation under a preservation agreement.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
[illegible]	
Eric Braun	Holt & York, LLP P.O. Box 17105 [illegible]
Kathie Austin Padgett	OSPL
[illegible]	[illegible]
Keith Ballentine	Daughtridge Oil Co
Bobby Tyson	Daughtridge Oil Co [illegible]

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, APRIL 2, 1997

ROOM 424

The Senate State Government, Local Government and Personnel Committee met on Wednesday, April 2, 1997 at 11:00 in room 424 of the Legislative Office Building. Nine members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

SB 378, Rockingham/Supervision of Prisoners, was explained by Senator Foxx. Senator Ballance moved an amendment to insert a 2 year sunset and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Jordan moved that the bill as amended be put into a committee substitute and given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute.**

SB 428, Butner Planning Council, was explained by Senator Gulley. Senator Ledbetter moved to amend line 4 to read: ... Part 1A of Article 6 of Chapter 122C... The motion carried unanimously. Senator Jordan moved a favorable, as amended report of the bill. The motion carried unanimously. **Favorable, as amended.**

SB 499, Charlotte Parking Ordinances, was explained by Senator Odom. Senator Reeves moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 500, Mtn. Island Lake Marine Commission, was explained by Senator Odom. Senator Blust moved a favorable report of the bill. The motion carried unanimously. The bill was referred to Finance. **Favorable Report.**

SB 556, Charlotte Sprinkler Systems, was explained by Senator Rucho. Senator Reeves moved to amend the bill to include the city of Raleigh and the towns of Chapel Hill and Carrboro and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Ledbetter moved that the bill as amended be put into a committee substitute and given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute.**

HB 429, Waynesville Bicycle Disposition, was explained by Representative Beall. Senator Jenkins moved to amend the bill to include the cities of Raleigh and Roanoke Rapids and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Jenkins moved the bill as amended be put into a committee substitute and given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

Senator Brad Miller, Chair

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Wednesday, April 02, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **499** Charlotte Parking Ordinances
Sequential Referral: None
Recommended Referral: None

S.B. **500** Mtn. Island Lake Marine Commission
Sequential Referral: none
Recommended Referral: Finance Committee

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Thursday, April 03, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 378 Rockingham/Supervision of Prisoners

Draft Number:	PCS7680
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. 556 Charlotte Sprinkler Systems

Draft Number:	PCS8619
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. 429 Waynesville Bicycle Disposition

Draft Number:	PCS8137
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Monday, April 07, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE, AS AMENDED

S.B. 428 Butner Planning Council

Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, APRIL 2, 1997

ROOM 424

Welcome	Senator Brad Miller
Bills	
SB 378, Rockingham/Supervision of Prisoners	Senator Foxx
SB 428, Butner Planning Council	Senator Gulley
SB 499, Charlotte Parking Ordinances	Senator Odom
SB 500, Mtn. Island Lake Marine Commission	Senator Odom
SB 501, Roxboro Charter	Senator Gulley
SB 541, Raleigh Bicycle Disposition	Senator Miller
SB 556, Charlotte Sprinkler Systems	Senator Rucho
HB 68, Roanoke Rapids Bicycle Disposition	Representative Crawford
HB 429, Waynesville Bicycle Disposition	Representative Beall
Adjournment	

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 378

Short Title: Rockingham/Supervision of Prisoners. (Local)

Sponsors: Senators Foxx; and East.

Referred to: State Government, Local Government, and Personnel.

March 12, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO CONTRACT FOR THE SUPERVISION OF WORKING PRISONERS BY EMPLOYEES OF ANOTHER UNIT OF STATE OR LOCAL GOVERNMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 162-58 reads as rewritten:

"**§ 162-58. Counties may work prisoners.**

The board of commissioners of the several counties may enact by resolution all necessary rules and regulations for work on projects to benefit units of State or local government by persons convicted of crimes and imprisoned in the local confinement facilities or satellite jail/work release units of their respective counties. The sheriff shall approve rules and regulations enacted by the board. Prisoners working under this section shall be supervised by county employees or by the sheriff. The board of county commissioners may also contract with units of State or local government to allow State or local government employees to supervise county prisoners. The contract shall set forth the terms and conditions under which employees of units of State and local government will supervise county prisoners. The rules enacted by the board of county commissioners and approved by the sheriff shall specify a procedure for ensuring that county employees or employees of another unit of State or local government supervising prisoners pursuant to this section be provided with notice that the persons placed under their supervision are inmates from a local confinement facility or a satellite jail/work release unit."

Section 2. This act applies only to Rockingham County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 2

SENATE BILL 378

State Government, Local Government, and Personnel Committee Substitute Adopted 4/3/97

Short Title: Rockingham/Supervision of Prisoners. (Local)

Sponsors:

Referred to:

March 12, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO CONTRACT FOR THE SUPERVISION OF WORKING PRISONERS BY EMPLOYEES OF ANOTHER UNIT OF STATE OR LOCAL GOVERNMENT.

The General Assembly of North Carolina enacts:

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Section 2. This act applies only to Rockingham County.

Section 3. This act is effective when it becomes law and expires June 30, 1999.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. _____ DATE 3/26/97

S. B. No. 378 Amendment No. _____

(to be filled in by Principal Clerk)

Rep.) ~~Miller~~ Ballance

)

Sen.)

moves to amend the bill on page 1, line 24

by rewriting that line to read:

" Section 3. This act is effective when it becomes law and expires June 30, 1999. "

and on page 1, line 15 by inserting in between the words " supervise " and " county " the words " minimum security ".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A PRINCIPAL CLERK'S OFFICE

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 428

Short Title: Butner Planning Council. (Public)

Sponsors: Senators Gulley and Lucas.

Referred to: State Government, Local Government, and Personnel.

March 19, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE THE BUTNER PLANNING COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. The catchline of Part 1A of Chapter 122C reads as rewritten:

"Part 1A. Butner ~~Advisory~~ Planning Council."

Section 2. G.S. 122C-412 reads as rewritten:

"**§ 122C-412. Butner ~~Advisory~~ Planning Council; created.**

(a) There is created a Butner ~~Advisory~~ Planning Council to consist of seven members, to be ~~elected by the residents of the territorial jurisdiction established by G.S. 122C-408(a), at a nonpartisan election administered by the Granville County Board of Elections at the general election on November 5, 1996.~~ appointed in accordance with this section.

~~(b) Members of the Butner Advisory Council shall be elected at large, and the election shall be held in accordance with all applicable federal and State constitutional and statutory provisions, including the Voting Rights Act of 1965. For the purpose of elections under this Part, the jurisdiction shall be considered a city under Chapters 160A and 163 of the General Statutes. In accordance with North Carolina law, a candidate for the Butner Advisory Council must be a resident of the territorial jurisdiction established by G.S. 122C-408(a).~~

~~(c) The candidates for the Butner Advisory Council shall file their notices of candidacy with the Granville County Board of Elections not earlier than 12:00 noon on the first Friday in July and not later than 12:00 noon on the first Friday in August. Absentee voting by qualified voters residing in the territorial jurisdiction shall be in accordance with G.S. 163-302.~~

~~(d) In 1996, the four candidates receiving the highest number of votes shall be elected for terms of five years, and the three candidates receiving the next highest numbers of votes shall be elected for terms of three years. In 1999, and biennially thereafter, the members whose terms expire shall be elected to four-year terms.~~

~~(e) The Chairman of the Butner Advisory Council shall be elected from among its members and shall serve at the pleasure of the council.~~

~~(f) The Butner Advisory Council shall comply with the applicable and relevant provisions of Parts 1, 2, and 3 of Article 5 of Chapter 160A of the General Statutes with respect to the filling of vacancies and the organization and procedures of the council as if it were a city.~~

(g) The Butner Planning Council shall consist of seven members, three appointed by the Secretary and four appointed by the Board of Commissioners of Granville County. All members shall reside within the Camp Butner reservation.

(h) The initial appointments shall be made within 30 days of the effective date of this section. Of the initial members, one appointment by the Secretary and one appointment of the Board of Commissioners of Granville County shall be for one-year terms, one appointment by the Secretary and one appointment of the Board of Commissioners of Granville County shall be for two-year terms, and one appointment by the Secretary and two appointments of the Board of Commissioners of Granville County shall be for three-year terms. Thereafter, all terms shall be for three years.

(i) The Butner Planning Council shall hold an annual public meeting for receiving public nominations to be forwarded to the Secretary and the Board of County Commissioners of Granville County for their consideration for appointment to the Council.

(j) Members of the Butner Planning Council may be removed for cause by the appointing authority.

(k) Members of the Butner Planning Council shall receive reimbursement for travel, per diem, and subsistence in accordance with G.S. 138-5. Expenses of the Butner Planning Council shall be paid by the Department. The Secretary of Human Resources shall ensure that the Butner Planning Council has adequate resources and support to accomplish its duties.

(l) The Butner Planning Council shall elect a chairman and a vice-chairman from its membership for one-year terms. The Council shall elect a clerk for a one-year term.

(m) The initial meeting of the Butner Planning Council shall be called by the Secretary. The Council shall establish a regular meeting schedule that provides for at least quarterly meetings. Special meetings may be called by the Secretary, the chairman, or upon the written request of two members.

(n) The Butner Planning Council shall adopt rules for its procedures."

Section 3. G.S. 122C-412.1(a) reads as rewritten:

"**§ 122C-412.1. Butner ~~Advisory~~ Planning Council; powers.**

(a) The Butner ~~Advisory~~ Planning Council may advise the Secretary of Human Resources, through resolutions adopted by the council, on the operations of the Camp Butner Reservation and the concerns of the residents of the Camp Butner

Rules adopted by the Secretary under this Article shall be adopted in accordance with the procedures for adopting a city ordinance on the same subject, shall be subject to review in the manner provided for a city ordinance adopted on the same subject, and shall be enforceable in accordance with the procedures for enforcing a city ordinance on the same subject. Violation of a rule adopted under this Article is punishable as provided in G.S. 122C-406.

Rules adopted under this Article may apply to part or all of the Camp Butner reservation. If a public hearing is required before the adoption of a rule, the Butner ~~Advisory~~ Planning Council shall conduct the hearing."

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

SENATE BILL 428
Second Edition Engrossed 4/7/97

Short Title: Butner Planning Council. (Public)

Sponsors: Senators Gulley and Lucas.

Referred to: State Government, Local Government, and Personnel.

March 19, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE THE BUTNER PLANNING COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. The catch line of Part 1A of Article 6 of Chapter 122C reads as rewritten:

"Part 1A. Butner ~~Advisory~~ Planning Council."

Section 2. G.S. 122C-412 reads as rewritten:

"§ 122C-412. Butner ~~Advisory~~ Planning Council; created.

(a) There is created a Butner ~~Advisory~~ Planning Council to consist of seven members, to be ~~elected by the residents of the territorial jurisdiction established by G.S. 122C-408(a), at a nonpartisan election administered by the Granville County Board of Elections at the general election on November 5, 1996.~~ appointed in accordance with this section.

~~(b) Members of the Butner Advisory Council shall be elected at large, and the election shall be held in accordance with all applicable federal and State constitutional and statutory provisions, including the Voting Rights Act of 1965. For the purpose of elections under this Part, the jurisdiction shall be considered a city under Chapters 160A and 163 of the General Statutes. In accordance with North Carolina law, a candidate for the Butner Advisory Council must be a resident of the territorial jurisdiction established by G.S. 122C-408(a).~~

~~(c) The candidates for the Butner Advisory Council shall file their notices of candidacy with the Granville County Board of Elections not earlier than 12:00 noon on the first Friday in July and not later than 12:00 noon on the first Friday in August.~~

SENATE BILL 500*

Short Title: Mtn. Island Lake Marine Commission. (Local)

Sponsors: Senator Odom.

Referred to: State Government, Local Government, and Personnel.

March 25, 1997

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. For purposes of this act:

(1) "Board" means the board of commissioners of one of the three counties.

(2) "Commission" means the Mountain Island Lake Marine Commission or its governing board, as the case may be.

(3) "Commissioner" means a member of the governing board of the Mountain Island Lake Marine Commission.

(4) "Three counties" means Gaston, Lincoln, and Mecklenburg Counties.

(5) "Joint resolution" means a resolution or ordinance substantially identical in content adopted separately by the governing boards in each of the three counties.

(6) "Mountain Island Lake" means the impounded body of water along the Catawba River in the three counties extending from the Cowans Ford Dam downstream to the Mountain Island Dam.

(7) "Shoreline area" means, except as modified by a joint resolution, the area within the three counties lying within 1,000 feet of the mean high waterline on Mountain Island Lake. In addition, the shoreline area includes all islands within Mountain Island Lake

and all peninsulas extending into the waters of Mountain Island Lake.

(8) "Wildlife Commission" means the North Carolina Wildlife Resources Commission.

Section 2. The three counties may by joint resolution create the Mountain Island Lake Marine Commission. Upon its creation the Commission has the powers, duties, and responsibilities conferred upon it by joint resolution, subject to the provisions of this act. The provisions of any joint resolution may be modified, amended, or rescinded by a subsequent joint resolution. A county may unilaterally withdraw from participation as provided by any joint resolution or the provisions of this act, once the Commission has been created, and any county may unilaterally withdraw from the Commission at the end of any budget period upon 90 days prior written notice. Upon the effectuation of the withdrawal, the Commission is dissolved, and all property of the Commission must be distributed to or divided among the three counties and any other public agency or agencies serving the Mountain Island Lake area in a manner considered equitable by the Commission by resolution adopted by it prior to dissolution.

Section 3. Upon its creation, the Commission shall have a governing board of seven. Except as otherwise provided for the initial appointees, each commissioner shall serve a three-year term. Upon creation of the Commission, the Boards of Commissioners of Gaston County and Mecklenburg County shall appoint three commissioners each, and the Board of Commissioners of Lincoln County shall appoint one commissioner. Of the initial appointees:

(1) One commissioner appointed by Gaston County and one member appointed by Mecklenburg County shall serve one-year terms;

(2) One commissioner appointed by Gaston County and one member appointed by Mecklenburg County shall serve two-year terms; and

(3) One member appointed by Gaston County, one member appointed by Mecklenburg County, and the member appointed by Lincoln County shall serve three-year terms.

Any commissioner who has served two consecutive terms, including any initial term of less than three years, may not be reappointed to a third consecutive term. Such a member may, however, be appointed to serve again after the expiration of the term of the member's successor.

On the death of a commissioner, resignation, incapacity, or inability to serve, as determined by the board appointing that commissioner, or removal of the commissioner for cause, as determined by the board appointing that commissioner, the board affected may appoint another commissioner to fill the unexpired term.

Section 4. The joint resolution of the three counties shall state the terms relating to compensation to commissioners, if any, compensation of consultants and staff members employed by the Commission, and reimbursement of expenses incurred by commissioners, consultants, and employees. The Commission shall be governed by those budgetary and accounting procedures specified by joint resolution.

Section 5. Upon creation of the Commission, its governing board shall meet at a time and place agreed upon by the boards of the three counties concerned. The commissioners shall elect a chairman and officers as they choose. All officers shall serve one-year terms. The governing board shall adopt rules and regulations as it deems necessary, not inconsistent with the provisions of this act or of any joint resolution, for the proper discharge of its duties and for the governance of the Commission. In order to conduct business, a quorum must be present. The chairman may adopt those committees as authorized by those rules and regulations. The Commission shall meet regularly at times and places as specified in its rules and regulations or in any joint resolution. However, meetings of the Commission must be held in all three counties on a rotating basis so that an equal number of meetings is held in each county. Special meetings may be called as specified in the rules and regulations. The provisions of the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes, shall apply.

Section 6. (a) Within the limits of funds available to it and subject to the provisions of this act and of any joint resolution, the Commission may:

(1) Hire and fix the compensation of permanent and temporary employees and staff as it may deem necessary in carrying out its duties;

(2) Contract with consultants for services it requires;

(3) Contract with the State of North Carolina or the federal government, or any agency or department, or subdivision of them, for property or services as may be provided to or by these agencies and carry out the provisions of these contracts;

(4) Contract with persons, firms, and corporations generally as to all matters over which it has a proper concern, and carry out the provisions of contracts;

(5) Lease, rent, purchase, or otherwise obtain suitable quarters and office space for its employees and staff, and lease, rent, purchase, or otherwise obtain furniture, fixtures, vessels, vehicles, firearms, uniforms, and other supplies and equipment necessary or desirable for carrying out the duties imposed in or under the authority of this act; and

(6) Lease, rent, purchase, construct, otherwise obtain, maintain, operate, repair, and replace, either on its own or in cooperation with other public or private agencies or individuals, any of the following: boat docks, navigation aids, waterway markers, public information signs and notices, and other items of real and personal property designed to enhance public safety in Mountain Island Lake and its shoreline area, or protection of property in the shoreline area subject however to Chapter 113 of the General Statutes and rules promulgated under that Chapter.

(b) The Commission may accept, receive, and disburse in furtherance of its functions any funds, grants, services, or property made available by the federal

government or its agencies or subdivisions, by the State of North Carolina or its agencies or subdivisions, or by private and civic sources.

(c) The governing boards of the three counties may appropriate funds to the Commission out of surplus funds or funds derived from nontax sources. They may appropriate funds out of tax revenues and may also levy annually taxes for the payments of such appropriation as a special purpose, in addition to any allowed by the Constitution, or as provided by G.S. 153A-149.

(d) The Commission shall be subject to those audit requirements as may be specified in any joint resolution.

(e) In carrying out its duties and either in addition to or in lieu of exercising various provisions of the above authorization, the Commission may, with the agreement of the governing board of the county concerned, utilize personnel and property of or assign responsibilities to any officer or employee of any of the three counties. Such contribution in kind, if substantial, may with the agreement of the other two counties be deemed to substitute in whole or in part for the financial contribution required of that county in support of the Commission.

(f) Unless otherwise specified by joint resolution, each of the three counties shall annually contribute an equal financial contribution to the Commission in an amount appropriate to support the activities of the Commission in carrying out its duties.

Section 7. (a) A copy of the joint resolution creating the Commission and of any joint resolution amending or repealing the joint resolution creating the Commission shall be filed with the Executive Director of the Wildlife Commission. When the Executive Director receives resolutions that are in substance identical from all three counties concerned, the Executive Director shall within 10 days so certify and distribute a certified single resolution text to the following:

(1) The Secretary of State;

(2) The clerk to the governing board of each of the three counties;

(3) The clerks of superior court of Lincoln, Mecklenburg, and Gaston Counties. Upon request, the Executive Director also shall send a certified single copy of any and all applicable joint resolutions to the chairman of the Commission; and

(4) A newspaper of general circulation in the three counties.

(b) Unless a joint resolution specifies a later date, it shall take effect when the Executive Director's certified text has been submitted to the Secretary of State for filing. Certifications of the Executive Director under the seal of the Commission as to the text or amended text of any joint resolution and of the date or dates of submission to the Secretary of State shall be admissible in evidence in any court. Certifications by any clerk of superior court of the text of any certified resolution filed with him by the Executive Director is admissible in evidence and the Executive Director's submission of the resolution for filing to the clerk shall constitute prima facie evidence that that resolution was on the date of submission also submitted for filing with the Secretary of State. Except for the certificate of a clerk as to receipt and date of submission, no evidence may be admitted in court

concerning the submission of the certified text of any resolution by the Executive Director to any person other than the Secretary of State.

Section 8. (a) Except as limited in subsection (b) of this section, by restrictions in any joint resolution, and by other supervening provisions of law, the Commission may make regulations applicable to Mountain Island Lake and its shoreline area concerning all matters relating to or affecting the use of Mountain Island Lake. These regulations may not conflict with or supersede provisions of general or special acts or of regulations of State agencies promulgated under the authority of general law. No regulations adopted under this section may be adopted by the Commission except after public hearing, with publication of notice of the hearing being given in a newspaper of general circulation in the three counties at least 10 days before the hearing. In lieu of or in addition to passing regulations supplementary to State law and regulations concerning the operation of vessels on Mountain Island Lake, the Commission may, after public notice, request that the Wildlife Commission pass local regulations on this subject in accordance with the procedure established by appropriate State law.

(b) Violation of any regulation of the Commission commanding or prohibiting an act shall be a Class 3 misdemeanor.

(c) The regulations promulgated under this section take effect upon passage or upon dates as stipulated in the regulations, except that no regulation may be enforced unless adequate notice of the regulation has been posted in or on Mountain Island Lake or its shoreline area. Adequate notice as to a regulation affecting only a particular location may be by a sign, uniform waterway marker, posted notice, or other effective method of communicating the essential provisions of the regulation in the immediate vicinity of the location in question. Where a regulation applies generally as to Mountain Island Lake or its shoreline area, or both, there must be a posting of notices, signs, or markers communicating the essential provisions in at least three different places throughout the area, and it must be printed in a newspaper of general circulation in the three counties.

(d) A copy of each regulation promulgated under this section must be filed by the Commission with the following persons:

(1) The Secretary of State;

(2) The clerks of superior court of Gaston, Lincoln, and Mecklenburg Counties; and

(3) The Executive Director of the Wildlife Commission;

(e) Any official designated in subsection (d) above may issue certified copies of regulations filed with him under the seal of his office. Those certified copies may be received in evidence in any proceeding.

(f) Publication and filing of regulations promulgated under this section as required above is for informational purposes and shall not be a prerequisite to their validity if they in fact have been duly promulgated, the public has been notified as to the substance of regulations, a copy of the text of all regulations is in fact available to any person who may be affected, and no party to any proceeding has been prejudiced by any defect that may exist with respect to publication and filing. Rules and

regulations promulgated by the Commission under the provisions of other sections of this act relating to internal governance of the Commission need not be filed or published. Where posting of any sign, notice, or marker or the making of other communication is essential to the validity of a regulation duly promulgated, it shall be presumed in any proceeding that prior notice was given and maintained and the burden lies upon the party asserting to the contrary to prove lack of adequate notice of any regulation.

Section 9. (a) Where a joint resolution so provides, all law enforcement officers, or those officers as may be designated in the joint resolution, with territorial jurisdiction as to any part of Mountain Island Lake or its shoreline area shall, within the limitations of their subject matter jurisdiction, have the authority of peace officers in enforcing the laws over all of Mountain Island Lake and its shoreline area.

(b) Where a joint resolution provides it, the Commission may hire special officers to patrol and enforce the laws on Mountain Island Lake and its shoreline area. These special officers have and exercise all the powers of peace officers generally within the area in question and shall take the oaths and be subject to all provisions of law relating to law enforcement officers.

(c) Unless a joint resolution provides otherwise, all courts in the three counties within the limits of their subject matter jurisdiction shall have concurrent jurisdiction as to all criminal offenses arising within the boundaries of Mountain Island Lake and its shoreline area.

(d) Where a law enforcement officer with jurisdiction over any part of Mountain Island Lake or its shoreline area is performing duties relating to the enforcement of the laws on Mountain Island Lake or in its shoreline area, the officer has the extraterritorial jurisdiction necessary to perform his duties. These duties include investigation of crimes an officer reasonably believes have been, or are about to be, committed within the area in question. This includeds traversing by reasonable routes from one portion of that area to another although across territory not within the boundaries of Mountain Island Lake and its shoreline area; conducting prisoners in custody to court or detention facilities as authorized by law, although this may involve going outside the area in question; execution of process connected with any criminal offense alleged to have been committed within the boundaries in question, except that such process may not be executed by virtue of this provision beyond the boundaries of the three counties. This also includes continuing pursuit of and arresting any violator or suspected violator as to which grounds for arrest arose within the area in question.

(e) Where law enforcement officers are given additional territorial jurisdiction under the provisions of this section, this shall be deemed an extension of the duties of the office held, and no officer shall take any additional oath or title of office.

Section 10. This act applies only to Gaston, Lincoln, and Mecklenburg Counties.

Section 11. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 501

Short Title: Roxboro Charter. (Local)

Sponsors: Senators Gulley, Lucas, and Webster.

Referred to: State Government, Local Government, and Personnel.

March 25, 1997

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF ROXBORO.

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

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

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

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

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

"ARTICLE II. GOVERNING BODY.

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

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

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

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

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

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

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

"ARTICLE III. ELECTIONS.

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

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

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

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

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

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

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

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

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

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

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

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

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

"ARTICLE V. STREETS.

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

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

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

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

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

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

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

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

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

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

"ARTICLE VI. SIDEWALKS.

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

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

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

"ARTICLE VII. WATER AND SEWER.

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

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

"ARTICLE VIII. TAXATION.

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

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

"ARTICLE IX. CITY LAKE REGULATION.

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

"ARTICLE X. CLAIMS AGAINST THE CITY.

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

"ARTICLE XI. PROPERTY DISPOSITION.

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

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

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

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

Chapter 253, Private Laws of 1854-55
Chapter 268, Private Laws of 1854-55
Chapter 109, Private Laws of 1879
Chapter 92, Private Laws of 1881
Chapter 168, Private Laws of 1887
Chapter 71, Private Laws of 1899
Chapter 134, Private Laws of 1901
Chapter 303, Private Laws of 1903
Chapter 762, Public Laws of 1905
Chapter 142, Private Laws of 1907
Chapter 909, Public Laws of 1907
Chapter 244, Private Laws of 1913
Chapter 137, Private Laws of 1915
Chapter 125, Private Laws, Extra Session of 1921
Chapter 175, Private Laws of 1925
Chapter 84, Private Laws of 1927
Chapter 211, Public-Local Laws of 1941
Chapter 288, Session Laws of 1943, except for Section 3
Chapter 12, Session Laws of 1953
Chapter 502, Session Laws of 1955
Chapter 510, Session Laws of 1955
Chapter 42, Session Laws of 1957
Chapter 425, Session Laws of 1961
Chapter 619, Session Laws of 1963
Chapter 643, Session Laws of 1965, except for Section 5
Chapter 978, Session Laws of 1965.

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

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 541

Short Title: Raleigh Bicycle Disposition. (Public)

Sponsors: Senators Miller; and Reeves.

Referred to: State Government, Local Government, and Personnel.

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF RALEIGH TO DONATE UNCLAIMED BICYCLES TO CHARITY.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 650 of the 1993 Session Laws, as amended by Chapter 106 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. This act applies to the Cities of ~~Asheville and Hendersonville~~ Asheville, Hendersonville, and Raleigh only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 556

Short Title: Charlotte Sprinkler Systems. (Local)

Sponsors: Senators Rucho; Dannelly, Odom, and Winner.

Referred to: State Government, Local Government, and Personnel.

March 27, 1997

A BILL TO BE ENTITLED

AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 571 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies to the City of Charlotte and the Towns of Chapel Hill and Carrboro only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 2

SENATE BILL 556
State Government, Local Government and Personnel Committee Substitute Adopted 4/3/97

Short Title: Charlotte Sprinkler Systems. (Local)

Sponsors:

Referred to:

March 27, 1997

A BILL TO BE ENTITLED

AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 571 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies to the Cities of Charlotte and Raleigh and the Towns of Chapel Hill and Carrboro only."

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. _____ DATE 4/2/97

S. B. No. 556 Amendment No. _____

(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
Sen.) Reeves

moves to amend the bill on page 1, line 9

( ) WHICH CHANGES THE TITLE

by rewriting that line to read:

" Sec. 2. This act applies to the Cities of Charlotte and Raleigh and the Towns of Chapel Hill and "

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 68

Short Title: Roanoke Rapids Bicycle Disposition. (Local)

Sponsors: Representatives Crawford; Wilkins and Hardaway.

Referred to: Local and Regional Government I.

February 6, ~~1~~997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF ROANOKE RAPIDS TO DONATE UNCLAIMED BICYCLES TO CHARITY.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 650 of the 1993 Session Laws, as amended by Chapter 106 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. This act applies to the Cities of ~~Asheville and Hendersonville~~ Asheville, Hendersonville, and Roanoke Rapids only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 429

Short Title: Waynesville Bicycle Disposition. (Local)

Sponsors: Representatives Beall and Ramsey.

Referred to: Local and Regional Government II.

March 10, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF WAYNESVILLE TO DONATE UNCLAIMED BICYCLES TO CHARITY.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 650 of the 1993 Session Laws, as amended by Chapter 106 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. This act applies to the Cities of Asheville and Hendersonville and the Town of Waynesville only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 429
Senate State Government, Local Government, and Personnel Committee Substitute Adopted 4/3/97

Short Title: Waynesville Bicycle Disposition. (Local)

Sponsors:

Referred to:

March 10, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITIES OF RALEIGH AND ROANOKE RAPIDS AND THE TOWN OF WAYNESVILLE TO DONATE UNCLAIMED BICYCLES.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 650 of the 1993 Session Laws, as amended by Chapter 106 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. This act applies to the Cities of ~~Asheville and Hendersonville~~ Asheville, Hendersonville, Raleigh, and Roanoke Rapids and the Town of Waynesville only."

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

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March 24, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 378: Rockingham/Supervision of Prisoners

Senate Bill 378, introduced by Senator Foxx, allows Rockingham County to contract with units of State and local government to provide supervision for prisoners working on county projects. G.S. 162-58 currently provides that prisoners must be supervised by either county employees or by the sheriff. The act also provides that notice must be given to those supervising prisoners that the persons under their supervision are either inmates or from a satellite jail/work release unit.

The bill applies to Rockingham County only and is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 2, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 428: Butner Planning Council

Senate Bill 428, introduced by Senators Gulley and Lucas, deletes the current provisions of G.S. 122C-412, providing for election of the members of the Butner Advisory Council, and in its stead creates the Butner Planning Council.

The Butner Planning Council, like its predecessor, shall assist in preparing a ling range plan for the future development of Camp Butner and shall advise the Secretary of Human Resources as to the concerns of the residents of the area. G.S. 122C-412.1.

The Butner Planning Council will be an appointive board; 3 members being appointed by the Secretary of Human Resources and 4 members being appointed by the Granville county commissioners. Terms for the members of the Council will be 3 years and will be staggered.

The Butner Planning Council shall hold an annual public meeting in order to receive public nominations to be forwarded to the Secretary and the Granville county commissioners for appointment to the Council. The Secretary shall pay the expenses of the Council and shall ensure that the Council has adequate resources to fulfill its duties.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 1, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 499: Charlotte Parking Ordinances

Senate Bill 499, introduced by Senator Odom, authorizes the City of Charlotte to adopt ordinances regulating parking near fire hydrants, fire stations, and in fire lanes.

The ordinances would allow Charlotte to prohibit parking within 15 feet of a fire hydrant or entrance to a fire station, or within any area designated a fire lane. The ordinances may be enforced by municipal authorities, including the Charlotte Fire Department, even if the vehicle is parked on private property.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 1, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 500: Mountain Island Lake Marine Commn.

Senate Bill 500, introduced by Senator Odom, establishes the Mountain Island Lake Marine Commission.

The bill allows Mecklenburg, Gaston, and Lincoln Counties to establish, by joint resolution, the Mountain Island Lake Marine Commission to regulate activities on the Lake and its shoreline. The governing board shall consist of 7 members; 3 appointed by the Mecklenburg county commissioners, 3 by the Gaston county commissioners, and 1 by the Lincoln county commissioners. Any county may withdraw from participation, either by the terms of the joint resolution, or unilaterally at the end of a budget period by giving 90 days written notice. Withdrawal of a county will dissolve the Commission and its property shall be distributed. The Commission is to adopt rules governing its proceedings, and is to rotate is meetings among the three counties so that an equal number of meetings is held in each county.

The Commission has the authority to hire staff, contract with consultants, State and federal government, and other persons for services and to other matters over which it has concern. The Commission may lease, rent, or purchase office space and equipment, as well as, floating dock, navigation aids, signs and other items designed to enhance public safety around and on the lake. The county commissioners may appropriate funds for the Commission from nontax sources or surplus funds or may levy annual taxes for this money as a special purpose.

Section 8 provides the Commission authority to make regulations affecting the lake and its shoreline. Regualtions may only be adopted after appropriate notice and public hearing. Regulations take effect upon passage or date specified, except that no regulation may be enforced until adequate notice has been given. For example, placement of waterway markers, or in the case of a general regulation, posting notice in at least 3 locations around the lake. Violation of any regulation of the Commission shall be a class 3 misdemeanor.

Finally, as regards enforcement, the 3 counties may designate in the joint resolution, those law enforcement officers who will have jurisdiction as to the lake and its shoreline. If the joint resolution provides for it, the Commission may hire special officers to patrol and enforce the laws on the lake and shoreline. These officers shall have and exercise all the powers of peace officers generally.

The act is effective when it becomes law.

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April 2,1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 501: Roxboro Charter Consolidation

Senate Bill 501, introduced by Senator Gulley, revises and consolidates the charter of the City of Roxboro.

The existing boundaries of the city remain the same. The Mayor and the Council of 5 members is to be elected at large for two year terms. The city shall operate under the council-manager form of government per Part 2 of Article 7 of Chapter 160A. The Council shall appoint the city manager, city clerk, tax collector, and city attorney. The city manager shall appoint the finance director and other positions authorized by the Council.

The charter provides for assessments for street improvements and sidewalks and authorizes the city to construct water and sewer lines and facilities outside the corporate limits of the city. Water and sewer services may be provided to industry outside the city at rates to be determined reasonably by the Council.

The city may levy privilege taxes on motor vehicles and on all trades, professions, and franchises carried on within the City, unless such trade is exempt under State law. Other provisions of the Charter deal with elections, regulation of city lakes, disposal of personal property, and settlement of claims against the city.

The act repeals a number of existing local laws that are no longer necessary or are consolidated into the new charter. Existing ordinances not inconsistent with the provisions of the act continue in effect.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 2, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 556 Charlotte Sprinkler Systems.

Senate Bill 556, introduced by Senator Rucho, adds Charlotte to those municipalities that are authorized to require the installation of sprinkler systems in all fraternity and sorority houses within the city limits or its extraterritorial jurisdiction. The ordinance may designate a reasonable time for completion of the installations.

The act is effective when it becomes law.

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April 1, 1997

TO: Senate Committee on State Government Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 541: Raleigh Bicycle Disposition
House Bill 429 - Waynesville Bicycle Disposition
House Bill 68: Roanoke Rapids Bicycle Disposition

Senate Bill 541 and House Bills 68 and 429 allow the Citie of Raleigh and Roanoke Rapids and the Town of Waynesville, respectively, to donate unclaimed bicycles in the possession of the police department to charity rather than selling the bicycles as provided by law. The police must hold the bicycles at least 30 days after publication of notice required by G.S. 15-12.

G.S. 15-12 allows unclaimed bicycles that have been in police possession at least 180 days to be sold 30 days after publication of a notice of intent to sell in a newspaper in the county.

The acts are effective when they become law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

State & Local Govt. & Personnel — Name of Committee

April 2, 1997 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
FLOYD WULFECK	REIDSVILLE CHAMBER OF COMMERCE
LYNN ROBERSON	Winston-Salem Chamber → BellSouth
Eileen Hunt	N-PAC - RALEIGH
Shelley Treadwell	Winston-Salem Chamber of Commerce
Chad Pearson	Merrill Lynch WS Chamber
Audrey Cleary Bailey	Winston-Salem Chamber → consultant
Stephen D. Poe	Winston-Salem Chamber of Commerce
Landy Britton	Winston-Salem Chamber of Commerce / Duke Power
Marilois Smith	Greater Mount Airy Chamber of Commerce
Ann Vaughn	Mt. Airy Visitors Center - 615 N. Main St, MT. AIRY 270
Dave Morrison	Pender County

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, APRIL 9, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, April 9, 1997 at 11:00 a.m. in Room 414 of the Legislative Office Building. Nine members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

HB 8, Repeal Hunting Restriction, was explained by Representative Carpenter. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 529, Hope Mills Annexations, was explained by Senator Rand. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. The bill was referred to Finance. **Favorable Report.**

SB 665, Gubernatorial Team Ticket, was explained by Senator Rand. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 666,Wake Street/Alley Closure, was explained by Senator Reeves. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 698, Wayne/Nahunta Real Property Conveyance, was explained by Senator Miller. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

Senator Brad Miller, Chair

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Wednesday, April 09, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **8** Repeal Hunting Restriction
Sequential Referral: None
Recommended Referral: None

S.B. **529** Hope Mills Annexations
Sequential Referral: None
Recommended Referral: Finance

S.B. **665** Gubernatorial Team Ticket
Sequential Referral: None
Recommended Referral: None

S.B. **666** Wake Street/Alley Closure
Sequential Referral: None
Recommended Referral: None

S.B. **698** Wayne/Nahunta Real Property Conveyance
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 5

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, APRIL 9, 1997

ROOM 414

Welcome	Senator Brad Miller
Bills	
SB 210, Inmates Pay for Misconduct	Senator Warren
SB 436, Mecklenburg ABC Law Enforcement	Senator Winner
SB 529, Hope Mills Annexations	Senator Rand
SB 586, Wake ABC Law Enforcement	Senator Reeves
SB 665, Gubernatorial Team Ticket	Senator Rand
SB 666, Wake Street/Alley Closure	Senator Reeves
SB 698, Wayne/Nahunta Real Property Conveyance	Senator Kerr
SB 710, Leland/Belville Annexation Restrictions	Senator Soles
SB 711, Leland Annexation	Senator Soles
HB 8, Repeal Hunting Restriction	Representative Carpenter
Adjournment	

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 210

Short Title: Inmates Pay for Misconduct. (Public)

Sponsors: Senators Warren; Albertson, Ballantine, Blust, Cochrane, Conder, Dalton, East, Forrester, Foxx, Garwood, Horton, Hoyle, Jenkins, Kincaid, Lucas, Martin of Pitt, McDaniel, Phillips, Soles, and Weinstein.

Referred to: State Government, Local Government, and Personnel.

February 20, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DEPARTMENT OF CORRECTION MAY DEDUCT FUNDS FROM AN INMATE'S ACCOUNT TO REPAY COSTS RESULTING FROM INMATE MISCONDUCT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 148 of the General Statutes is amended by adding a new section to read:

"§ 148-18.2. Deductions from inmate trust fund accounts.

(a) The Department may make reasonable deductions from funds credited to an inmate's trust fund account in order to repay the costs of:

(1) Replacing public property willfully damaged or destroyed by the inmate during the inmate's incarceration;

(2) Providing medical treatment for injuries inflicted by the inmate upon the inmate or others;

(3) Searching for and apprehending the inmate when the inmate escapes or attempts to escape, or searching for and apprehending another inmate whom the inmate assisted in escaping or attempting to escape; or

(4) Suppressing a riot or other disturbance in which the inmate was an active participant.

(b) Deductions may be made pursuant to this subsection only when the balance in the inmate's account exceeds the amount determined by the Department to establish the inmate as indigent, and the Department may not deduct an amount that would result in an account balance of less than that amount. However, the Department may impose a deduction authorized by subsection (a) of this section by placing a lien on the inmate's trust fund account and by deducting amounts from the account whenever the amount in the account exceeds the indigency level."

Section 2. This act is effective when it becomes law and applies to inmate conduct on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 2

SENATE BILL 436*
Corrected Copy 3/21/97

Short Title: Mecklenburg ABC Law Enforcement. (Local)

Sponsors: Senators Winner, Odom; and Rucho.

Referred to: State Government, Local Government, and Personnel.

March 20, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-501(f) reads as rewritten:

"(f) Contracts with Other Agencies. -- Instead ~~of~~ of, or in addition to, hiring local ABC officers, a local board may contract ~~to pay its enforcement funds to~~ with a sheriff's department, city police department, or other local law-enforcement agency for enforcement of the ABC laws within the law-enforcement agency's territorial jurisdiction. Enforcement agreements may be made with more than one agency at the same time. When such a contract for enforcement exists, the officers of the contracting law-enforcement agency shall have the same authority to inspect under G.S. 18B-502 that an ABC officer employed by that local board would have. If a city located in two or more counties approves the sale of some type of alcoholic beverage pursuant to the provisions of G.S. 18B-600(e4), and there are no local ABC boards established in the city and one of the counties in which the city is located, the local ABC board of any county in which the city is located may enter into an enforcement agreement with the city's police department for enforcement of the ABC laws within the entire city, including that portion of the city located in the county of the ABC board entering into the enforcement agreement.

Payments, if any, received by a contracting agency for furnishing law enforcement services shall be in addition to any profits allocated to local governments derived from the sale of alcoholic beverages."

Section 2. This act applies to the Mecklenburg County Alcoholic Beverage Control Board only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 529

Short Title: Hope Mills Annexations. (Local)

Sponsors: Senators Rand; and Weinstein.

Referred to: State Government, Local Government, and Personnel.

March 26, 1997

A BILL TO BE ENTITLED

AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF HOPE MILLS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-58.1(b)(5) reads as rewritten:

"(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ~~ten percent (10%)~~ twenty percent (20%) of the area within the primary corporate limits of the annexing city."

Section 2. This act applies only to the Town of Hope Mills.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 665

Short Title: Gubernatorial Team Ticket. (Public)

Sponsors: Senators Rand; Albertson, Ballance, Ballantine, Blust, Carrington, Conder, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Miller, Odom, Page, Phillips, Plyler, Reeves, Rucho, Shaw of Cumberland, Weinstein, Wellons, and Winner.

Referred to: State Government, Local Government, and Personnel.

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, TO CLARIFY THE STATUS OF ACTING GOVERNOR, AND TO PROVIDE THAT THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Article III of the Constitution of North Carolina is amended by adding a new subsection to read:

"(3) Team Election. In the general election, all candidates for the offices of Governor and Lieutenant Governor shall form joint candidacies so that each voter shall cast a single vote for a candidate for Governor and a candidate for Lieutenant Governor running together."

Section 2. Section 3(2) of Article III of the Constitution of North Carolina reads as rewritten:

"(2) Succession as Acting Governor. During ~~the absence of the Governor from the State, or during~~ the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant Governor shall be Acting Governor. The absence of the Governor from the State does not affect the power of the Governor, but the

Governor may designate in writing the Lieutenant Governor to be Acting Governor during such absence. The further order of succession as Acting Governor shall be prescribed by law."

Section 3. The amendments set out in Sections 1 and 2 of this act shall be submitted to the qualified voters of the State at the general election in November 1998, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment providing that candidates for Governor and Lieutenant Governor shall be listed on the general election ballot as a team."

Section 4. If a majority of the votes cast on the question are in favor of the amendment set out in Sections 1 and 2 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The constitutional amendments shall become effective beginning with candidacies for the 2000 General Election. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

Section 5. Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-115.1. Party must nominate candidates for Governor and Lieutenant Governor.

If a party nominates a candidate for Governor under this Article, it must also nominate a candidate for Lieutenant Governor, or the nomination as Governor is void. If a party nominates a candidate for Lieutenant Governor under this Article, it must also nominate a candidate for Governor, or the nomination as Lieutenant Governor is void."

Section 6. Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-108.2. Nomination of Lieutenant Governor.

Except for G.S. 163-114 and G.S. 163-115.1, the provisions of this Article do not apply to the office of Lieutenant Governor. Nomination for such office is as provided by Article 11A of this Chapter."

Section 7. G.S. 163-98 reads as rewritten:

"**§ 163-98. General election participation by new political party.**

In the first general election following the date on which a new political party qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its candidates for State, congressional, and national offices printed on the official ballots, but it shall not be entitled to have the names of candidates for other offices printed on State, district, or county ballots at that election.

For the first general election following the date on which it qualifies under G.S. 163-96, a new political party shall select its candidates by party convention. Following adjournment of the nominating convention, but not later than the first day of July prior to the general election, the president of the convention shall certify to the State Board of Elections the names of persons chosen in the convention as the new party's

candidates for State, congressional, and national offices in the ensuing general election. The State Board of Elections shall print names thus certified on the appropriate ballots as the nominees of the new party. The convention, if it nominates a candidate for Governor, must also nominate a candidate for Lieutenant Governor, or the nomination for Governor shall be void except that if it fails to nominate a candidate for Lieutenant Governor, its candidate for Governor may nominate a candidate for Lieutenant Governor between July 1, and July 15. The convention, if it nominates a candidate for Lieutenant Governor, must also nominate a candidate for Governor, or the nomination for Lieutenant Governor is void."

Section 8. G.S. 163-122 is amended by adding a new subsection to read:

"(c) In filing petitions as an unaffiliated candidate, a petition for the office of Governor shall also contain the name of a candidate for Lieutenant Governor, and the petition shall be a petition for both. In filing petitions as an unaffiliated candidate, a petition for the office of Lieutenant Governor shall also contain the name of a candidate for Governor, and the petition shall be a petition for both. The form of the petition requesting unaffiliated candidates to be placed on the ballot for Governor and Lieutenant Governor on the general election ballot shall contain on the heading of each page of the petition in bold print or in all capital letters the words 'THE UNDERSIGNED REGISTERED VOTERS IN ..... COUNTY HEREBY PETITION ON BEHALF OF ..... AS AN UNAFFILIATED CANDIDATE FOR GOVERNOR AND ..... AS AN UNAFFILIATED CANDIDATE FOR LIEUTENANT GOVERNOR IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED HEREBY PETITION THAT THE SUBJECT CANDIDATES BE PLACED ON THE APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS OF G.S. 163-122.'"

Section 9. G.S. 163-140(b) is amended by adding a new subdivision to read:

"(9) In the general election, the offices of Governor and Lieutenant Governor shall be combined on the State ballot and the nominees of each party or unaffiliated offices listed together so that a vote for a candidate for one of those offices is a vote for the candidates for both offices. Such team election of Governor and Lieutenant Governor is not a multiseat race for the purpose of subsection (f) of this section."

Section 10. G.S. 163-151(6) is amended by adding a new subparagraph to read:

"f. A write-in vote for a candidate for Governor shall not be counted unless that person has also written in the name of a candidate for Lieutenant Governor. A write-in vote for a candidate for Lieutenant Governor shall not be counted unless that person has also written in the name of a candidate for Governor. A write-in vote shall not be counted for any candidate for Governor if that person appears on the ballot as a candidate for that office. A write-

in vote shall not be counted for any candidate for Lieutenant Governor if that person appears on the ballot as a candidate for that office."

Section 11. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 11A.

"Nomination of Lieutenant Governor.

"§ 163-126. Lieutenant Governor.

Political parties nominating a candidate for Governor under Article 10 of this Chapter shall nominate a candidate for Lieutenant Governor in accordance with this Article.

"§ 163-126.1. Convention or State executive committee.

Each party shall choose its nominee for Lieutenant Governor by its State executive committee except if the State executive committee fails to make a nomination by the last Monday in July, its candidate for Governor may nominate a person prior to the deadline in G.S. 163-126.2.

"§ 163-126.2. Time of nomination.

The nomination for Lieutenant Governor shall be made no earlier than the date that party's nomination for Governor is determined under G.S. 163-110, 163-111, or 163-112, as appropriate, and no later than the first Monday in August. The State Board of Elections shall be notified of the nomination for Lieutenant Governor no later than the first Monday in August. The State Board of Elections shall cause the name of the nominee to be printed on the general election ballots as if the nomination had been made by primary under Article 10 of this Chapter.

"§ 163-126.3. Vacancies in nomination.

If a party has nominated a candidate for Lieutenant Governor, and a vacancy occurs in that nomination, it shall be filled in accordance with G.S. 163-114 whether the nomination was made by the State convention or the State executive committee."

Section 12. G.S. 163-106(c) reads as rewritten:

"(c) Time for Filing Notice of Candidacy. -- Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the first Monday in January and no later than 12:00 noon on the first Monday in February preceding the primary:

Governor

~~Lieutenant Governor~~

All State executive officers

Justices of the Supreme Court, Judges of the Court of Appeals

Judges of the district courts

United States Senators

Members of the House of Representatives of the United States

District attorneys

Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the county board of elections no earlier than 12:00

noon on the first Monday in January and no later than 12:00 noon on the first Monday in February preceding the primary:

State Senators

Members of the State House of Representatives

All county offices."

Section 13. G.S. 163-107(a) is amended by deleting in the schedule the entry under "Office Sought", and "Amount of Filing Fee" the entry for "Lieutenant Governor".

Section 14. G.S. 163-107.1(b) reads as rewritten:

"(b) If the candidate is seeking the office of United States Senator, Governor, ~~Lieutenant Governor,~~ any State executive officer, Justice of the Supreme Court or Judge of the Court of Appeals, the petition must be signed by 10,000 registered voters who are members of the political party in whose primary the candidate desires to run, except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be making nominations by primary election, the petition must be signed by ten percent (10%) of the registered voters of the State who are affiliated with the same political party in whose primary the candidate desires to run, or in the alternative, the petition shall be signed by no less than 10,000 registered voters regardless of the voter's political party affiliation, whichever requirement is greater. The petition must be filed with the State Board of Elections not later than 12:00 noon on Monday preceding the filing deadline before the primary in which he seeks to run. The names on the petition shall be verified by the board of elections of the county where the signer is registered, and the petition must be presented to the county board of elections at least 15 days before the petition is due to be filed with the State Board of Elections. When a proper petition has been filed, the candidate's name shall be printed on the primary ballot."

Section 15. G.S. 163-111(c)(1) reads as rewritten:

"(1) A candidate who is apparently entitled to demand a second primary, according to the unofficial results, for one of the offices listed below, and desiring to do so, shall file a request for a second primary in writing or by telegram with the Executive Secretary-Director of the State Board of Elections no later than 12:00 noon on the seventh day (including Saturdays and Sundays) following the date on which the primary was conducted, and such request shall be subject to the certification of the official results by the State Board of Elections. If the vote certification by the State Board of Elections determines that a candidate who was not originally thought to be eligible to call for a second primary is in fact eligible to call for a second primary, the Executive Secretary-Director of the State Board of Elections shall immediately notify such candidate and permit him to exercise any options available to him within a 48-hour period following the notification:

Governor,

~~Lieutenant Governor,~~
All State executive officers,
Justices, Judges, or District Attorneys of the General Court of Justice, other than superior court judge
United States Senators,
Members of the United States House of Representatives,
State Senators in multi-county senatorial districts, and
Members of the State House of Representatives in multi-county representative districts."

Section 16. G.S. 163-1(b) reads as rewritten:

"(b) On Tuesday next after the first Monday in May preceding each general election to be held in November for the officers referred to in subsection (a) of this section other than Lieutenant Governor, there shall be held in all election precincts within the territory for which the officers are to be elected a primary election for the purpose of nominating candidates for each political party in the State for those offices."

Section 17. G.S. 163-123 is amended by adding a new subsection to read:

"(c1) Any declaration of intent filed under this section for the office of Governor shall be a joint declaration with another candidate for the office of Lieutenant Governor. Any declaration of intent filed under this section for the office of Lieutenant Governor shall be a joint declaration with another candidate for the office of Governor. The declaration shall be signed by both candidates. The State Board of Elections shall provide for a joint petition form for Governor and Lieutenant Governor in lieu of the one provided by subsection (d) of this section."

Section 18. Sections 5 through 17 of this act become effective only if the constitutional amendments proposed by Sections 1 and 2 of this act are approved as provided by Sections 3 and 4 of this act, and if so approved, Sections 5 through 17 of this act become effective beginning with the 2000 election.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 586

Short Title: Wake ABC Law Enforcement. (Local)

Sponsors: Senator Reeves.

Referred to: State Government, Local Government, and Personnel.

April 1, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE WAKE COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-501(f) reads as rewritten:

"(f) Contracts with Other Agencies. -- Instead ~~of~~ of, or in addition to, hiring local ABC officers, a local board may contract ~~to pay its enforcement funds to~~ with a sheriff's department, city police department, or other local law-enforcement agency for enforcement of the ABC laws within the law-enforcement agency's territorial jurisdiction. Enforcement agreements may be made with more than one agency at the same time. When such a contract for enforcement exists, the officers of the contracting law-enforcement agency shall have the same authority to inspect under G.S. 18B-502 that an ABC officer employed by that local board would have. If a city located in two or more counties approves the sale of some type of alcoholic beverage pursuant to the provisions of G.S. 18B-600(e4), and there are no local ABC boards established in the city and one of the counties in which the city is located, the local ABC board of any county in which the city is located may enter into an enforcement agreement with the city's police department for enforcement of the ABC laws within the entire city, including that portion of the city located in the county of the ABC board entering into the enforcement agreement.

Payments, if any, received by a contracting agency for furnishing law enforcement services shall be in addition to any profits allocated to local governments derived from the sale of alcoholic beverages."

Section 2. This act applies to the Wake County Alcoholic Beverage Control Board only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 666

Short Title: Wake Street/Alley Closure. (Local)

Sponsors: Senators Reeves; and Miller.

Referred to: State Government, Local Government, and Personnel.

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO REPEAL CHAPTER 279 OF THE 1989 SESSION LAWS REGARDING THE AUTHORITY OF MUNICIPALITIES IN WAKE COUNTY TO CLOSE STREETS AND ALLEYS LOCATED WITHIN THEIR EXTRATERRITORIAL JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 279 of the 1989 Session Laws is repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 698

Short Title: Wayne/Nahunta Real Property Conveyance. (Local)

Sponsors: Senator Kerr.

Referred to: State Government, Local Government, and Personnel.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT ALLOWING WAYNE COUNTY TO CONVEY CERTAIN REAL PROPERTY TO THE NAHUNTA VOLUNTEER FIRE DEPARTMENT BY PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes, the County of Wayne may convey to the Nahunta Volunteer Fire Department, Inc., a nonprofit corporation, by private sale with or without consideration, a tract consisting of 2.88 acres and a right-of-way located in Buck Swamp Township, Wayne County, and described in the deed recorded in Book 1555, Page 1 of the Wayne County Registry, for use as a parking area and for use by the Nahunta Extension Homemakers Club, said property being more particularly described as follows:

"All that tract of land containing 2.88 acres more or less, being part of the property recorded in Deed Book 274, page 158 and Deed Book 410, page 407, being located in Buck Swamp Township, Wayne County, NC and described by metes and bounds as follows:

Commencing at an iron stake found on the eastern right-of-way of NC Highway No. 581, the southwestern corner of Ed Radford Auto Auction, Inc., Deed Book 1348, page 470, said stake being point 'A', having NC Grid Coordinates Y=640,662.6989 and X-2,278,646.8410 and being located from NC Geodetic station Monument entitled 'Nahunta', having grid coordinates Y=640,993.6524 and X-2,278,588.5365, a magnetic bearing S. 04-54-21 E. and a horizontal distance 336.09 feet; and runs thence, leaving said road right-of-way, and with the line of Ed Radford

Auto Auction, Inc., Deed Book 1348, Page 470, N. 80-30-00 E. 195.36 feet to an iron stake found; thence continued with said Radford line N. 08-38-23 W. 92.33 feet to a p.k. nail found; thence continued with said Radford line, N. 08-38-23 W. 85.86 feet to an iron stake found; thence continued with said Radford line N. 08-38.23 W 33.11 feet to an iron stake found; thence continued with said Radford line N. 80-36-52 E. 181.51 feet to an iron stake found; thence continued with said Radford line N. 80-36-52 E. 22.66 feet to an iron stake found on the western edge of a 30 foot right-of-way, Deed Book 1354, Page 186, said stake being located S. 09-30-02 E. 139.60 feet from a point on the southern right-of-way of NCSR No. 1336; thence with the western edge of said 30 foot right-of-way, S. 09-30-02 E. 33.66 feet to an iron stake found at the end of said 30 foot right-of-way, the point of beginning; thence from said beginning and along the southern end of said 30 foot right-of-way, Deed Book 1354, Page 186, N. 80-45-48 E. 30.00 feet to an iron stake found on the eastern edge of said 30 foot right-of-way; thence leaving said 30 foot right-of-way and with the line of the Trustees of the Nahunta Home Extension Club, Deed Book 1354, Page 186, N. 80-45-48 E. 24.01 feet to a point in said line; thence continued with said line and with an existing ditch, N. 80-45-48 E. 64.18 feet to a point in said line and in said ditch; thence continued with said line and said ditch, N. 81-03-19 E. 76.97 feet to an iron stake; thence continued with said Nahunta Home Extension Club Line, N. 71-56-52E. 109.32 feet to an iron stake; thence continued N. 71-56-52 E. 30.00 feet to a point in Brooks Branch; thence with said branch as it meanders S. 29-23-12E. 433.29 feet to an iron stake found (axle) in said branch; thence leaving said branch and with the line of Zeb Whaley Heirs, S. 83-13-43 W. 191.51 feet to an iron stake set; thence continued with said Whaley Line, S. 83-13-43 W. 200.00 feet to an iron stake set; thence leaving said Whaley Line, N. 07-27-40 W. 278.24 feet to an iron stake set; thence N. 65-18-27 W. 119.87 feet to an iron stake set; thence N. 09-30-02 W. 23.96 feet to the point of beginning.

THERE IS ALSO CONVEYED all of the Grantor's right title and interest in and to the perpetual easement for ingress, egress and regress described in Deed Book 1354, Page 186 of the Wayne County Registry."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 710

Short Title: Leland/Belville Annexation Restrictions. (Local)

Sponsors: Senator Soles.

Referred to: State Government, Local Government and Personnel.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO RESTRICT ANNEXATIONS BY THE TOWNS OF LELAND AND BELVILLE AND TO ALLOW THE TOWN OF BELVILLE TO EXERCISE ITS EXTRATERRITORIAL PLANNING JURISDICTION WITHIN A CERTAIN DESCRIBED AREA.

The General Assembly of North Carolina enacts:

Section 1. The Town of Leland may extend its corporate limits under Article 4A of Chapter 160A of the General Statutes only in the area bounded by Sturgeon Creek, U.S. Highway 17, and the Seaboard Railroad.

Section 2. Prior to July 1, 2007, the Towns of Leland and Belville may not annex the following described area:

Section 3. The Town of Belville may exercise its extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes within the area described in Section 2.

Section 4. If, prior to the effective date of this act, the area described in Section 2 or any part thereof has been annexed by either the Town of Leland or the Town of Belville, the area annexed shall be removed from the corporate limits of the town.

Section 5. This act does not grant any right of annexation beyond that provided by Article 4A of Chapter 160A of the General Statutes, and that Article shall continue to govern the Town of Leland except as modified by this act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 711*

Short Title: Leland Annexation. (Local)

Sponsors: Senator Soles.

Referred to: State Government, Local Government, and Personnel.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND.

The General Assembly of North Carolina enacts:

Section 1. The corporate limits of the Town of Leland are extended to include the following described tract of land:

Being a tract of land located in Town Creek Township, Brunswick County, North Carolina, and being more fully described as follows:

Beginning at a Right-of-Way Monument, in the northern Right-of-Way of US 17, said monument being located on the south side of a gate leading into the property, as shown on a map titled "THE GREGORY POOLE TRACT", prepared by Stuart Gooden, R.L.S., and dated May 31, 1994; thence with said Right-of-Way South 54 degrees 56 minutes 00 seconds West, a distance of 1111.44 feet; thence leaving said Right-of-Way North 45 degrees 36 minutes 40 seconds West, a distance of 272.41 feet; thence North 45 degrees 36 minutes 08 seconds West, a distance of 2493.87 feet; thence North 45 degrees 35 minutes 59 seconds West, a distance of 1124.67 feet; thence North 48 degrees 44 minutes 35 seconds West, a distance of 1849.91 feet; thence South 78 degrees 10 minutes 46 seconds West, a distance of 793.76 feet; thence North 66 degrees 50 minutes 57 seconds West, a distance of 1282.45 feet to a point in SR 1438 (Lanvale Road); thence North 11 degrees 09 minutes 18 seconds West, a distance of 344.20 feet to a point in the centerline of

Lanvale Road thence with said centerline North 07 degrees 08 minutes 13 seconds West, a distance of 690.45 feet; thence North 06 degrees 46 minutes 34 seconds West, a distance of 441.28 feet; thence North 09 degrees 45 minutes 03 seconds West, a distance of 128.86 feet; thence North 14 degrees 28 minutes 52 seconds West, a distance of 124.97 feet; thence North 19 degrees 35 minutes 26 seconds West, a distance of 150.19 feet; thence North 26 degrees 13 minutes 01 seconds West, a distance of 150.04 feet; thence North 32 degrees 26 minutes 42 seconds West, a distance of 178.45 feet; thence North 36 degrees 09 minutes 42 seconds West, a distance of 237.57 feet; thence North 36 degrees 09 minutes 33 seconds West, a distance of 187.40 feet; thence North 36 degrees 08 minutes 44 seconds West, a distance of 246.56 feet; thence North 36 degrees 09 minutes 33 seconds West, a distance of 198.67 feet; thence North 35 degrees 57 minutes 10 seconds West, a distance of 188.63 feet; thence North 35 degrees 22 minutes 08 seconds West, a distance of 52.73 feet; thence North 30 degrees 54 minutes 08 seconds West, a distance of 193.58 feet; thence North 24 degrees 37 minutes 51 seconds West, a distance of 239.60 feet; thence leaving said centerline and with Sturgeon Branch North 72 degrees 40 minutes 07 seconds East, a distance of 30.21 feet; thence North 72 degrees 59 minutes 08 seconds East, a distance of 150.37 feet; thence North 15 degrees 10 minutes 23 seconds East, a distance of 242.76 feet; thence North 84 degrees 23 minutes 02 seconds East, a distance of 141.02 feet; thence North 55 degrees 24 minutes 41 seconds East, a distance of 313.03 feet; thence North 40 degrees 17 minutes 58 seconds East, a distance of 94.28 feet; thence North 03 degrees 42 minutes 18 seconds West, a distance of 48.90 feet; thence North 89 degrees 55 minutes 04 seconds East, a distance of 138.95 feet; thence North 63 degrees 52 minutes 03 seconds East, a distance of 108.98 feet; thence North 41 degrees 05 minutes 41 seconds East, a distance of 227.03 feet; thence North 36 degrees 48 minutes 37 seconds East, a distance of 204.72 feet; thence North 48 degrees 24 minutes 27 seconds East, a distance of 120.97 feet to a point in the run of Rice Branch thence with said branch South 51 degrees 13 minutes 24 seconds East, a distance of 35.93 feet; thence South 89 degrees 20 minutes 59 seconds East, a distance of 106.00 feet; thence North 88 degrees 41 minutes 14 seconds East, a distance of 231.37 feet; thence South 63 degrees 01 minutes 01 seconds East, a distance of 72.07 feet; thence South 30 degrees 31 minutes 05 seconds East, a distance of 88.34 feet; thence North 55 degrees 02 minutes 25 seconds East, a distance of 68.06 feet; thence South 83 degrees 07 minutes 08 seconds East, a distance of 75.12 feet; thence South 53 degrees 08 minutes 14 seconds East, a distance of 49.51 feet; thence South 37 degrees 05 minutes 03 seconds East, a distance of 77.72 feet; thence North 46 degrees 14 minutes 12 seconds East, a distance of 56.82 feet; thence South 50 degrees 58 minutes 00 seconds East, a distance of 39.22 feet; thence South 06 degrees 18 minutes 38 seconds West, a distance of 73.24 feet; thence South 17 degrees 06 minutes 48 seconds East, a distance of 38.30 feet; thence South 63 degrees 48 minutes 32 seconds East, a distance of 58.91 feet; thence North 45 degrees 05 minutes 05 seconds East, a distance of 170.10 feet; thence South 25 degrees 36 minutes 41

seconds East, a distance of 133.07 feet; thence South 08 degrees 55 minutes 12 seconds West, a distance of 56.18 feet; thence North 73 degrees 37 minutes 44 seconds East, a distance of 70.25 feet; thence South 09 degrees 39 minutes 1[illegible] seconds East, a distance of 54.37 feet; thence North 77 degrees 45 minutes 5[illegible] seconds East, a distance of 54.74 feet; thence South 65 degrees 56 minutes 5[illegible] seconds East, a distance of 118.51 feet; thence North 51 degrees 52 minutes [illegible] seconds East, a distance of 113.22 feet; thence South 85 degrees 54 minutes 2[illegible] seconds East, a distance of 72.82 feet; thence North 35 degrees 31 minutes 42 seconds East, a distance of 74.71 feet; thence South 80 degrees 09 minutes 57 seconds East, a distance of 94.27 feet; thence North 67 degrees 59 minutes 19 seconds East, a distance of 103.53 feet; thence South 22 degrees 55 minutes 29 seconds East, a distance of 82.62 feet; thence North 45 degrees 55 minutes [illegible] seconds East, a distance of 67.70 feet; thence South 37 degrees 17 minut[illegible] seconds East, a distance of 68.76 feet; thence North 53 degrees 44 minut[illegible] seconds East, a distance of 58.17 feet; thence North 12 degrees 52 minutes 59 seconds West, a distance of 38.98 feet; thence South 89 degrees 48 minutes 15 seconds East, a distance of 58.32 feet; thence North 58 degrees 19 minutes 43 seconds East, a distance of 93.90 feet; thence South 63 degrees 38 minutes 13 seconds East, a distance of 47.06 feet; thence South 37 degrees 24 minutes 09 seconds East, a distance of 54.13 feet; thence North 43 degrees 32 minutes 32 seconds East, a distance of 90.22 feet; thence North 83 degrees 55 minutes 19 seconds East, a distance of 54.78 feet; thence South 82 degrees 53 minutes 15 seconds East, a distance of 66.22 feet; thence North 45 degrees 30 minutes 43 seconds East, a distance of 102.03 feet; thence North 73 degrees 09 minutes 53 seconds East, a distance of 138.11 feet; thence North 20 degrees 04 minutes 19 seconds West, a distance of 80.59 feet; thence North 36 degrees 34 minutes 12 seconds East, a distance of 51.79 feet; thence North 34 degrees 47 minutes 49 seconds East, a distance of 76.72 feet; thence North 08 degrees 06 minutes 25 seconds East, a distance of 122.32 feet; thence North 71 degrees 30 minutes 52 seconds East, a distance of 75.69 feet; thence North 20 degrees 40 minutes 01 seconds West, a distance of 68.51 feet; thence North 61 degrees 42 minutes 35 seconds East, a distance of 93.25 feet; thence leaving said branch South 20 degrees 33 minutes 06 seconds East, a distance of 291.98 feet; thence South 20 degrees 32 minutes 17 seconds East, a distance of 534.90 feet; thence North 41 degrees 38 minutes 26 seconds East, a distance of 242.33 feet; thence North 53 degrees 43 minutes 59 seconds East, a distance of 347.56 feet; thence North 51 degrees 33 minutes 50 seconds East, a distance of 241.30 feet; thence North 67 degrees 45 minutes 59 seconds East, a distance of 681.05 feet; thence North 70 degrees 01 minutes 48 seconds East, a distance of 563.93 feet; thence South 53 degrees 07 minutes 47 seconds East, a distance of 1460.15 feet; thence South 05 degrees 55 minutes 43 seconds East, a distance of 3955.76 feet; thence South 05 degrees 56 minutes 16 seconds East, a distance of 830.35 feet; thence South 05 degrees 55 minutes 43 seconds East, a distance of 20.52 feet; thence South 89 degrees 43 minutes 05 seconds West, a distance of 1015.93 feet; thence South 02 degrees 20

minutes 58 seconds West, a distance of 943.79 feet; thence South 01 degrees 12 minutes 44 seconds West, a distance of 822.48 feet; thence South 84 degrees 06 minutes 28 seconds East, a distance of 1876.12 feet; thence South 35 degrees 07 minutes 22 seconds East, a distance of 277.41 feet; thence South 34 degrees 55 minutes 00 seconds East, a distance of 155.49 feet; thence South 34 degrees 41 minutes 11 seconds east, a distance of 373.23 feet; to a point in the northern Right-of-Way of US HWY 17; thence with said right-of-way South 54 degrees 55 minutes 59 seconds West, a distance of 397.20 feet; thence South 50 degrees 44 minutes 34 seconds West, a distance of 170.35 feet; thence South 52 degrees 40 minutes 24 seconds West, a distance of 60.36 feet; to the Point of Beginning, containing 893.64 acres, and being tract "A" as shown on a map titled "THE GREGORY POOLE TRACT", prepared by Stuart Gooden, R.L.S., and dated May 31, 1994.

Section 2. (a) The corporate limits of the area annexed by Section 1 of this act shall be considered satellite corporate limits within the meaning of Part 4 of Article 4A of Chapter 160A of the General Statutes, except they are excluded in any calculations made under G.S. 160A-58.1(b)(5). The corporate limits of the area annexed by Section 1 of this act are not external boundaries for the purposes of Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes until they are contiguous to the town.

(b) Notwithstanding any provision of law, this act does not affect the existing franchise or other right of Brunswick Electric Membership Cooperative to continue to provide electric service to the area annexed by this act.

Section 3. Real and personal property in the territory annexed pursuant to this act is subject to municipal taxes as provided in G.S. 160A-58.10.

Section 4. This act becomes effective June 30, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 8

Short Title: Repeal Hunting Restriction. (Local)

Sponsors: Representatives Carpenter; and Rayfield.

Referred to: Local and Regional Government II.

January 30, 1997

A BILL TO BE ENTITLED

AN ACT TO REPEAL RESTRICTIONS ON HUNTING ON THE LAND OF ANOTHER IN MACON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Sections 2 and 3 of Chapter 754 of the 1995 Session Laws are repealed.

Section 2. This act applies only to Macon County.

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

North Carolina General Assembly
Legislative Services Office

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April 7, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 8 - Repeal Hunting Restriction.

House Bill 8 repeals Sections 2 and 3 of Chapter 754 of the 1995 Session Laws. Section 2 of Chapter 754 prohibits hunting on the real property of another person in Macon County without their written permission. Section 3 of Chapter 754 prohibits anyone other than the lawful owner or resident from discharging a weapon within 200 yards of a dwelling or outbuilding in Macon County.

House Bill 8 only applies to Macon County and is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

North Carolina General Assembly
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March 25, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 436: Mecklenburg ABC Law Enforcement

Senate Bill 436, introduced by Senator Winner, would allow the Mecklenburg County ABC Board to contract with another law enforcement agency for the enforcement of ABC laws in its jurisdiction in addition to supplying its own ABC officers. The statutes currently provided that an ABC board shall either supply its own officers or contract with another law enforcement agency.

The bill also provides that payments to local government for additional law enforcement services shall be in addition to any distribution of profits derived from the sale of alcoholic beverages.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

North Carolina General Assembly
Legislative Services Office

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
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April 7, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 529: Hope Mills Annexations

Senate Bill 529, introduced by Senator Rand, would allow the Town of Hope Mills to increase the amount of noncontiguous land it may annex from 10% to 20% of the area within its primary corporate limits.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 586: Wake ABC Law Enforcement

Senate Bill 586, introduced by Senator Reeves, would allow the Wake County ABC Board to contract with another law enforcement agency for the enforcement of ABC laws in its jurisdiction in addition to supplying its own ABC officers. The statutes currently provided that an ABC board shall either supply its own officers or contract with another law enforcement agency.

The bill also provides that payments to local government for additional law enforcement services shall be in addition to any distribution of profits derived from the sale of alcoholic beverages.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 666: Wake Street/Alley Closures

Senate Bill 666, introduced by Senator Reeves, repeals Chapter 279 of the 1989 Session Laws.

Chapter 279 of the 1989 Session Laws modified the provisions of G.S. 160A-299(d) and restricted the authority of Wake County to close streets and alleys in the County's extraterritorial jurisdiction. Senate Bill 666 would allow Wake County to close streets and alleys in its extraterritorial jurisdiction in accordance with the statutory procedure in G.S. 160A-299.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 698: Wayne/Nahunta Real Property Conveyance.

Senate Bill 698, introduced by Senator Kerr, would allow Wayne County to convey to the Nahunta Volunteer Fire Department a 2.88 acre tract described in the bill by private sale. G.S. 160A-266 limits private sales of property by units of local government to personal property valued at $10,000 or less and real property that is of special interest, for example historical properties, and is sold to a nonprofit corporation under a preservation agreement.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 710: Leland/Belville Annexations

Senate Bill 710, introduced by Senator Soles, restricts the annexation authority of the Town of Leland to that area bounded by Sturgeon Creek, U.S. Highway 17 and the Seaboard Railroad. Both Leland and the Town of Belville may not annex land within the area described in Section 2 before July 1, 2007. Belville is given ETJ authority under Article 19 of Chapter 160A of the General Statutes in this restricted area. If Leland or Belville attempts to annex territory within the restricted area prior to the effective date of the act, that area shall be removed from the corporate limits of the town.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 711: Leland Annexation

Senate Bill 711, introduced by Senator Soles, legislatively extends the corporate limits of the Town of Leland to include the area described in the bill. The corporate limits established by Section 1 are to be considered satellite corporate limits for the Town, except that the area covered shall not be included in the calculations required by G.S. 160A-58.1(b)(5) as to total area that may be so annexed (10% of the area within the primary corporate limits of a municipality).

The bill does not affect the right of the Brunswick Electric Membership Cooperative to provide service to the annexed area. Real and personal property in the area are subject to municipal taxes.

The act becomes effective June 30, 1997.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

State Local Govt — 4/17/17

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kim Smith	NCLM
Kathie Austin Padgett	OSPL
Jim Blackburn	NC Association of County Commissioners
Cam Cover	BPM #L

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, APRIL 16, 1997

ROOM 414

The Senate State Government, Local Government and Personnel Committee met on Wednesday, April 16, 1997 at 11:00 a.m. in room 414 of the Legislative Office Building. Nine members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

SB 210, Inmates Pay for Misconduct, was explained by Senator Warren. Senator Miller moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Shaw moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 464, Winston-Salem/Forsyth Housing Code, was explained by Senator Horton. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 517, Indian Cultural Ctr. Fund-Raising, was explained by Representative Sutton. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 524, Conover Housing Code, was explained by Senator Allran. Senator Ledbetter moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ledbetter moved to give the Proposed Committee Substitute a favorable report. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 531, State Phone Systems, was explained by Senator Albertson. Senator Blust moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 553, Paper Ballots, was explained by Senator Allran. Senator Jordan moved to amend the bill and that the bill be put into a committee substitute. The motion carried unanimously. Senator Ledbetter moved to give the committee substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 648, Wallace Mayor, was explained by Senator Albertson. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 656, Hillsborough Inspection Contracts, was explained by Senator Kinnaird. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 664, Greenville Abandoned Dwellings, was explained by Senator Warren. Senator Ledbetter moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ledbetter moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

Senator Brad Miller, Chair

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Wednesday, April 16, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **517** Indian Cultural Ctr. Fund-Raising
Sequential Referral: None
Recommended Referral: None

S.B. **464** Winston-Salem/Forsyth Housing Code
Sequential Referral: None
Recommended Referral: None

S.B. **531** State Phone Systems
Sequential Referral: None
Recommended Referral: None

S.B. **648** Wallace Mayor
Sequential Referral: None
Recommended Referral: None

S.B. **656** Hillsborough Inspection Contracts
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 5

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Thursday, April 17, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 524 Conover Housing Code

Draft Number:	PCS2710
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. 553 Paper Ballots in Runoff

Draft Number:	PCSA719
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Monday, April 21, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. **210** Inmates Pay for Misconduct

Draft Number:	PCS4579
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. **664** Greenville Abandoned Dwellings

Draft Number:	PCS2709
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, APRIL 16, 1997

ROOM 414

Bills

HB 517, Indian Cultural Ctr. Fund-Raising	Representative Sutton
SB 210, Inmates Pay for Misconduct	Senator Warren
SB 464, Winston-Salem/Forsyth Housing Code	Senator Horton
SB 474, Municipalities' Tree Ordinances	Senator Odom
SB 524, Conover Housing Code	Senator Allran
SB 531, State Phone Systems	Senator Albertson
SB 553, Paper Ballots	Senator Allran
SB 648, Wallace Mayor	Senator Albertson
SB 656, Hillsborough Inspection Contracts	Senator Kinnaird
SB 664, Greenville Abandoned Dwellings	Senator Warren
SB 678, Knightdale Tree Ordinance	Senator Miller

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 517
Committee Substitute Favorable 3/26/97

Short Title: Indian Cultural Center Fund-Raising. (Public)

Sponsors:

Referred to:

March 17, 1997

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE DEADLINE FOR RAISING FUNDS FOR CONSTRUCTION OF THE NORTH CAROLINA INDIAN CULTURAL CENTER PROVIDED THAT THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC., REORGANIZES ITSELF TO FACILITATE THE FUND-RAISING PROCESS.

The General Assembly of North Carolina enacts:

Section 1. Subsection (a) of Section 18 of Chapter 1074 of the 1989 Session Laws, as amended by subsection (e) of Section 22 of Chapter 900 of the 1991 Session Laws, Section 1 of Chapter 88 of the 1993 Session Laws, and Section 33 of Chapter 561 of the 1993 Session Laws, reads as rewritten:

"(a) The State of North Carolina shall lease out to the North Carolina Indian Cultural Center, Inc., for a period of 99 years at a monetary consideration of $1.00 per year all the real property it acquired for the Indian Cultural Center, except that portion containing the Riverside Golf Course, but no part of Phase I of the project may be constructed either by the State or for the lessee until an environmental impact assessment is completed on Phase I of the property, and if required pursuant to Article 1 of Chapter 113A of the General Statutes, an environmental impact statement is prepared. The State shall enter into a lease agreement in accordance with this section not later than December 31, 1993. If the State and the North Carolina Indian Cultural Center, Inc., do not enter into a lease agreement by December 31, 1993, then the property may be used for any public purpose.

Board's fund-raising efforts and report its findings to the General Assembly and the Governor by March 1, 2000.

(e) The North Carolina Indian Cultural Center, Inc., may appoint an advisory board composed of membership of its choosing to advise and assist the Board in its fund-raising efforts and in managing the construction and operation of the North Carolina Indian Cultural Center.

Section 3. Section 1 of this act is effective when it becomes law, but shall expire on January 1, 1998, if the North Carolina Commission of Indian Affairs has not certified by that ~~date~~ that the North Carolina Indian Cultural Center, Inc., has reorganized itself as provided for in subsection (b) of Section 2 of this act and is complying with the remainder of the provisions of that section. The remainder of this act is effective when it becomes law.

SENATE BILL 210

Short Title: Inmates Pay for Misconduct. (Public)

Sponsors: Senators Warren; Albertson, Ballantine, Blust, Cochrane, Conder, Dalton, East, Forrester, Foxx, Garwood, Horton, Hoyle, Jenkins, Kincaid, Lucas, Martin of Pitt, McDaniel, Phillips, Soles, and Weinstein.

Referred to: State Government, Local Government, and Personnel.

February 20, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DEPARTMENT OF CORRECTION MAY DEDUCT FUNDS FROM AN INMATE'S ACCOUNT TO REPAY COSTS RESULTING FROM INMATE MISCONDUCT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 148 of the General Statutes is amended by adding a new section to read:

"§ 148-18.2. Deductions from inmate trust fund accounts.

(a) The Department may make reasonable deductions from funds credited to an inmate's trust fund account in order to repay the costs of:

(1) Replacing public property willfully damaged or destroyed by the inmate during the inmate's incarceration;

(2) Providing medical treatment for injuries inflicted by the inmate upon the inmate or others;

(3) Searching for and apprehending the inmate when the inmate escapes or attempts to escape, or searching for and apprehending another inmate whom the inmate assisted in escaping or attempting to escape; or

(4) Suppressing a riot or other disturbance in which the inmate was an active participant.

(b) Deductions may be made pursuant to this subsection only when the balance in the inmate's account exceeds the amount determined by the Department to establish the inmate as indigent, and the Department may not deduct an amount that would result in an account balance of less than that amount. However, the Department may impose a deduction authorized by subsection (a) of this section by placing a lien on the inmate's trust fund account and by deducting amounts from the account whenever the amount in the account exceeds the indigency level."

Section 2. This act is effective when it becomes law and applies to inmate conduct on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 210

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

s210-arf-01 Page 1 of __

Date_____,1997

Comm. Sub. [Yes]
Amends Title []

Miller

moves to amend the bill on page 1, line 9, by rewriting that line to read:

"(a) If an inmate is found guilty of a disciplinary infraction of the Department of Corrections's rules under G.S. 148-11, the Department may make"

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

s210-pcsrf-01
PROPOSED COMMITTEE SUBSTITUTE
Senate Bill 210
THIS IS A DRAFT 16-APR-97 10:51:07
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Inmates Pay Misconduct. (Public)

Sponsors:

Referred to: State Government, Local Government, and Personnel

February 20, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DEPARTMENT OF CORRECTION MAY DEDUCT FUNDS FROM AN INMATE'S ACCOUNT TO REPAY COSTS RESULTING FROM INMATE MISCONDUCT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 148 of the General Statutes is amended by adding a new section to read:

"§ 148-18.2. Deductions from inmate trust fund accounts.

(a) If an inmate is found culpable of misconduct, the Department may make reasonable deductions from funds credited to an inmate's trust fund account in order to repay the costs of damages and injuries and other expenses resulting from that misconduct including: :

(1) Replacing public property willfully damaged or destroyed by the inmate during the inmate's incarceration;

(2) Providing medical treatment for injuries inflicted by the inmate upon the inmate or others;

(3) Searching for and apprehending the inmate when the inmate escapes or attempts to escape, or searching

for and apprehending another inmate whom the inmate assisted in escaping or attempting to escape; or

(4) Suppressing a riot or other disturbance in which the inmate was an active participant.

(b) The Department may place a lien on the inmate's trust fund account in the amount of the damages assessed under subsection (a) of this section. To satisfy the lien, monthly deductions may be made by the Department from the inmate's trust fund account in an amount not to exceed 20% of the average monthly balance in the account for the preceeding six months. In no event shall a deduction be made that would result in a balance in the inmate's trust fund account below the indigent level."

Section 2. This act is effective when it becomes law and applies to inmate conduct on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 464

Short Title: Winston-Salem/Forsyth Co. Housing Code. (Local)

Sponsors: Senators Horton; and McDaniel.

Referred to: State Government, Local Government, and Personnel.

March 24, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN, BUT WHO CANNOT BE SERVED BY THE PUBLIC OFFICER AFTER EXERCISING REASONABLE DILIGENCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-445(a) reads as rewritten:

"(a) Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Part shall be served upon persons either personally or by registered or certified mail. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, or the identities or whereabouts of the owners or persons are known and the public officer, after exercising reasonable diligence, is unable to serve the complaint or order, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the ~~unknown~~ owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this Part. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected."

Section 2. This act applies only to the City of Winston-Salem and Forsyth County.

Section 3. This act is effective when it becomes law and applies to complaints or orders served on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 474

Short Title: Municipalities' Tree Ordinances. (Local)

Sponsors: Senator Odom.

Referred to: State Government, Local Government, and Personnel.

March 24, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE TO ADOPT ORDINANCES REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THE TOWNS.

The General Assembly of North Carolina enacts:

Section 1. In order to preserve and enhance one of the most valuable natural resources of the community and to protect the health, safety, and welfare of its citizens, a municipality may adopt ordinances to regulate the planting, removal, and preservation of trees on public and private property within the municipality.

Section 2. Prior to adopting an ordinance authorized by Section 1 of this act, a public hearing shall be held before the municipality's governing board. Notice of the hearing shall be given in accordance with G.S. 160A-364.

Section 3. This act shall apply only to the Towns of Cornelius, Davidson, and Huntersville.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 524

Short Title: Conover Housing Code. (Local)

Sponsors: Senator Allran.

Referred to: State Government, Local Government, and Personnel.

March 26, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-445(b) reads as rewritten:

"(b) (1) Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Part shall be served upon persons either personally or by registered or certified mail. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this Part. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

~~(2) This subsection applies only to municipalities that have a population in excess of 300,000 by the last federal census.~~"

Section 2. This act applies only to the Town of Conover.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 524
Proposed Committee Substitute S524-PCS2710

Short Title: Conover Housing Code. (Local)

Sponsors:

Referred to:

March 26, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-445(b) reads as rewritten:

"(b) (1) Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Part shall be served upon persons either personally or by registered or certified mail. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this Part. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

~~(2) This subsection applies only to municipalities that have a population in excess of 300,000 by the last federal census.~~"

Section 2. This act applies only to the Cities of Conover and Sanford.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. _____ DATE 4/16/97

S. B. No. 524 Amendment No. _____

(to be filled in by Principal Clerk)

Rep.)
Sen.) Albertson

moves to amend the bill on page 1, line 23

by rewriting that line to read:

"Section 2. This act applies only to the cities of Conover and Sanford."

SIGNED Walter W. Albertson

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A PRINCIPAL CLERK'S OFFICE (FOR ENROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 531

Short Title: State Phone Systems. (Public)

Sponsors: Senators Albertson; Allran, Ballance, Ballantine, Blust Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Miller, Odom, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Weinstein, Wellons, and Winner.

Referred to: State Government, Local Government, and Personnel.

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE STATE GOVERNMENT AGENCIES TO REDUCE THE NUMBER OF MENUS ON AUTOMATED PHONE SYSTEMS THAT CALLERS MUST GO THROUGH BEFORE CONNECTING TO A PERSON AND TO ALLOW ACCESS TO AN ATTENDANT OR OPERATOR ON THE FIRST MENU.

The General Assembly of North Carolina enacts:

Section 1. The General Assembly finds that:

(1) Some telephone systems operated by State government agencies require callers to proceed through several menus to finally reach an individual extension, an arrangement that can be intimidating to the caller;

(2) Many State telephone systems also make it difficult to reach an attendant or operator at the agency; and

(3) While automated telephone systems and voice mail are intended to improve the efficiency of government, the first duty of government is to serve the people, and efficiency should not impede the average citizen in attempting to contact a State agency for service or information.

Section 2. State agency telephone systems routing calls to multiple extensions shall be reprogrammed by January 1, 1998, to minimize the number of menus that a caller must go through to reach the desired extension, and to allow the caller to reach an attendant or operator from the first menu when calling during normal business hours.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 553
Proposed Committee Substitute S553-PCSA719

Short Title: Paper Ballots in Runoff. (Public)

Sponsors:

Referred to:

March 27, 1997

A BILL TO BE ENTITLED

AN ACT ALLOWING COUNTY BOARDS OF ELECTIONS TO USE PAPER BALLOTS IN SECOND PRIMARY ELECTIONS WHERE VOTING SYSTEMS ARE USED IN THE FIRST PRIMARY ELECTION.

The General Assembly of North Carolina enacts:

Section 1. Article 14 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 164-162.2. Use of paper ballots in a second primary where voting systems are used in the first primary.**

In counties in which voting machines are used in some or all precincts in a primary election, the county board of elections shall have authority to furnish in a second primary election paper ballots of each kind to precincts that used voting machines in the first primary election."

Section 2. This act applies only to Catawba County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 553

Short Title: Paper Ballots in Runoff. (Public)

Sponsors: Senator Allran.

Referred to: State Government, Local Government, and Personnel.

March 27, 1997

A BILL TO BE ENTITLED

AN ACT ALLOWING COUNTY BOARDS OF ELECTIONS TO USE PAPER BALLOTS IN SECOND PRIMARY ELECTIONS WHERE VOTING SYSTEMS ARE USED IN THE FIRST PRIMARY ELECTION.

The General Assembly of North Carolina enacts:

Section 1. Article 14 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 164-162.2. Use of paper ballots in a second primary where voting systems are used in the first primary.**

In counties in which voting machines are used in some or all precincts in a primary election, the county board of elections shall have authority to furnish in a second primary election paper ballots of each kind to precincts that used voting machines in the first primary election."

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. _____ DATE _____

S. B. No. 553 Amendment No. _____

(to be filled in by Principal Clerk)

Rep.)
Sen.) JORDAN

moves to amend the bill on page 1, line 6t 13 & 14

by inserting between the lines a New Section 2 to read:

"Section 2. This act applies only to Catawba County."

and by renumbering the remaining section accordingly.

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 648*

Short Title: Wallace Mayor. (Local)

Sponsors: Senator Albertson.

Referred to: State Government, Local Government, and Personnel.

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF WALLACE.

The General Assembly of North Carolina enacts:

Section 1. Section 2.3 of the Charter of the Town of Wallace, being Chapter 94 of the 1987 Session Laws, reads as rewritten:

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

Section 2. This act applies beginning with the Mayor elected in 1997.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 656*

Short Title: Hillsborough Inspection Contracts. (Local)

Sponsors: Senators Kinnaird and Lee.

Referred to: State Government, Local Government, and Personnel.

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW HILLSBOROUGH TO CONTRACT FOR INSPECTION SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-413 reads as rewritten:

"**§ 160A-413. Joint inspection department; other arrangements.**

A city council may enter into and carry out contracts with another city, county, or combination thereof under which the parties agree to create and support a joint inspection department for the enforcement of State and local laws specified in the agreement. The governing boards of the contracting parties are authorized to make any necessary appropriations for this purpose.

In lieu of a joint inspection department, a city council may designate an inspector from any other city or county to serve as a member of its inspection department with the approval of the governing body of the other city or county, or may contract with an individual who is not a city or county employee but who holds one of the applicable certificates as provided in G.S. 160A-411.1 or ~~G.S. 153A-351.1.~~ G.S. 153A-351.1, or may contract with the employer of an individual who holds one of the applicable certificates for the services of that individual. The inspector, if designated from another city or county under this section, shall, while exercising the duties of the position, be considered a municipal employee. The city shall have the same potential liability, if any, for inspections conducted by an individual who is not an employee of the city as it does for an individual who is an employee of the city. The individual with whom the city contracts shall have errors and omissions and other insurance coverage acceptable to the city.

The city council of any city may request the board of county commissioners of the county in which the city is located to direct one or more county building inspectors to exercise their powers within part or all of the city's jurisdiction, and they shall thereupon be empowered to do so until the city council officially withdraws its request in the manner provided in G.S. 160A-360(g)."

Section 2. This act applies to the Town of Hillsborough only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 664

Short Title: Greenville Abandoned Dwellings. (Local)

Sponsors: Senators Warren; Albertson, Martin of Pitt, and Weinstein.

Referred to: State Government, Local Government, and Personnel.

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 733 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies to the ~~City~~ Cities of Lumberton and Greenville only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 664
Proposed Committee Substitute S664-CSLB-1

Short Title: Greenville Abandoned Dwellings. (Local)

Sponsors:

Referred to: State Government, Local Government, and Personnel.

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWN OF FARMVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 733 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies to the ~~City~~ Cities of Lumberton and Greenville and the Town of Farmville only."

Section 2. Section 1 of Chapter 733 of the 1995 Session Laws, which applied only to the City of Lumberton, reads as rewritten:

"Section 1. G.S. 160A-443(5a) reads as rewritten:

'(5a) If the governing body shall have adopted an ordinance, or the public officer shall have:

a. In a municipality ~~located in counties which have a population in excess of 163,000 by the last federal census,~~ other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and

if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

b. If it is determined that the repair of the dwelling to render it fit for human habitation

cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

~~This subdivision only applies to municipalities located in counties which have a population in excess of 163,000 by the last federal census.~~'"

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 678

Short Title: Knightdale Tree Ordinances. (Local)

Sponsors: Senators Miller; and Reeves.

Referred to: State Government, Local Government, and Personnel.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF KNIGHTDALE TO REGULATE TREES.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 556 of the 1985 Session Laws, as amended by Chapter 921 of the 1987 Session Laws, reads as rewritten:

"Sec. 3. This act applies only to the Cities of Asheville and Raleigh, except that Section 1 also applies to the ~~Town~~ Towns of Pine Knoll ~~Shores.~~ Shores and Knightdale."

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

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March 20, 1997

To: Members of the House State Government Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 517 Indian Cultural Center Fund Raising

House Bill 517:

1. a. Extends the deadline from December 1, 1997 to June 1, 2,001 for the Indian Cultural Center, Inc., a n on-profit corporation, to raise funds or pledges for the Center in order to retain its lease on state owned property;
   b. Reduces the funds or pledges that must be received to $3,000,000; and

2. Requires the Board of the Indian Cultural Center, Inc. to be reorganized as described on page 2, lines 22 through-page 3 line 24;

3. Authorizes commencement of the renovation of the Henry Berry Lowry House as soon as sufficient funds are raised, and upon approval of the Department of Administration;

4. Requires the North Carolina Indian Cultural Center Board to consult with the North Carolina Commission of Indian Affairs on the fund raising and construction process; and

5. Authorizes the North Carolina Indian Cultural Center Board to appoint an advisory to assist in fund-raising and construction.

House Bill 518 becomes effective when it becomes law, but the deadline extension expires if the Board is not reorganized as set out in the bill.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

H 517. INDIAN CULTURAL CTR. FUND-RAISING. *TO EXTEND THE DEADLINE FOR RAISING FUNDS FOR CONSTRUCTION OF THE NORTH CAROLINA INDIAN CULTURAL CENTER PROVIDED THAT THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC., REORGANIZES ITSELF TO FACILITATE THE FUND-RAISING PROCESS.* Amends various session laws to delete the requirement that the cultural center must raise funds totaling $4,160,000 to complete phase I of the project within three years of executing the lease and substitutes a requirement that center raise $3 million by June 1, 2001. Also removes the restriction on beginning construction of phase I until the center has complied with the lease agreement. In order for the leasing and funding arrangements for the center to remain in effect after Dec. 31, 1997, the NC Indian Cultural Center, Inc. is required to reorganize itself into a 13 member board with one member from each of the following NC Indian groups: Coharie; Eastern Band of Cherokees; Haliwa; Lumbee; Meherrin; and Waccamaw-Siouan. The center is authorized to commence renovation of the Henry Berry Lowry House as soon as it has raised sufficient funds and obtained approval of the Dep't of Administration. It is authorized to commence construction of phase I buildings as soon as $2 million has been raised or when Dep't of Administration authorizes commencement of construction. The provisions for leasing and funding expire Jan. 1, 1998, unless the Comm'n on Indian Affairs certifies that the NC Indian Cultural Center, Inc. has reorganized itself as required by the act.
Intro. by Sutton, Yongue, and Bonner.
Ref. to State Gov't GS UNCODIFIED

Daily Bulletin 3/26/97

H 517. INDIAN CULTURAL CTR. FUND-RAISING. Intro. 3/17/97. House committee substitute replaces 1st edition. Increases board of Indian Cultural Ctr. to 15 members, by adding one member representing the business community and one member representing state government.

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April 15,, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 210: Inmates pay misconduct

Senate Bill 210, introduced by Senator Warren, allows the Department of Corrections to deduct from an inmate's trust fund account the reasonable costs of damage to property, personal injuries, search and apprehension in event of escape, and suppression of riots, attributable to an inmate's actions. The inmate must be found guilty of misconduct for the Department to make the deductions.

The Department may place a lien on the inmate's trust fund account in the amount of the costs assessed. The monthly deductions may not exceed 20% of the average monthly balance in the account for the preceding six months. In no event may a deduction be made that reduces the funds in the account below the indigent level.

The act is effective when it becomes law and applies to inmate conduct on or after that date.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

SUMMARY OF SB 210 – INMATES PAY FOR MISCONDUCT

Requiring inmates to pay for services provided by prisons is part of a national trend -- North Carolina and a number of other states now require inmates to co-pay for a general visit to a prison medical office ($3.00 in North Carolina) – this is designed to ensure that inmates that are sick actually get priority use of medical facilities. North Carolina also requires profits from the sale of items in the inmate canteen to pay for part of the cost of inmate recreation and education as well as provide funds to crime victims.

SB 210 takes these requirements to another level -- inmates with the funds to pay should pay for damage to state property and medical costs incurred in riots, escapes, and disturbances. SB 210 is based on recent legislation passed in Georgia, which required inmates to pay for part of cost of health care and pay for escapes and disturbances.. Georgia's law has just been implemented so we do not have any data on the amount of funds generated or administrative problems.

However, SB210 is an improvement on Georgia's legislation. This bill is drawn to ensure it does not punish inmates who were not directly implicated in a riot or disturbance, and it also ensures that inmates do not have all their funds taken away. (Department will determine if an inmate is indigent).

In essence, this bill ensures that inmates pay for misconduct that costs the State money if they have funds available.

3/10/97

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April 7, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 464: Winston-Salem/Forsyth Housing Code.

Senate Bill 464, introduced by Senator Horton, allows complaints issued pursuant to Part 6, Article 19 of Chapter 160A, Minimum Housing Standards, to be served by publication on persons whose identity or whereabouts are known, but the public officer cannot locate them.

The act applies to the City of Winston-Salem and Forsyth County only and is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 7, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 474: Municipalities Tree Ordinances

Senate Bill 474, introduced by Senator Odom, authorizes the listed municipalities to adopt ordinances regulating the planting, removal, and preservation of trees on public and private property. Prior to adopting a tree ordinance, the municipality shall hold a public hearing, notice of which shall be given once a week for two successive weeks in a newspaper of general circulation in the area as required by G.S. 160A-364.

The act applies to the Towns of Cornelius, Davidson, and Huntersville only, andis effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 7, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 524: Conover Housing Code

Senate Bill 524, introduced by Senator Allran, amends G.S. 160A-445, to allow the Town of Conover to serve the complaints and orders for housing code violations by publication when the owners and their whereabouts are known and they refuse to accept service by registered or certified mail. Currently this provision is only available to towns whose population exceeded 300,000 in the last federal census.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 10, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 531: State Phone Systems

Senate Bill 531, introduced by Senator Albertson, would require State agency phone systems to be reprogrammed by January 1998 to allow a person calling during business hours to access an operator from the first menu. The bill also requires State agencies to minimize the number of menus a caller must sort through in order to reach a desired extension.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 15,, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 648: Wallace Mayor

Senate Bill 648, introduced by Senator Albertson, extends the term of the Mayor of Wallace from 2 to 4 years, effective with the 1997 elections.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 16, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 664 - Greenvile Abandoned Dwellings

Senate Bill 664, introduced by Senator Warren, allows the City of Greeneville powers regarding abandoned buildings, currently allowed only to municipalities located in counties with a population in excess of 163,000 persons.

Specifically, if the city has issued an order for a dwelling to be repaired or vacated and if the owner has vacated and closed the dwelling and it has remained vacated and closed for one year, the city can find that the owner abandoned the intent to repair the dwelling and may issue an order requiring the owner to repair or destroy the dwelling within 90 days. This same authority was granted to Lumberton in 1996.

The act is effective upon ratification.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

State & Local Gov 4/16 97

Name of Committee Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
John Gray	NC CWA Political Council
Doris Weaver	NC CWA Political Council
Jon Carr	Jordan Price Wall Gray & Jones

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, APRIL 23, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, April 23, 1997 at 11:00 a.m. in room 414 of the Legislative Office Building. Thirteen members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

SB 410, Buncombe Commissioners Elections, was explained by Senator Ledbetter. Senator Jordan moved that the bill be assigned to a subcommittee for further study. The motion carried.

SB 453, Airport Econ. Develop. Zone Act, was explained by Senator Ballantine. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 501, Roxboro Charter, was explained by Senator Gulley. Senator Ballance moved to amend the bill and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Ballance moved that the committee substitute be given a favorable report. The motion carried unanimously. The bill was referred to Finance. **Unfavorable as to bill, but favorable as to committee substitute bill.**

SB 535, Macon/Consent Before Acquisition, was explained by Senator Carpenter. Senator Shaw moved to amend the bill and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Albertson moved that the committee substitute be given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute bill.**

SB 579, Lenoir Charter, was explained by Senator Kincaid. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 682, Durham Charter, was explained by Senator Gulley. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 739, Durham City Zoning Protests, was explained by Senator Gulley. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 875, Revise Records Laws-2, was explained by Senator Kerr. Senator Miller moved to amend the bill and that the bill be put into a committee substitute. The motion carried unanimously. Senator Jenkins moved that the committee substitute be given a favorable report. The motion carried unanimously. SB 875 was referred to Finance. **Unfavorable as to bill, but favorable as to committee substitute bill.**

SB 987, Interstate Econ. Develop. Permits, was explained by Senator Ballance. Senator Ballance moved to amend the bill and that the bill be put into a committee substitute. The motion carried unanimously. Senator Shaw moved that the committee substitute be given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute bill.**

SB 1074, Haliwa Name Change, was explained by Senator Ballance. Senator Hartsell moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

The meeting adjourned at 12:00 p.m. to reconvene the same day, fifteen minutes after session.

The Senate State Government, Local Government and Personnel Committee reconvened April 23, 1997 at approximately 6:00 p.m. in room 414 of the Legislative Office Building. Seven members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

SB 437, Elkin Private Sale, was explained by Senator East. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 474, Municipalities' Tree Ordinances, was explained by Senator Odom. Senator Reeves moved to amend the bill by adding the towns of Garner, Knightdale and Nags Head and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Reeves moved that the committee substitute be given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute bill.**

SB 672, Mecklenburg Local Bill, was explained by Senator Odom. Senator Dalton moved to amend the bill and that the bill be put into a committee substitute. The motion carried unanimously. Senator Dalton moved that the committee substitute be

given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute bill.**

SB 683, Durham City Manager Powers, was explained by Senator Lucas. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 684, Durham/City Development Review Board, was explained by Senator Lucas. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 710, Leland/Belville Annex. Restriction, was explained by Senator Soles. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 711, Leland Annexation, was explained by Senator Soles. Senator Soles moved a favorable report of the bill. The motion carried unanimously. SB 711 was referred to Finance. **Favorable report.**

SB 723, Stoneville Four-Year Terms, was explained by Senator Foxx. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 726, Establish Swift Creek Joint Zoning, was explained by Senator Reeves. Senator Blust moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Blust moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 811, Southeastern Regional Comm'n Staff, was explained by Senator Soles. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 891, Local Government Contracting, was explained by Senator Dalton. Senator Dalton moved to adopt an amendment and that the bill be given a favorable report. The motion carried unanimously. **Favorable, as amended.**

SB 910, Change Limitations for Official Bonds, was explained by Senator Dalton. Senator Dalton moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 1030, Public Contract Disputes, was explained by Senator Miller. Senator Miller moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Miller moved to give the Proposed Committee Substitute a favorable report. **Unfavorable as to bill, but favorable as to committee substitute.**

Senator Brad Miller, Chair

Cornelia McMillan, Clerk

VISITOR REGISTRATION SHEET

SENATE COMMITTEE ON CHILDREN AND HUMAN ~~RESOURSES~~

Name of Committee | Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Bernard Allen	Lacy J State

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Wednesday, April 23, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. 453 Airport Econ. Develop. Zone Act.
Sequential Referral: None
Recommended Referral: None

S.B. 682 Durham Charter.
Sequential Referral: None
Recommended Referral: None

S.B. 739 Durham City Zoning Protests.
Sequential Referral: None
Recommended Referral: None

S.B. 1074 Haliwa Name Change.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 4

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Wednesday, April 23, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 579 Lenoir Charter.

Draft Number:	PCS1707
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Thursday, April 24, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. 437 Elkin Private Sale.
Sequential Referral: None
Recommended Referral: None

S.B. 683 Durham City Manager Powers.
Sequential Referral: None
Recommended Referral: None

S.B. 684 Durham/City Development Review Bd.
Sequential Referral: None
Recommended Referral: None

S.B. 710 Leland/Belville Annexation Restrictions.
Sequential Referral: None
Recommended Referral: None

S.B. 711 Leland Annexation.
Sequential Referral: Finance
Recommended Referral: None

S.B. 723 Stoneville Four-Year Terms.
Sequential Referral: None
Recommended Referral: None

S.B. 811 Southeastern Regional Commission Staff.
Sequential Referral: None
Recommended Referral: None

S.B. 910 Change Limitations for Official Bonds.
Sequential Referral: None
Recommended Referral: None

FAVORABLE, AS AMENDED

S.B. **1030** Public Contract Disputes.

Draft Number:	PCS1786
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 16

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Monday, April 28, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 726 Establish Swift Creek Joint Zoning.

Draft Number:	PCSA742
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, APRIL 23, 1997

ROOM 414

Bills

SB 579, Lenoir Charter	Senator Kincaid
SB 437, Elkin Private Sale	Senator East
SB 723, Stoneville Four-Year Terms	Senator Foxx
SB 453, Airport Econ. Develop. Zone Act	Senator Ballantine
SB 535, Macon/Consent Before Acquisition	Senator Carpenter
SB 555, Laurinburg Construction	Senator Condor
SB 840, Revise Records Laws-1	Senator Kerr
SB 875, Revise Records Laws-2	Senator Kerr
SB 987, Interstate Econ. Develop. Permits	Senator Ballance
SB 1074, Haliwa Name Change	Senator Ballance
SB 410, Buncombe Commissioners Elections	Senator Ledbetter
SB 552, McDowell Road Hunting	Senator Ledbetter
SB 501, Roxboro Charter	Senator Gulley
SB 682, Durham Charter - 2	Senator Gulley
SB 739, Durham City Zoning Protests	Senator Gulley
SB 710, Leland/Belville Annex. Restriction	Senator Soles
SB 711, Leland Annexation	Senator Soles
SB 811, Southeastern Regional Comm'n Staff	Senator Soles

SB 474, Municipalities Tree Ordinances	Senator Odom
SB 672, Mecklenburg Local Bill	Senator Odom
SB 683, Durham City Manager Powers	Senator Lucas
SB 684, Durham/City Development Review Bd.	Senator Lucas
SB 891, Local Government Contracting	Senator Dalton
SB 910, Change Limitations for Official Bonds	Senator Dalton
SB 936, Veterans Reemployment Priority	Senator Warren
SB 678, Knightdale Tree Ordinances	Senator Miller
SB 726, Establish Swift Creek Joint Zoning	Senator Miller
SB 1030, Public Contract Disputes	Senator Miller

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 410

Short Title: Buncombe Commissioners Elections. (Local)

Sponsors: Senators Ledbetter; Carpenter and Clark.

Referred to: State Government, Local Government, and Personnel.

March 18, 1997

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE ELECTION METHOD FOR THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. (a) Effective the first Monday in December of 2000, the Board of Commissioners of Buncombe County consists of nine members.

(b) The chairman of the board of commissioners shall be nominated and elected by the qualified voters of the county in 2000 and quadrennially thereafter for a four-year term.

(c) One resident of each district shall be nominated and elected by the qualified voters of each district to the board of commissioners. The districts are as established by subsection (d) of this section. In 2000, the persons elected to the board of commissioners who receive the four highest percentages of the vote in their district are elected to four-year terms, and their successors shall be elected in 2004 and quadrennially thereafter for four-year terms. The persons elected to the board of commissioners from the other four districts are elected to two-year terms, and their successors shall be elected in 2002 and quadrennially thereafter for four-year terms.

(d) The electoral districts are as follows:

District 1: Buncombe County: Woodfin *, Flat Creek *, French Broad *, Ivy #1 *, Ivy #2 *, Reems Creek *, Weaverville #1 *, Weaverville #2 *.

District 2: Buncombe County: Asheville #14 *, Hazel #1 *, Hazel #2 *, Leicester *, West Buncombe *, Sandy Mush *.

District 3: Buncombe County: Lower Hominy #1 *, Lower Hominy #2 *, Lower Hominy #3 *, Upper Hominy #1 *, Upper Hominy #2 *.

District 4: Buncombe County: Asheville #8 *, Asheville #18 *, Asheville #19 *, Biltmore *, Averys Creek *, Limestone #1 *, Limestone #2 *.

District 5: Buncombe County: Asheville #6 *, Asheville #9 *, Reynolds *, Broad River *, Fairview *.

District 6: Buncombe County: Black Mountain #1 *, Black Mountain #2 *, Black Mountain #3 *, Black Mountain #4 *, Riceville *, Swannanoa #1 *, Swannanoa #2 *.

District 7: Buncombe County: Asheville #1 *, Asheville #2 *, Asheville #10 *, Asheville #11 *, Asheville #12 *, Asheville #13 *, Asheville #15 *, Asheville #16 *.

District 8: Buncombe County: Asheville #3 *, Asheville #4 *, Asheville #5 *, Asheville #7 *, Asheville #17 *, Asheville #20 *, Asheville #21 *, Beaverdam *, Haw Creek *.

(e) The names and boundaries of precincts (voting tabulation districts) specified in this section are as they were legally defined and recognized in the 1990 U.S. Census. Boundaries are as shown on the IVTD Version of the United States Bureau of the Census 1990 TIGER Files.

Section 2. To the extent that this act conflicts with Chapter 936 of the 1963 Session Laws and Chapter 129 of the 1983 Session Laws, this act prevails to the extent of the conflict.

Section 3. This act does not affect the terms of office of those persons elected in 1996.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 410
Proposed Committee Substitute S410-PCS6592

Short Title: Buncombe Commissioners Elections. (Local)

Sponsors:

Referred to:

March 18, 1997

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE ELECTION METHOD FOR THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. (a) Effective the first Monday in December of 2000, the Board of Commissioners of Buncombe County consists of nine members.

(b) The chairman of the board of commissioners shall be nominated and elected by the qualified voters of the county in 2000 and quadrennially thereafter for a four-year term.

(c) One resident of each district shall be nominated and elected by the qualified voters of each district to the board of commissioners. The districts are as established by subsection (d) of this section. In 2000, the persons elected to the board of commissioners who receive the four highest percentages of the vote in their district are elected to four-year terms, and their successors shall be elected in 2004 and quadrennially thereafter for four-year terms. The persons elected to the board of commissioners from the other four districts are elected to two-year terms, and their successors shall be elected in 2002 and quadrennially thereafter for four-year terms.

(d) The electoral districts are as follows:

District 1: Buncombe County: Woodfin *, Flat Creek *, French Broad *, Ivy #1 *, Ivy #2 *, Reems Creek *, Weaverville #1 *, Weaverville #2 *.

District 2: Buncombe County: Asheville #14 *, Hazel #1 *, Hazel #2 *, Leicester *, West Buncombe *, Sandy Mush *.

District 3: Buncombe County: Lower Hominy #1 *, Lower Hominy #2 *, Lower Hominy #3 *, Upper Hominy #1 *, Upper Hominy #2 *.

District 4: Buncombe County: Asheville #8 *, Asheville #18 *, Asheville #19 *, Biltmore *, Averys Creek *, Limestone #1 *, Limestone #2 *.

District 5: Buncombe County: Asheville #6 *, Asheville #9 *, Reynolds *, Broad River *, Fairview *.

District 6: Buncombe County: Black Mountain #1 *, Black Mountain #2 *, Black Mountain #3 *, Black Mountain #4 *, Riceville *, Swannanoa #1 *, Swannanoa #2 *.

District 7: Buncombe County: Asheville #1 *, Asheville #2 *, Asheville #10 *, Asheville #11 *, Asheville #12 *, Asheville #13 *, Asheville #15 *, Asheville #16 *.

District 8: Buncombe County: Asheville #3 *, Asheville #4 *, Asheville #5 *, Asheville #7 *, Asheville #17 *, Asheville #20 *, Asheville #21 *, Beaverdam *, Haw Creek *.

(e) The names and boundaries of precincts (voting tabulation districts) specified in this section are as they were legally defined and recognized in the 1990 U.S. Census. Boundaries are as shown on the IVTD Version of the United States Bureau of the Census 1990 TIGER Files.

Section 2. To the extent that this act conflicts with Chapter 936 of the 1963 Session Laws and Chapter 129 of the 1983 Session Laws, this act prevails to the extent of the conflict.

Section 3. This act does not affect the terms of office of those persons elected in 1996.

Section 4. Sections 1 through 3 of this act are effective only if approved by the qualified voters of Buncombe County in a referendum to be held on Tuesday after the first Monday in November of 1998. The referendum shall be conducted by the Buncombe County Board of Elections.

The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

changing the manner of election of the Board of Commissioners of Buncombe County so it consists of eight members elected from districts for staggered four-year terms, and a chairman elected at-large for a four-year term."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 437*

Short Title: Elkin Private Sale. (Local)

Sponsors: Senators East; and Foxx.

Referred to: State Government, Local Government, and Personnel.

March 20, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Town of Elkin may convey to the Elkin-Jonesville Chamber of Commerce (also known as the Elkin-Jonesville-Arlington Chamber of Commerce) by private sale, with or without monetary consideration, any or all of its right, title, and interest in the following described property:

Located at 116 East Market Street, Elkin, North Carolina.

Beginning at an iron stake on the corner of Market Street and Court Place and running South with Court Place 90 feet to an alley, thence with said alley West, 50 feet to E.F. McNeers corner, thence with E.F. McNeers line 90 feet North to Market Street, thence with Market Street 50 feet to the beginning, continuing 4,500 square feet more or less.

For a more specific description of this property see Elkin Land Co. map recorded in Book 29 page 600 Surry County Registry.

Said map is now recorded in Plat Book 1 at 204 of the Surry County Registry.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 474
Proposed Committee Substitute S474-PCS7770

Short Title: Municipalities' Tree Ordinances. (Local)

Sponsors:

Referred to:

March 24, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWNS OF CORNELIUS, DAVIDSON, GARNER, HUNTERSVILLE, KNIGHTDALE, AND NAGS HEAD TO ADOPT ORDINANCES REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THE TOWNS.

The General Assembly of North Carolina enacts:

Section 1. In order to preserve and enhance one of the most valuable natural resources of the community and to protect the health, safety, and welfare of its citizens, a municipality may adopt ordinances to regulate the planting, removal, and preservation of trees on public and private property within the municipality.

Section 2. Prior to adopting an ordinance authorized by Section 1 of this act, a public hearing shall be held before the municipality's governing board. Notice of the hearing shall be given in accordance with G.S. 160A-364.

Section 3. This act shall apply only to the Towns of Cornelius, Davidson, Garner, Huntersville, Knightdale, and Nags Head.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 501

Short Title: Roxboro Charter. (Local)

Sponsors: Senators Gulley, Lucas, and Webster.

Referred to: State Government, Local Government, and Personnel.

March 25, 1997

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF ROXBORO.

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

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

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

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

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

"ARTICLE II. GOVERNING BODY.

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

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

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

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

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

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

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

"ARTICLE III. ELECTIONS.

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

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

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

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

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

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

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

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

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

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

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

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

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

"ARTICLE V. STREETS.

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

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

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

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

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

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

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

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

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

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

"ARTICLE VI. SIDEWALKS.

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

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

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

"ARTICLE VII. WATER AND SEWER.

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

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

"ARTICLE VIII. TAXATION.

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

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

"ARTICLE IX. CITY LAKE REGULATION.

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

"ARTICLE X. CLAIMS AGAINST THE CITY.

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

"ARTICLE XI. PROPERTY DISPOSITION.

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

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

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

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

Chapter 253, Private Laws of 1854-55
Chapter 268, Private Laws of 1854-55
Chapter 109, Private Laws of 1879
Chapter 92, Private Laws of 1881
Chapter 168, Private Laws of 1887
Chapter 71, Private Laws of 1899
Chapter 134, Private Laws of 1901
Chapter 303, Private Laws of 1903
Chapter 762, Public Laws of 1905
Chapter 142, Private Laws of 1907
Chapter 909, Public Laws of 1907
Chapter 244, Private Laws of 1913
Chapter 137, Private Laws of 1915
Chapter 125, Private Laws, Extra Session of 1921
Chapter 175, Private Laws of 1925
Chapter 84, Private Laws of 1927
Chapter 211, Public-Local Laws of 1941
Chapter 288, Session Laws of 1943, except for Section 3
Chapter 12, Session Laws of 1953
Chapter 502, Session Laws of 1955
Chapter 510, Session Laws of 1955
Chapter 42, Session Laws of 1957
Chapter 425, Session Laws of 1961
Chapter 619, Session Laws of 1963
Chapter 643, Session Laws of 1965, except for Section 5
Chapter 978, Session Laws of 1965.

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

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 501
Proposed Committee Substitute S501-PCS1783

Short Title: Roxboro Charter. (Local)

Sponsors:

Referred to:

March 25, 1997

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF ROXBORO.

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

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

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

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

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

"ARTICLE II. GOVERNING BODY.

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

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

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

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

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

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

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

"ARTICLE III. ELECTIONS.

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

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

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

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

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

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

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

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

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

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

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

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

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

"ARTICLE V. STREETS.

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

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

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

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

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

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

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

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

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

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

"ARTICLE VI. SIDEWALKS.

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

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

"ARTICLE VII. WATER AND SEWER.

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

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

"ARTICLE VIII. TAXATION.

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

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

"ARTICLE IX. CITY LAKE REGULATION.

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

"ARTICLE X. CLAIMS AGAINST THE CITY.

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

"ARTICLE XI. PROPERTY DISPOSITION.

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

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

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

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

Chapter 253, Private Laws of 1854-55
Chapter 268, Private Laws of 1854-55
Chapter 109, Private Laws of 1879
Chapter 92, Private Laws of 1881
Chapter 168, Private Laws of 1887
Chapter 71, Private Laws of 1899
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Chapter 762, Public Laws of 1905
Chapter 142, Private Laws of 1907
Chapter 909, Public Laws of 1907
Chapter 244, Private Laws of 1913
Chapter 137, Private Laws of 1915
Chapter 125, Private Laws, Extra Session of 1921
Chapter 175, Private Laws of 1925
Chapter 84, Private Laws of 1927
Chapter 211, Public-Local Laws of 1941
Chapter 288, Session Laws of 1943, except for Section 3
Chapter 12, Session Laws of 1953
Chapter 502, Session Laws of 1955
Chapter 510, Session Laws of 1955
Chapter 42, Session Laws of 1957
Chapter 425, Session Laws of 1961
Chapter 619, Session Laws of 1963
Chapter 643, Session Laws of 1965, except for Section 5
Chapter 978, Session Laws of 1965.

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

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 535

Short Title: Macon/Consent Before Acquisition. (Local)

Sponsors: Senator Carpenter.

Referred to: State Government, Local Government, and Personnel.

March 27, 1997

A BILL TO BE ENTITLED

AN ACT REQUIRING THE CONSENT OF MACON COUNTY BEFORE LAND IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-15(c) reads as rewritten:

"(c) This section applies to Alleghany, Anson, Ashe, Bertie, Bladen, Brunswick, Burke, Buncombe, Caldwell, Caswell, Catawba, Cleveland, Columbus, Cumberland, Davidson, Davie, Duplin, Durham, Forsyth, Franklin, Gaston, Graham, Granville, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Lee, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Montgomery, New Hanover, Onslow, Pender, Person, Robeson, Rockingham, Rowan, Sampson, Scotland, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, and Wilkes counties only. This section does not apply as to any:

(1) Condemnation; or

(2) Acquisition of real property or an interest in real property

by a city where the property to be condemned or acquired is within the corporate limits of that city."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 535

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

S535-ALK-1 Page 1 of __

Date_____,1997

Comm. Sub. [ ]
Amends Title [YES]

Senator Carpenter

moves to amend the bill on page 1, line 2,
by rewriting that line to read:
"AN ACT REQUIRING THE CONSENT OF CHEROKEE, CLAY, GUILFORD, MACON,
AND POLK COUNTIES BEFORE LAND";
and further moves to amend the bill on page 1, line 8,
by rewriting that line to read:
"Burke, Buncombe, Caldwell, Caswell, Catawba, Cherokee, Clay,
Cleveland, Columbus, Cumberland,";
and further moves to amend the bill on page 1, line 9,
by rewriting that line to read:
"Davidson, Davie, Duplin, Durham, Forsyth, Franklin, Gaston, Graham,
Granville, Guilford,";
and further moves to amend the bill on page 1, line 12,
by rewriting that line to read:
"Onslow, Pender, Person, Polk, Robeson, Rockingham, Rowan, Sampson,
Scotland, Stokes,".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 535
Proposed Committee Substitute S535-PCS8684

Short Title: Macon/Consent Before Acquisition. (Local)

Sponsors:

Referred to:

March 27, 1997

A BILL TO BE ENTITLED

AN ACT REQUIRING THE CONSENT OF CHEROKEE, CLAY, GUILFORD, MACON, AND POLK COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-15(c) reads as rewritten:

"(c) This section applies to Alleghany, Anson, Ashe, Bertie, Bladen, Brunswick, Burke, Buncombe, Caldwell, Caswell, Catawba, Cherokee, Clay, Cleveland, Columbus, Cumberland, Davidson, Davie, Duplin, Durham, Forsyth, Franklin, Gaston, Graham, Granville, Guilford, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Lee, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Montgomery, New Hanover, Onslow, Pender, Person, Polk, Robeson, Rockingham, Rowan, Sampson, Scotland, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, and Wilkes counties only. This section does not apply as to any:

(1) Condemnation; or

(2) Acquisition of real property or an interest in real property

by a city where the property to be condemned or acquired is within the corporate limits of that city."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 2

SENATE BILL 552
Corrected Copy 3/27/97

Short Title: McDowell Road Hunting. (Local)

Sponsors: Senator Ledbetter (By Request).

Referred to: State Government, Local Government and Personnel.

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY IN HUNTING BIG GAME.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to discharge a firearm from the right-of-way of a State-numbered road for the purpose of taking big game animals.

Section 2. Violation of this act is a Class 3 misdemeanor.

Section 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Section 4. This act applies only to McDowell County.

Section 5. This act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 555

Short Title: Laurinburg Construction. (Local)

Sponsors: Senators Conder and Plyler.

Referred to: State Government, Local Government, and Personnel.

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE COST LIMIT ON CONSTRUCTION WORK UNDERTAKEN BY THE CITY OF LAURINBURG USING FORCE ACCOUNT QUALIFIED LABOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-135 reads as rewritten:

"**§ 143-135. Limitation of application of Article.**

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty five thousand dollars ($125,000)~~ two hundred fifty thousand dollars ($250,000) or the total cost of labor on the project does not exceed fifty thousand dollars ($50,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for the inspection by the

general public. Construction or repair work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

Section 2. This act applies only to the City of Laurinburg.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 579

Short Title: Lenoir Charter. (Local)

Sponsors: Senator Kincaid.

Referred to: State Government, Local Government, and Personnel.

April 1, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LENOIR TO ALLOW SALARY INCREASES FOR THE CITY COUNCIL AND THE MAYOR AND TO ALLOW THE MAYOR TO BE ELECTED FOR A TERM OF FOUR YEARS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Section 2.9 of the Charter of the City of Lenoir, being Chapter 118 of the 1977 Session Laws, the city council may increase the salaries of the mayor and the council members by ordinance adopted no less than 30 days after the 1997 municipal elections are held. The increase may go into effect immediately. Unless authorized by the General Assembly, any additional increases in the mayor's or council members' salary shall be in accordance with Section 2.9 of the Charter.

Section 2. Section 3.2 of the Charter of the City of Lenoir, being Chapter 118 of the 1977 Session Laws, reads as rewritten:

"Sec. 3.2. Election of the mayor. At the regular municipal election in ~~1977,~~ 1997, and ~~biennially~~ quadrennially thereafter, there shall be elected a mayor to serve a term of ~~two~~ four years. The mayor shall be elected by all the voters of the city voting at large."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 579
Proposed Committee Substitute S579-PCS1707

Short Title: Lenoir Charter. (Local)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF LENOIR TO ALLOW SALARY INCREASES FOR THE CITY COUNCIL AND THE MAYOR AND TO ALLOW THE MAYOR TO BE ELECTED FOR A TERM OF FOUR YEARS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Section 2.9 of the Charter of the City of Lenoir, being Chapter 118 of the 1977 Session Laws, the city council may increase the salaries of the mayor and the council members by ordinance adopted no less than 30 days after the 1997 municipal elections are held. The increase may go into effect immediately. Any subsequent changes to the salary of the mayor and members of the council shall be made in accordance with G.S. 160A-64, except that they may become effective only at the organizational meeting following a regular municipal election.

Section 2. Effective with the 1999 municipal election, Section 3.2 of the Charter of the City of Lenoir, being Chapter 118 of the 1977 Session Laws, reads as rewritten:

"Sec. 3.2. Election of the mayor. At the regular municipal election in ~~1977,~~ 1999, and ~~biennially~~ quadrennially thereafter, there shall be elected a mayor to serve a term of ~~two~~ four years. The mayor shall be elected by all the voters of the city voting at large."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 672

Short Title: Mecklenburg Local Bill. (Local)

Sponsors: Senator Odom.

Referred to: Rules and Operations of the Senate.

April 2, 1997

A BILL TO BE ENTITLED

AN ACT REGARDING MECKLENBURG COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN.

The General Assembly of North Carolina enacts:

Section 1. This act applies only to Mecklenburg County and incorporated municipalities located therein including the municipalities of Charlotte, Davidson, Cornelius, Huntersville, Matthews, Mint Hill, and Pineville.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 672
Proposed Committee Substitute S672-PCS2720

Short Title: Charlotte Private Sale. (Local)

Sponsors:

Referred to:

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes, the City of Charlotte may convey to any person, partnership, or corporation by private sale, for the consideration and subject to any conditions, covenants, and restrictions that the Charlotte City Council deems appropriate, any or all of its right, title, and interest, including the grant of an option to purchase, in the following described property:

"The Coliseum" Tract (Tax Code 143-131-03)

Coliseum Tract III (Tax Codes 143-132-01 "A" and 143-132-02 "A")

Coliseum Tract IV (Tax Codes 143-051-03 and 143-051-01)

"Baseball Stadium" Tract (Tax Code 143-141-08)

Any other property currently under the control, management, and operation of the Charlotte Auditorium-Coliseum Convention Center Authority.

Section 2. In order to exercise the powers granted by Section 1 of this act, the City of Charlotte shall:

(1) Obtain an appraisal of the property proposed to be sold, showing its fair market value, such appraisal to be a public record; and

(2) Publicly advertise for Requests for Proposals.

(3) In addition to the amount proposed to be paid, the City shall consider the following factors in evaluating any proposal:

a. The proposed long-term commitment to the use of the land and facility;
b. The frequency and permanency of the use of the facility;
c. The economic benefit to the city, county, and State; and
d. The payment of all outstanding debt on the Coliseum.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 678

Short Title: Knightdale Tree Ordinances. (Local)

Sponsors: Senators Miller; and Reeves.

Referred to: State Government, Local Government, and Personnel.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF KNIGHTDALE TO REGULATE TREES.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 556 of the 1985 Session Laws, as amended by Chapter 921 of the 1987 Session Laws, reads as rewritten:

"Sec. 3. This act applies only to the Cities of Asheville and Raleigh, except that Section 1 also applies to the ~~Town~~ Towns of Pine Knoll ~~Shores.~~ Shores and Knightdale."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 682

Short Title: Durham Charter. (Local)

Sponsors: Senators Gulley and Lucas.

Referred to: State Government, Local Government, and Personnel.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM TO REQUIRE THAT CHALLENGES TO VOLUNTARY ANNEXATIONS BY THE CITY BE FILED WITHIN THIRTY DAYS AFTER THE ADOPTION OF THE ANNEXATION ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is amended by adding a new section to read:

"Sec. 2.6. Petition Annexation Appeals. Any judicial action contesting the validity of an annexation by the City pursuant to Part 1 or 4 of Article 4A of Chapter 160A of the General Statutes shall be filed within 30 days after the adoption of the annexation ordinance."

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

SENATE BILL 684

Short Title: Durham/City Development Review Bd. (Local)

Sponsors: Senators Lucas and Gulley.

Referred to: State Government, Local Government, and Personnel.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT AMENDING THE DURHAM CITY CHARTER TO RENAME THE SUBDIVISION REVIEW BOARD AND INCREASING THE NUMBER OF PERSONS WHO MAY SERVE ON THAT BOARD.

The General Assembly of North Carolina enacts:

Section 1. Subsection (3) of Section 97 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, reads as rewritten:

"(3) The City Council may provide for the appointment of a board to be known as a ~~Subdivision Review Board consisting of not less than four nor more than six members~~ Development Review Board consisting of four or more members who shall serve without pay as such members, each of whom shall be appointed by the Council for a term of years or for a term at the will of the Council, as may be determined by the Council; in the event the Council appoints such Board for a term of years, the term of the office of each member shall be three years. ~~Such Subdivision~~ The Development Review Board shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of any ordinance adopted pursuant to this section. It shall also hear and decide all matters referred to in or upon which it is required to pass under any such ordinance. The affirmative vote of a majority of members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or to effect any variation in any of the provisions of such ordinance. Every decision of such Board shall, however, be subject to review by proceedings in the nature of certiorari. Such appeal may be

taken by any person aggrieved or by an officer, department, board or bureau of the City. Such appeal shall be taken within such time as shall be prescribed by the ~~Subdivision~~ Development Review Board by general rule, by filing with the officer from whom the appeal is taken and with the ~~Subdivision~~ Development Review Board a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal from the administrative official to the ~~Subdivision~~ Development Review Board stays all proceedings in furtherance of the action appealed from until the decision of the ~~Subdivision~~ Development Review Board is rendered, at which time the stay of proceedings shall cease, unless the proceedings shall be further stayed by a restraining order granted by a court of record or by the ~~Subdivision~~ Development Review Board. The ~~Subdivision~~ Development Review Board shall fix a reasonable time for the hearing of the appeal from the administrative official and shall give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The ~~Subdivision~~ Development Review Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, action or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all of the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinances, the ~~Subdivision~~ Development Review Board shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of such ordinances relating to subdivisions, plats, maps and all other requirements of the ordinance, in harmony with the general purpose and intent of this section, so that the spirit of the ordinance may be observed, public safety, convenience and welfare secured and substantial justice done."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 710

Short Title: Leland/Belville Annexation Restrictions. (Local)

Sponsors: Senator Soles.

Referred to: State Government, Local Government and Personnel.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO RESTRICT ANNEXATIONS BY THE TOWNS OF LELAND AND BELVILLE AND TO ALLOW THE TOWN OF BELVILLE TO EXERCISE ITS EXTRATERRITORIAL PLANNING JURISDICTION WITHIN A CERTAIN DESCRIBED AREA.

The General Assembly of North Carolina enacts:

Section 1. The Town of Leland may extend its corporate limits under Article 4A of Chapter 160A of the General Statutes only in the area bounded by Sturgeon Creek, U.S. Highway 17, and the Seaboard Railroad.

Section 2. Prior to July 1, 2007, the Towns of Leland and Belville may not annex the following described area:

Section 3. The Town of Belville may exercise its extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes within the area described in Section 2.

Section 4. If, prior to the effective date of this act, the area described in Section 2 or any part thereof has been annexed by either the Town of Leland or the Town of Belville, the area annexed shall be removed from the corporate limits of the town.

Section 5. This act does not grant any right of annexation beyond that provided by Article 4A of Chapter 160A of the General Statutes, and that Article shall continue to govern the Town of Leland except as modified by this act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 711*

Short Title: Leland Annexation. (Local)

Sponsors: Senator Soles.

Referred to: State Government, Local Government, and Personnel.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND.

The General Assembly of North Carolina enacts:

Section 1. The corporate limits of the Town of Leland are extended to include the following described tract of land:

Being a tract of land located in Town Creek Township, Brunswick County, North Carolina, and being more fully described as follows:

Beginning at a Right-of-Way Monument, in the northern Right-of-Way of US 17, said monument being located on the south side of a gate leading into the property, as shown on a map titled "THE GREGORY POOLE TRACT", prepared by Stuart Gooden, R.L.S., and dated May 31, 1994; thence with said Right-of-Way South 54 degrees 56 minutes 00 seconds West, a distance of 1111.44 feet; thence leaving said Right-of-Way North 45 degrees 36 minutes 40 seconds West, a distance of 272.41 feet; thence North 45 degrees 36 minutes 08 seconds West, a distance of 2493.87 feet; thence North 45 degrees 35 minutes 59 seconds West, a distance of 1124.67 feet; thence North 48 degrees 44 minutes 35 seconds West, a distance of 1849.91 feet; thence South 78 degrees 10 minutes 46 seconds West, a distance of 793.76 feet; thence North 66 degrees 50 minutes 57 seconds West, a distance of 1282.45 feet to a point in SR 1438 (Lanvale Road); thence North 11 degrees 09 minutes 18 seconds West, a distance of 344.20 feet to a point in the centerline of

Lanvale Road thence with said centerline North 07 degrees 08 minutes 13 seconds West, a distance of 690.45 feet; thence North 06 degrees 46 minutes 34 seconds West, a distance of 441.28 feet; thence North 09 degrees 45 minutes 03 seconds West, a distance of 128.86 feet; thence North 14 degrees 28 minutes 52 seconds West, a distance of 124.97 feet; thence North 19 degrees 35 minutes 26 seconds West, a distance of 150.19 feet; thence North 26 degrees 13 minutes 01 seconds West, a distance of 150.04 feet; thence North 32 degrees 26 minutes 42 seconds West, a distance of 178.45 feet; thence North 36 degrees 09 minutes 42 seconds West, a distance of 237.57 feet; thence North 36 degrees 09 minutes 33 seconds West, a distance of 187.40 feet; thence North 36 degrees 08 minutes 44 seconds West, a distance of 246.56 feet; thence North 36 degrees 09 minutes 33 seconds West, a distance of 198.67 feet; thence North 35 degrees 57 minutes 10 seconds West, a distance of 188.63 feet; thence North 35 degrees 22 minutes 08 seconds West, a distance of 52.73 feet; thence North 30 degrees 54 minutes 08 seconds West, a distance of 193.58 feet; thence North 24 degrees 37 minutes 51 seconds West, a distance of 239.60 feet; thence leaving said centerline and with Sturgeon Branch North 72 degrees 40 minutes 07 seconds East, a distance of 30.21 feet; thence North 72 degrees 59 minutes 08 seconds East, a distance of 150.37 feet; thence North 15 degrees 10 minutes 23 seconds East, a distance of 242.76 feet; thence North 84 degrees 23 minutes 02 seconds East, a distance of 141.02 feet; thence North 55 degrees 24 minutes 41 seconds East, a distance of 313.03 feet; thence North 40 degrees 17 minutes 58 seconds East, a distance of 94.28 feet; thence North 03 degrees 42 minutes 18 seconds West, a distance of 48.90 feet; thence North 89 degrees 55 minutes 04 seconds East, a distance of 138.95 feet; thence North 63 degrees 52 minutes 03 seconds East, a distance of 108.98 feet; thence North 41 degrees 05 minutes 41 seconds East, a distance of 227.03 feet; thence North 36 degrees 48 minutes 37 seconds East, a distance of 204.72 feet; thence North 48 degrees 24 minutes 27 seconds East, a distance of 120.97 feet to a point in the run of Rice Branch thence with said branch South 51 degrees 13 minutes 24 seconds East, a distance of 35.93 feet; thence South 89 degrees 20 minutes 59 seconds East, a distance of 106.00 feet; thence North 88 degrees 41 minutes 14 seconds East, a distance of 231.37 feet; thence South 63 degrees 01 minutes 01 seconds East, a distance of 72.07 feet; thence South 30 degrees 31 minutes 05 seconds East, a distance of 88.34 feet; thence North 55 degrees 02 minutes 25 seconds East, a distance of 68.06 feet; thence South 83 degrees 07 minutes 08 seconds East, a distance of 75.12 feet; thence South 53 degrees 08 minutes 14 seconds East, a distance of 49.51 feet; thence South 37 degrees 05 minutes 03 seconds East, a distance of 77.72 feet; thence North 46 degrees 14 minutes 12 seconds East, a distance of 56.82 feet; thence South 50 degrees 58 minutes 00 seconds East, a distance of 39.22 feet; thence South 06 degrees 18 minutes 38 seconds West, a distance of 73.24 feet; thence South 17 degrees 06 minutes 48 seconds East, a distance of 38.30 feet; thence South 63 degrees 48 minutes 32 seconds East, a distance of 58.91 feet; thence North 45 degrees 05 minutes 05 seconds East, a distance of 170.10 feet; thence South 25 degrees 36 minutes 41

seconds East, a distance of 133.07 feet; thence South 08 degrees 55 minutes 12 seconds West, a distance of 56.18 feet; thence North 73 degrees 37 minutes 44 seconds East, a distance of 70.25 feet; thence South 09 degrees 39 minutes 11 seconds East, a distance of 54.37 feet; thence North 77 degrees 45 minutes 53 seconds East, a distance of 54.74 feet; thence South 65 degrees 56 minutes 51 seconds East, a distance of 118.51 feet; thence North 51 degrees 52 minutes 28 seconds East, a distance of 113.22 feet; thence South 85 degrees 54 minutes 21 seconds East, a distance of 72.82 feet; thence North 35 degrees 31 minutes 42 seconds East, a distance of 74.71 feet; thence South 80 degrees 09 minutes 57 seconds East, a distance of 94.27 feet; thence North 67 degrees 59 minutes 19 seconds East, a distance of 103.53 feet; thence South 22 degrees 55 minutes 29 seconds East, a distance of 82.62 feet; thence North 45 degrees 55 minutes 16 seconds East, a distance of 67.70 feet; thence South 37 degrees 17 minutes 37 seconds East, a distance of 68.76 feet; thence North 53 degrees 44 minutes 53 seconds East, a distance of 58.17 feet; thence North 12 degrees 52 minutes 59 seconds West, a distance of 38.98 feet; thence South 89 degrees 48 minutes 15 seconds East, a distance of 58.32 feet; thence North 58 degrees 19 minutes 43 seconds East, a distance of 93.90 feet; thence South 63 degrees 38 minutes 13 seconds East, a distance of 47.06 feet; thence South 37 degrees 24 minutes 09 seconds East, a distance of 54.13 feet; thence North 43 degrees 32 minutes 32 seconds East, a distance of 90.22 feet; thence North 83 degrees 55 minutes 19 seconds East, a distance of 54.78 feet; thence South 82 degrees 53 minutes 15 seconds East, a distance of 66.22 feet; thence North 45 degrees 30 minutes 43 seconds East, a distance of 102.03 feet; thence North 73 degrees 09 minutes 53 seconds East, a distance of 138.11 feet; thence North 20 degrees 04 minutes 19 seconds West, a distance of 80.59 feet; thence North 36 degrees 34 minutes 12 seconds East, a distance of 51.79 feet; thence North 34 degrees 47 minutes 49 seconds East, a distance of 76.72 feet; thence North 08 degrees 06 minutes 25 seconds East, a distance of 122.32 feet; thence North 71 degrees 30 minutes 52 seconds East, a distance of 75.69 feet; thence North 20 degrees 40 minutes 01 seconds West, a distance of 68.51 feet; thence North 61 degrees 42 minutes 35 seconds East, a distance of 93.25 feet; thence leaving said branch South 20 degrees 33 minutes 06 seconds East, a distance of 291.98 feet; thence South 20 degrees 32 minutes 17 seconds East, a distance of 534.90 feet; thence North 41 degrees 38 minutes 26 seconds East, a distance of 242.33 feet; thence North 53 degrees 43 minutes 59 seconds East, a distance of 347.56 feet; thence North 51 degrees 33 minutes 50 seconds East, a distance of 241.30 feet; thence North 67 degrees 45 minutes 59 seconds East, a distance of 681.05 feet; thence North 70 degrees 01 minutes 48 seconds East, a distance of 563.93 feet; thence South 53 degrees 07 minutes 47 seconds East, a distance of 1460.15 feet; thence South 05 degrees 55 minutes 43 seconds East, a distance of 3955.76 feet; thence South 05 degrees 56 minutes 16 seconds East, a distance of 830.35 feet; thence South 05 degrees 55 minutes 43 seconds East, a distance of 20.52 feet; thence South 89 degrees 43 minutes 05 seconds West, a distance of 1015.93 feet; thence South 02 degrees 20

minutes 58 seconds West, a distance of 943.79 feet; thence South 01 degrees 12 minutes 44 seconds West, a distance of 822.48 feet; thence South 84 degrees 06 minutes 28 seconds East, a distance of 1876.12 feet; thence South 35 degrees 07 minutes 22 seconds East, a distance of 277.41 feet; thence South 34 degrees 55 minutes 00 seconds East, a distance of 155.49 feet; thence South 34 degrees 41 minutes 11 seconds east, a distance of 373.23 feet; to a point in the northern Right-of-Way of US HWY 17; thence with said right-of-way South 54 degrees 55 minutes 59 seconds West, a distance of 397.20 feet; thence South 50 degrees 44 minutes 34 seconds West, a distance of 170.35 feet; thence South 52 degrees 40 minutes 24 seconds West, a distance of 60.36 feet; to the Point of Beginning, containing 893.64 acres, and being tract "A" as shown on a map titled "THE GREGORY POOLE TRACT", prepared by Stuart Gooden, R.L.S., and dated May 31, 1994.

Section 2. (a) The corporate limits of the area annexed by Section 1 of this act shall be considered satellite corporate limits within the meaning of Part 4 of Article 4A of Chapter 160A of the General Statutes, except they are excluded in any calculations made under G.S. 160A-58.1(b)(5). The corporate limits of the area annexed by Section 1 of this act are not external boundaries for the purposes of Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes until they are contiguous to the town.

(b) Notwithstanding any provision of law, this act does not affect the existing franchise or other right of Brunswick Electric Membership Cooperative to continue to provide electric service to the area annexed by this act.

Section 3. Real and personal property in the territory annexed pursuant to this act is subject to municipal taxes as provided in G.S. 160A-58.10.

Section 4. This act becomes effective June 30, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 723

Short Title: Stoneville Four-Year Terms. (Local)

Sponsors: Senator Foxx.

Referred to: State Government, Local Government, and Personnel.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND COUNCIL OF THE TOWN OF STONEVILLE.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of the Charter of the Town of Stoneville, being Chapter 287 of the 1983 Session Laws, reads as rewritten:

"Sec. 3. Term of Office of Members of Council. Members of the Council are elected to ~~two-year~~ four-year terms. In 1997, the three persons receiving the highest numbers of votes are elected to four-year terms and the two persons receiving the next highest numbers of votes are elected to two-year terms. In 1999 and quadrennially thereafter, two persons are elected to four-year terms. In 2001 and quadrennially thereafter, three persons are elected to four-year terms."

Section 2. Section 4 of the Charter of the Town of Stoneville, being Chapter 287 of the 1983 Session Laws, reads as rewritten:

"Sec. 4. Election of Mayor, Term of Office. The qualified voters of the entire Town elect the Mayor, who shall be elected to a ~~two-year~~ four-year term of office."

Section 3. This act applies beginning with persons elected in 1997.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 711*

Short Title: Leland Annexation. (Local)

Sponsors: Senator Soles.

Referred to: State Government, Local Government, and Personnel.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND.

The General Assembly of North Carolina enacts:

Section 1. The corporate limits of the Town of Leland are extended to include the following described tract of land:

Being a tract of land located in Town Creek Township, Brunswick County, North Carolina, and being more fully described as follows:

Beginning at a Right-of-Way Monument, in the northern Right-of-Way of US 17, said monument being located on the south side of a gate leading into the property, as shown on a map titled "THE GREGORY POOLE TRACT", prepared by Stuart Gooden, R.L.S., and dated May 31, 1994; thence with said Right-of-Way South 54 degrees 56 minutes 00 seconds West, a distance of 1111.44 feet; thence leaving said Right-of-Way North 45 degrees 36 minutes 40 seconds West, a distance of 272.41 feet; thence North 45 degrees 36 minutes 08 seconds West, a distance of 2493.87 feet; thence North 45 degrees 35 minutes 59 seconds West, a distance of 1124.67 feet; thence North 48 degrees 44 minutes 35 seconds West, a distance of 1849.91 feet; thence South 78 degrees 10 minutes 46 seconds West, a distance of 793.76 feet; thence North 66 degrees 50 minutes 57 seconds West, a distance of 1282.45 feet to a point in SR 1438 (Lanvale Road); thence North 11 degrees 09 minutes 18 seconds West, a distance of 344.20 feet to a point in the centerline of

Lanvale Road thence with said centerline North 07 degrees 08 minutes 13 seconds West, a distance of 690.45 feet; thence North 06 degrees 46 minutes 34 seconds West, a distance of 441.28 feet; thence North 09 degrees 45 minutes 03 seconds West, a distance of 128.86 feet; thence North 14 degrees 28 minutes 52 seconds West, a distance of 124.97 feet; thence North 19 degrees 35 minutes 26 seconds West, a distance of 150.19 feet; thence North 26 degrees 13 minutes 01 seconds West, a distance of 150.04 feet; thence North 32 degrees 26 minutes 42 seconds West, a distance of 178.45 feet; thence North 36 degrees 09 minutes 42 seconds West, a distance of 237.57 feet; thence North 36 degrees 09 minutes 33 seconds West, a distance of 187.40 feet; thence North 36 degrees 08 minutes 44 seconds West, a distance of 246.56 feet; thence North 36 degrees 09 minutes 33 seconds West, a distance of 198.67 feet; thence North 35 degrees 57 minutes 10 seconds West, a distance of 188.63 feet; thence North 35 degrees 22 minutes 08 seconds West, a distance of 52.73 feet; thence North 30 degrees 54 minutes 08 seconds West, a distance of 193.58 feet; thence North 24 degrees 37 minutes 51 seconds West, a distance of 239.60 feet; thence leaving said centerline and with Sturgeon Branch North 72 degrees 40 minutes 07 seconds East, a distance of 30.21 feet; thence North 72 degrees 59 minutes 08 seconds East, a distance of 150.37 feet; thence North 15 degrees 10 minutes 23 seconds East, a distance of 242.76 feet; thence North 84 degrees 23 minutes 02 seconds East, a distance of 141.02 feet; thence North 55 degrees 24 minutes 41 seconds East, a distance of 313.03 feet; thence North 40 degrees 17 minutes 58 seconds East, a distance of 94.28 feet; thence North 03 degrees 42 minutes 18 seconds West, a distance of 48.90 feet; thence North 89 degrees 55 minutes 04 seconds East, a distance of 138.95 feet; thence North 63 degrees 52 minutes 03 seconds East, a distance of 108.98 feet; thence North 41 degrees 05 minutes 41 seconds East, a distance of 227.03 feet; thence North 36 degrees 48 minutes 37 seconds East, a distance of 204.72 feet; thence North 48 degrees 24 minutes 27 seconds East, a distance of 120.97 feet to a point in the run of Rice Branch thence with said branch South 51 degrees 13 minutes 24 seconds East, a distance of 35.93 feet; thence South 89 degrees 20 minutes 59 seconds East, a distance of 106.00 feet; thence North 88 degrees 41 minutes 14 seconds East, a distance of 231.37 feet; thence South 63 degrees 01 minutes 01 seconds East, a distance of 72.07 feet; thence South 30 degrees 31 minutes 05 seconds East, a distance of 88.34 feet; thence North 55 degrees 02 minutes 25 seconds East, a distance of 68.06 feet; thence South 83 degrees 07 minutes 08 seconds East, a distance of 75.12 feet; thence South 53 degrees 08 minutes 14 seconds East, a distance of 49.51 feet; thence South 37 degrees 05 minutes 03 seconds East, a distance of 77.72 feet; thence North 46 degrees 14 minutes 12 seconds East, a distance of 56.82 feet; thence South 50 degrees 58 minutes 00 seconds East, a distance of 39.22 feet; thence South 06 degrees 18 minutes 38 seconds West, a distance of 73.24 feet; thence South 17 degrees 06 minutes 48 seconds East, a distance of 38.30 feet; thence South 63 degrees 48 minutes 32 seconds East, a distance of 58.91 feet; thence North 45 degrees 05 minutes 05 seconds East, a distance of 170.10 feet; thence South 25 degrees 36 minutes 41

seconds East, a distance of 133.07 feet; thence South 08 degrees 55 minutes 12 seconds West, a distance of 56.18 feet; thence North 73 degrees 37 minutes 44 seconds East, a distance of 70.25 feet; thence South 09 degrees 39 minutes 11 seconds East, a distance of 54.37 feet; thence North 77 degrees 45 minutes 53 seconds East, a distance of 54.74 feet; thence South 65 degrees 56 minutes 51 seconds East, a distance of 118.51 feet; thence North 51 degrees 52 minutes 28 seconds East, a distance of 113.22 feet; thence South 85 degrees 54 minutes 21 seconds East, a distance of 72.82 feet; thence North 35 degrees 31 minutes 42 seconds East, a distance of 74.71 feet; thence South 80 degrees 09 minutes 57 seconds East, a distance of 94.27 feet; thence North 67 degrees 59 minutes 19 seconds East, a distance of 103.53 feet; thence South 22 degrees 55 minutes 29 seconds East, a distance of 82.62 feet; thence North 45 degrees 55 minutes 16 seconds East, a distance of 67.70 feet; thence South 37 degrees 17 minutes 37 seconds East, a distance of 68.76 feet; thence North 53 degrees 44 minutes 53 seconds East, a distance of 58.17 feet; thence North 12 degrees 52 minutes 59 seconds West, a distance of 38.98 feet; thence South 89 degrees 48 minutes 15 seconds East, a distance of 58.32 feet; thence North 58 degrees 19 minutes 43 seconds East, a distance of 93.90 feet; thence South 63 degrees 38 minutes 13 seconds East, a distance of 47.06 feet; thence South 37 degrees 24 minutes 09 seconds East, a distance of 54.13 feet; thence North 43 degrees 32 minutes 32 seconds East, a distance of 90.22 feet; thence North 83 degrees 55 minutes 19 seconds East, a distance of 54.78 feet; thence South 82 degrees 53 minutes 15 seconds East, a distance of 66.22 feet; thence North 45 degrees 30 minutes 43 seconds East, a distance of 102.03 feet; thence North 73 degrees 09 minutes 53 seconds East, a distance of 138.11 feet; thence North 20 degrees 04 minutes 19 seconds West, a distance of 80.59 feet; thence North 36 degrees 34 minutes 12 seconds East, a distance of 51.79 feet; thence North 34 degrees 47 minutes 49 seconds East, a distance of 76.72 feet; thence North 08 degrees 06 minutes 25 seconds East, a distance of 122.32 feet; thence North 71 degrees 30 minutes 52 seconds East, a distance of 75.69 feet; thence North 20 degrees 40 minutes 01 seconds West, a distance of 68.51 feet; thence North 61 degrees 42 minutes 35 seconds East, a distance of 93.25 feet; thence leaving said branch South 20 degrees 33 minutes 06 seconds East, a distance of 291.98 feet; thence South 20 degrees 32 minutes 17 seconds East, a distance of 534.90 feet; thence North 41 degrees 38 minutes 26 seconds East, a distance of 242.33 feet; thence North 53 degrees 43 minutes 59 seconds East, a distance of 347.56 feet; thence North 51 degrees 33 minutes 50 seconds East, a distance of 241.30 feet; thence North 67 degrees 45 minutes 59 seconds East, a distance of 681.05 feet; thence North 70 degrees 01 minutes 48 seconds East, a distance of 563.93 feet; thence South 53 degrees 07 minutes 47 seconds East, a distance of 1460.15 feet; thence South 05 degrees 55 minutes 43 seconds East, a distance of 3955.76 feet; thence South 05 degrees 56 minutes 16 seconds East, a distance of 830.35 feet; thence South 05 degrees 55 minutes 43 seconds East, a distance of 20.52 feet; thence South 89 degrees 43 minutes 05 seconds West, a distance of 1015.93 feet; thence South 02 degrees 20

minutes 58 seconds West, a distance of 943.79 feet; thence South 01 degrees 12 minutes 44 seconds West, a distance of 822.48 feet; thence South 84 degrees 06 minutes 28 seconds East, a distance of 1876.12 feet; thence South 35 degrees 07 minutes 22 seconds East, a distance of 277.41 feet; thence South 34 degrees 55 minutes 00 seconds East, a distance of 155.49 feet; thence South 34 degrees 41 minutes 11 seconds east, a distance of 373.23 feet; to a point in the northern Right-of-Way of US HWY 17; thence with said right-of-way South 54 degrees 55 minutes 59 seconds West, a distance of 397.20 feet; thence South 50 degrees 44 minutes 34 seconds West, a distance of 170.35 feet; thence South 52 degrees 40 minutes 24 seconds West, a distance of 60.36 feet; to the Point of Beginning, containing 893.64 acres, and being tract "A" as shown on a map titled "THE GREGORY POOLE TRACT", prepared by Stuart Gooden, R.L.S., and dated May 31, 1994.

Section 2. (a) The corporate limits of the area annexed by Section 1 of this act shall be considered satellite corporate limits within the meaning of Part 4 of Article 4A of Chapter 160A of the General Statutes, except they are excluded in any calculations made under G.S. 160A-58.1(b)(5). The corporate limits of the area annexed by Section 1 of this act are not external boundaries for the purposes of Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes until they are contiguous to the town.

(b) Notwithstanding any provision of law, this act does not affect the existing franchise or other right of Brunswick Electric Membership Cooperative to continue to provide electric service to the area annexed by this act.

Section 3. Real and personal property in the territory annexed pursuant to this act is subject to municipal taxes as provided in G.S. 160A-58.10.

Section 4. This act becomes effective June 30, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 726

Short Title: Establish Swift Creek Joint Zoning. (Local)

Sponsors: Senators Miller, Reeves, and Carrington.

Referred to: State Government, Local Government, and Personnel.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT ESTABLISHING BINDING JOINT ZONING JURISDICTION FOR THE SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS INVOLVED OR BY ACTION OF THE GENERAL ASSEMBLY.

Whereas, in January 1988, the late Mayor Avery Upchurch of Raleigh invited chief elected officials of the Swift Creek area to meet to discuss the development of a coordinated land-use plan for the area; and

Whereas, the able efforts of elected officials and technical staff of the County of Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner resulted in the development of the Swift Creek Management Plan in September 1988; and

Whereas, the various local governments having jurisdiction over the area have approved the Swift Creek Management Plan through appropriate action of their respective governing bodies; and

Whereas, the General Assembly finds that it is in the best interest of the citizens of the Swift Creek area and the various local governments to maintain the Swift Creek Management Plan as agreed to by those jurisdictions; and

Whereas, conferring binding joint zoning jurisdiction over the Swift Creek area in accordance with the requirements of the Swift Creek Management Plan is an equitable manner in which to provide for the continuation of the Swift Creek Management Plan to the benefit of the area and the local governments involved; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, the County of Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner shall share binding joint zoning jurisdiction, as provided by this act, over the area in Wake County known as Swift Creek and described more particularly in the Swift Creek Management Plan developed in 1988 and subsequently submitted by the Swift Creek Planning Committee to the State as the official water supply watershed protection plan for the Swift Creek area.

Section 2. The joint zoning jurisdiction shared by the County of Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner shall be binding upon those jurisdictions in accordance with the requirements of the Swift Creek Management Plan, as approved by the County of Wake on April 2, 1990; the City of Raleigh on May 2, 1988; the Town of Apex on January 3, 1989; the Town of Cary on February 4, 1990; and the Town of Garner in 1989.

Section 3. The Swift Creek Management Plan is established as a binding joint zoning plan that may be modified only by interlocal agreement entered into by all of the respective jurisdictions or by action of the General Assembly.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 726
Proposed Committee Substitute S726-CSLR-030B
WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Establish Swift Creek Joint Zoning. (Local)

Sponsors:

Referred to: State Government, Local Government, and Personnel.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT ESTABLISHING BINDING JOINT PLANNING AND ZONING JURISDICTION FOR THE SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS INVOLVED OR BY ACTION OF THE GENERAL ASSEMBLY.

Whereas, in January 1988, the late Mayor Avery Upchurch of Raleigh invited chief elected officials of the Swift Creek area to meet to discuss the development of a coordinated land-use plan for the area; and

Whereas, the able efforts of elected officials and technical staff of the County of Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner resulted in the development of the Swift Creek Management Plan in September 1988; and

Whereas, the various local governments having jurisdiction over the area have approved the Swift Creek Management Plan through appropriate action of their respective governing bodies; and

Whereas, the General Assembly finds that it is in the best interest of the citizens of the Swift Creek area and the various local governments to maintain the Swift Creek Management Plan as agreed to by those jurisdictions; and

Whereas, conferring binding joint planning and zoning jurisdiction over the Swift Creek area in accordance with the requirements of the Swift Creek Management Plan is an equitable manner in which to provide for the continuation of the Swift Creek Management Plan to the benefit of the area and the local governments involved; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, and subject to the provisions of Section 4 of this act, the County of Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner shall share binding joint planning and zoning jurisdiction, as provided by this act, over the area in Wake County known as Swift Creek and described more particularly in the Swift Creek Management Plan developed in 1988 and subsequently submitted by the Swift Creek Planning Committee to the State as the official water supply watershed protection plan for the Swift Creek area.

Section 2. The joint planning and zoning jurisdiction shared by the County of Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner shall be binding upon those jurisdictions in accordance with the requirements of the Swift Creek Management Plan, as approved by the County of Wake on April 2, 1990; the City of Raleigh on May 2, 1988; the Town of Apex on January 3, 1989; the Town of Cary on February 4, 1990; and the Town of Garner in 1989.

Section 3. (a) Except as otherwise provided by Section 4 of this act, the Swift Creek Management Plan is established as a binding joint planning and zoning plan that may be modified only by:

(1) Interlocal agreement pursuant to Article 20 of Chapter 160A of the General Statutes entered into by all of the affected jurisdictions; or

(2) Action of the General Assembly.

(b) An interlocal agreement entered into pursuant to this act may include mutual agreement regarding the exercise of all powers granted by Article 18 of Chapter 153A of the General Statutes and Article 19 of Chapter 160A of the General Statutes, including powers involving the exercise of legislative discretion.

Section 4. If a jurisdiction affected by this act has an ordinance to effectuate the recommended minimum performance standards for the Swift Creek watershed and the other specific features set forth in the Swift Creek Management Plan, then the jurisdiction may modify its zoning ordinance to further meet or

exceed the requirements of the Swift Creek Management Plan without having to:

(1) Obtain authorization from the General Assembly; or

(2) Enter into an interlocal agreement required by Section 3 of this act.

Section 5. The City of Raleigh, and the Towns of Apex, Cary, and Garner may extend utilities unilaterally to any portion of their respective jurisdictions subject to the Swift Creek Management Plan provided that, prior to the effective date of this act, the municipalities zoned or rezoned the subject area in anticipation of providing utilities to the area.

Section 6. (a) A jurisdiction affected by this act shall not adopt any ordinance authorized by Article 18 of Chapter 153A of the General Statutes, Article 19 of Chapter 160A of the General Statutes, or under any local act or charter provision relating to the subject of those Articles, nor grant any permit or approval pursuant to those ordinances, that would be inconsistent with the standards and provisions of the Swift Creek Management Plan.

(b) This act applies to any zoning map amendment and to any other zoning amendment, modification, repeal, or change in zoning regulations and restrictions or zone boundaries relating to the area set forth in the Swift Creek Management Plan, but shall not be construed to prevent any jurisdiction subject to its provisions from adopting zoning ordinance text changes.

(c) This act shall not affect any valid and unexpired vested right of any landowner arising by law pursuant to G.S. 153A-344.1 or G.S. 160A-385.1, nor shall this act affect the right of any person to protest zoning changes or otherwise appeal planning, subdivision, or zoning actions as provided by Article 18 of Chapter 153A of the General Statutes or Article 19 of Chapter 160A of the General Statutes or by local ordinance.

Section 7. This act is effective when it becomes law, except that Section 4 of this act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 726
Proposed Committee Substitute S726-PCSA742

Short Title: Establish Swift Creek Joint Zoning. (Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT ESTABLISHING BINDING JOINT PLANNING AND ZONING JURISDICTION FOR THE SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS INVOLVED OR BY ACTION OF THE GENERAL ASSEMBLY.

Whereas, in January 1988, the late Mayor Avery Upchurch of Raleigh invited chief elected officials of the Swift Creek area to meet to discuss the development of a coordinated land-use plan for the area; and

Whereas, the able efforts of elected officials and technical staff of the County of Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner resulted in the development of the Swift Creek Management Plan in September 1988; and

Whereas, the various local governments having jurisdiction over the area have approved the Swift Creek Management Plan through appropriate action of their respective governing bodies; and

Whereas, the General Assembly finds that it is in the best interest of the citizens of the Swift Creek area and the various local governments to maintain the Swift Creek Management Plan as agreed to by those jurisdictions; and

Whereas, conferring binding joint planning and zoning jurisdiction over the Swift Creek area in accordance with the requirements of the Swift Creek Management Plan is an equitable manner in which to provide for the continuation of

the Swift Creek Management Plan to the benefit of the area and the local governments involved; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, and subject to the provisions of Section 4 of this act, the County of Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner shall share binding joint planning and zoning jurisdiction, as provided by this act, over the area in Wake County known as Swift Creek and described more particularly in the Swift Creek Management Plan developed in 1988 and subsequently submitted by the Swift Creek Planning Committee to the State as the official water supply watershed protection plan for the Swift Creek area.

Section 2. The joint planning and zoning jurisdiction shared by the County of Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner shall be binding upon those jurisdictions in accordance with the requirements of the Swift Creek Management Plan, as approved by the County of Wake on April 2, 1990; the City of Raleigh on May 2, 1988; the Town of Apex on January 3, 1989; the Town of Cary on February 4, 1990; and the Town of Garner in 1989.

Section 3. (a) Except as otherwise provided by Section 4 of this act, the Swift Creek Management Plan is established as a binding joint planning and zoning plan that may be modified only by:

(1) Interlocal agreement pursuant to Article 20 of Chapter 160A of the General Statutes entered into by all of the affected jurisdictions; or

(2) Action of the General Assembly.

(b) An interlocal agreement entered into pursuant to this act may include mutual agreement regarding the exercise of all powers granted by Article 18 of Chapter 153A of the General Statutes and Article 19 of Chapter 160A of the General Statutes, including powers involving the exercise of legislative discretion.

Section 4. If a jurisdiction affected by this act has an ordinance to effectuate the recommended minimum performance standards for the Swift Creek watershed and the other specific features set forth in the Swift Creek Management Plan, then the jurisdiction may modify its zoning ordinance to further meet or exceed the requirements of the Swift Creek Management Plan without having to:

(1) Obtain authorization from the General Assembly; or

(2) Enter into an interlocal agreement required by Section 3 of this act.

Section 5. The City of Raleigh, and the Towns of Apex, Cary, and Garner may extend utilities unilaterally to any portion of their respective jurisdictions subject to the Swift Creek Management Plan provided that, prior to the effective date of this act, the municipalities zoned or rezoned the subject area in anticipation of providing utilities to the area.

Section 6. (a) A jurisdiction affected by this act shall not adopt any ordinance authorized by Article 18 of Chapter 153A of the General Statutes, Article 19 of Chapter 160A of the General Statutes, or under any local act or charter provision relating to the subject of those Articles, nor grant any permit or approval

pursuant to those ordinances, that would be inconsistent with the standards and provisions of the Swift Creek Management Plan.

(b) This act applies to any zoning map amendment and to any other zoning amendment, modification, repeal, or change in zoning regulations and restrictions or zone boundaries relating to the area set forth in the Swift Creek Management Plan, but shall not be construed to prevent any jurisdiction subject to its provisions from adopting zoning ordinance text changes.

(c) This act shall not affect any valid and unexpired vested right of any landowner arising by law pursuant to G.S. 153A-344.1 or G.S. 160A-385.1, nor shall this act affect the right of any person to protest zoning changes or otherwise appeal planning, subdivision, or zoning actions as provided by Article 18 of Chapter 153A of the General Statutes or Article 19 of Chapter 160A of the General Statutes or by local ordinance.

Section 7. This act is effective when it becomes law, except that Section 4 of this act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 739

Short Title: Durham City Zoning Protests. (Local)

Sponsors: Senators Gulley and Lucas.

Referred to: State Government, Local Government and Personnel.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO INTERPRET THE PROVISIONS OF G.S. 160A-385, CONCERNING ZONING PROTEST PETITIONS, TO MAKE THE INTERPRETATIONS CONCLUSIVE IN THE ABSENCE OF ARBITRARY OR CAPRICIOUS ACTIONS; AND, TO REQUIRE THAT PROTEST PETITIONS BE SUBMITTED TO THE CITY AT LEAST FOUR NORMAL WORKING DAYS BEFORE THE DATE OF THE REZONING PUBLIC HEARING.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671, 1975 Session Laws, is amended by adding the following new section:

"Section 94.4. Protest Petitions.

(a) For purposes of interpreting G.S. 160A-385, the City's determinations concerning the eligibility of owners of property to protest rezonings shall be conclusive in any judicial appeal, in the absence of arbitrary or capricious action.

(b) The provisions of G.S. 160A-386, as applied to the City of Durham, are modified to require that protest petitions be received by the city clerk in sufficient time to allow the City at least four normal work days, excluding Saturdays, Sundays, and legal holidays, before the date established for a public hearing on the proposed charge or amendment to determine the sufficiency and accuracy of the petition."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 811

Short Title: Southeastern Regional Commission Staff. (Public)

Sponsors: Senator Soles.

Referred to: State Government, Local Government, and Personnel.

April 10, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO HIRE AND CONTRACT FOR PERSONNEL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 158-8.3 is amended by adding a new subsection to read:

"(f) Within the limits of funds available, the Commission may hire and fix the compensation of any personnel necessary to its operations, contract with consultants for any services as it may require, and contract with the State of North Carolina or the federal government, or any agency or department thereof, for any services as may be provided by those agencies. With the approval of any unit of local government, the Commission may contract to use officers, employees, agents, and facilities of the unit of local government. The Commission may carry out the provisions of any contracts it may enter.

Within the limits of funds available, the Commission may lease, rent, purchase, or otherwise obtain suitable quarters and office space for its staff, and may lease, rent, or purchase necessary furniture, fixtures, and other equipment."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 840

Short Title: Revise Records Laws-1. (Public)

Sponsors: Senators Kerr and Dalton.

Referred to: State Government, Local Government, and Personnel.

April 15, 1997

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 39-32.3 reads as rewritten:

"**§ 39-32.3. Recordation of plat showing control corners.**

Upon designating a control corner and affixing a permanent marker, said person, firm or corporation shall cause to be filed in the office of the register of deeds of the county in which the real estate development is located a map or plat showing the location of the control corner or corners and permanent marker or markers with adequate and sufficient description to enable a surveyor to locate such control corner or marker. ~~The register of deeds shall not accept for registration or record any map or plat of a real estate subdivision or development made after July 1, 1947, unless the location of such control corner or corners is shown thereon.~~ No map or plat of a real estate subdivision or development made after July 1, 1947, shall be certified for recording pursuant to G.S 47-30.2 unless the location of control corners is shown thereon."

Section 2. G.S. 47-30 reads as rewritten:

"**§ 47-30. Plats and subdivisions; mapping requirements.**

(a) Size Requirements. -- All land plats presented to the register of deeds for recording in the registry of a county in North Carolina after September 30, 1991, having an outside marginal size of either 18 inches by 24 inches, 21 inches by 30

inches, or 24 inches by 36 inches, and having a minimum one and one-half inch border on the left side and a minimum one-half inch border on the other sides shall be deemed to meet the size requirements for recording under this section. Where size of land areas, or suitable scale to assure legibility require, plats may be placed on two or more sheets with appropriate match lines. Counties may specify either:

(1) Only 18 inches by 24 inches;

(2) A combination of 18 inches by 24 inches and 21 inches by 30 inches;

(3) A combination of 18 inches by 24 inches and 24 inches by 36 inches; or

(4) A combination of all three sizes.

Provided, that all registers of deeds where specific sizes other than the combination of all three sizes have been specified, shall be required to submit said size specifications to the North Carolina Association of Registers of Deeds for inclusion on a master list of all such counties. The list shall be available in each register of deeds office by October 1, 1991. For purposes of this section, the terms 'plat' and 'map' are synonymous.

(b) Plats to Be Reproducible. -- Each plat presented for recording shall be a reproducible plat, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute), and submitted in this form. The recorded plat must be such that the public may obtain legible copies. A direct or photographic copy of each recorded plat shall be placed in the plat book or plat file maintained for that purpose and properly indexed for use. In those counties in which the register has made a security copy of the plat from which legible copies can be made, the original may be returned to the person who presented it for recording.

(c) Information Contained in Title of Plat. -- The title of each plat shall contain the following information: property designation, name of owner (the name of owner shall be shown for indexing purposes only and is not to be construed as title certification), location to include township, county and state, the date or dates the survey was made; scale or scale ratio in words or figures and bar graph; name and address of surveyor or firm preparing the plat.

(d) Certificate; Form. -- There shall appear on each plat a certificate by the person under whose supervision ~~such~~ the survey or ~~such~~ plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. ~~The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds.~~ Where a plat consists of more than one sheet, only one sheet must contain the certification and all other sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the ratio of precision of the survey before adjustments and shall be in substantially the following form:

'I, ..., certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ....., page ....., etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ....., page .....; that the ratio of precision as calculated is 1:.....; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ..... day of ....., A.D., 19.....

Seal or Stamp

.....

Surveyor

Registration Number'

~~The certificate of the Notary shall read as follows:~~

~~"North Carolina, ...County.~~

~~I, a Notary Public of the County and State aforesaid, certify that....., a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this..... day of ....., 19.....~~

~~Seal or Stamp~~

~~Notary Public.....~~

~~My Commission expires~~

Nothing in this requirement shall prevent the recording of a map that was prepared in accordance with a previous version of G.S. 47-30 as amended, properly signed, and notarized under the statutes applicable at the time of the signing of the map. However, it shall be the responsibility of the person presenting the map to prove that the map was so prepared.

(e) Method of Computation. -- An accurate method of computation shall be used to determine the acreage and ratio of precision shown on the plat. Area by estimation is not acceptable nor is area by planimeter, area by scale, or area copied from another source, except in the case of tracts containing inaccessible sections or areas. In such case the surveyor may make use of aerial photographs or other appropriate aids to determine the acreage of ~~such~~ any inaccessible areas when ~~such~~ the areas are bounded by natural and visible monuments. In such case the methods used must be stated on the plat and all accessible areas of the tract shall remain subject to all applicable standards of this section.

(f) Plat to Contain Specific Information. -- Every plat shall contain the following specific information:

(1) An accurately positioned north arrow coordinated with any bearings shown on the plat. Indication shall be made as to whether the north index is true, magnetic, North Carolina grid ('NAD 83' or 'NAD 27'), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to old deed or plat bearings, the date and the source (if known) ~~such~~ the index was originally determined shall be clearly indicated.

(2) The azimuth or course and distance of every property line surveyed shall be shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required.

(3) All plat distances shall be by horizontal or grid measurements. All lines shown on the plat shall be correctly plotted to the scale shown. Enlargement of portions of a plat are acceptable in the interest of clarity, where shown as inserts. Where the North Carolina grid system is used the grid factor shall be shown on the face of the plat. If grid distances are used, it must be shown on the plat.

(4) Where a boundary is formed by a curved line, the following data must be given: actual survey data from the point of curvature to the point of tangency shall be shown as standard curve data, or as a traverse of bearings and distances around the curve. If standard curve data is used the bearing and distance of the long chord (from point of curvature to point of tangency) must be shown on the plat.

(5) Where a subdivision of land is set out on the plat, all streets and lots shall be accurately plotted with dimension lines indicating widths and all other information pertinent to reestablishing all lines in the field. This shall include bearings and distances sufficient to form a continuous closure of the entire perimeter.

(6) Where control corners have been established in compliance with G.S. 39-32.1, 39-32.2, 39-32.3, and 39-32.4, as amended, the location and pertinent information as required in the reference statute shall be plotted on the plat. All other corners which are marked by monument or natural object shall be so identified on all plats, and where practical all corners of adjacent owners along the boundary lines of the subject tract which are marked by monument or natural object shall be shown.

(7) The names of adjacent landowners, or lot, block, parcel, subdivision designations or other legal reference where applicable, shall be shown where they could be determined by the surveyor.

(8) All visible and apparent rights-of-way, watercourses, utilities, roadways, and other such improvements shall be accurately located

where crossing or forming any boundary line of the property shown.

(9) Where the plat is the result of a survey, one or more corners shall be accurately by a system of azimuths or courses and distances, be accurately tied to and coordinated with a horizontal control monument of some United States or State Agency survey system, such as the North Carolina Geodetic Survey where ~~such~~ the monument is within 2,000 feet of the subject property. Where the North Carolina Grid System coordinates of said monument are on file in the North Carolina Department of Environment, Health, and Natural Resources, the coordinates of both the referenced corner and the monuments used shall be shown in X (easting) and Y (northing) coordinates on the plat. The coordinates shall be identified as based on 'NAD 83,' indicating North American Datum of 1983, or as 'NAD 27,' indicating North American Datum of 1927. The tie lines to the monuments shall also be sufficient to establish true north or grid north bearings for the plat if the monuments exist in pairs. Within a previously recorded subdivision that has been tied to grid control, control monuments within the subdivision may be used in lieu of additional ties to grid control. Within a previously recorded subdivision that has not been tied to grid control, if horizontal control monuments are available within 2,000 feet, the above requirements shall be met; but in the interest of bearing consistency with previously recorded plats, existing bearing control should be used where practical. In the absence of Grid Control, other appropriate natural monuments or landmarks shall be used. In all cases, the tie lines shall be sufficient to accurately reproduce the subject lands from the control or reference points used.

(10) A vicinity map (location map) shall appear on the plat.

(11) Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:

a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;

b. That the survey is located in ~~such~~ a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;

c. That the survey is of an existing parcel or parcels of land;

d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;

e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of ~~his or her~~ the surveyor's professional ability as to provisions contained in (a) through (d) above.

However, if the plat contains the certificate of a surveyor as stated in a., d., or e. above, then the plat shall have, in addition to said surveyor's certificate, a certification of approval, or no approval required, as may be required by local ordinance from the appropriate government authority before the plat is presented for recordation. If the plat contains the certificate of a surveyor as stated in b. or c. above, nothing shall prevent the recordation of the plat if all other provisions have been met.

(g) Recording of Plat. --~~For purposes of recording, the register of deeds shall not be responsible for:~~ In certifying a plat for recording pursuant to G.S 47-30.2, the Review Officer shall not be responsible for reviewing or certifying as to the following requirements of this section:

(1) ~~The provisions of subsection (b),~~ Subsection (b) of this section as to archival;

~~(2) The provisions of subsection (d), except for the notary certificate;~~

(3) ~~The provisions of subsection (e);~~ Subsection (e) of this section; or

(4) ~~The provisions of subdivisions (2) through (9) of subsection (f).~~ Subdivisions (2) through (9) of subsection (f) of this section.

A plat, when certified pursuant to G.S. 47-30.2 ~~proven and probated as provided herein for deeds and other conveyances, when~~ and presented for recording, shall be recorded in the plat book or plat file and when so recorded shall be duly indexed. Reference in any instrument hereafter executed to the record of any plat herein authorized shall have the same effect as if the description of the lands as indicated on the record of the plat were set out in the instrument.

(h) Nothing in this section shall be deemed to prevent the filing of any plat prepared by a registered land surveyor but not recorded prior to the death of the registered land surveyor. However, it is the responsibility of the person presenting the map to the Review Officer pursuant to G.S. 47-30.2 to prove that the plat was so prepared. For preservation these plats may be filed without signature, notary acknowledgement or probate, in a special plat file.

(i) Nothing in this section shall be deemed to invalidate any instrument or the title thereby conveyed making reference to any recorded plat.

(j) The provisions of this section shall not apply to boundary plats of areas annexed by municipalities nor to plats of municipal boundaries, whether or not required by law to be recorded.

(k) The provisions of this section shall apply to all counties in North Carolina. ~~Where local law is in conflict with this section, the provisions in this section shall apply. Failure of a plat to conform in all requirements of this statute shall be sufficient grounds for the register of deeds to refuse to accept the plat for recordation.~~

(l) The provisions of this section shall not apply to the registration of highway right-of-way plans provided for in G.S. 136-19.4 nor to registration of roadway corridor official maps provided in Article 2E of Chapter 136.

(m) Except as provided in subsection (n), any map submitted for inclusion on the public record, whether submitted alone or attached to a deed or other instrument, shall be prepared by a registered land surveyor. Such a map shall either (i) have an original personal signature and original seal as approved by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors or (ii) be a copy of a map, already on file in the public record, that is certified by the custodian of the public record to be a true and accurate copy of a map bearing an original personal signature and original seal. The presence of the original personal signature and seal shall constitute a certification that the map conforms to the standards of practice for land surveying in North Carolina, as defined in the rules of the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

(n) A map that does not meet the requirements of subsection (m) of this section may be attached to a deed or other instrument submitted for inclusion in the public record only for illustrative purposes and only if the map is conspicuously labelled, 'THIS MAP IS NOT A CERTIFIED SURVEY AND NO RELIANCE MAY BE PLACED IN ITS ACCURACY.'"

Section 3. Article 2 of Chapter 47 of the General Statutes is amended by adding a new section to read:

"**§ 47-30.2. Review Officer.**

(a) The board of commissioners of each county shall, by resolution, designate by name a person experienced in mapping or land records management as Review Officer to review each map and plat before it is presented to the register of deeds for recording. The person designated Review Officer shall, if possible, be certified as a property mapper pursuant to G.S. 147-54.4. The resolution designating the Review Officer shall be recorded in the county registry and indexed on the grantor index in the name of the Review Officer.

(b) The Review Officer shall review each map or plat before it is presented to the register of deeds for recording and certify that it complies with all statutory requirements for recording. The certification shall be in substantially the following form:

State of North Carolina
County of

I, Review Officer of County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

(c) The register of deeds shall not accept for recording any map or plat that does not have affixed a certification as provided in subsection (b) of this section."

Section 4. G.S. 136-102.6(d) reads as rewritten:

"(d) The right-of-way and construction plans for such public streets in residential subdivisions, including plans for street drainage, shall be submitted to the Division of Highways for review and approval, prior to the recording of the subdivision plat in the office of the register of deeds. The plat or map required by this section shall not be recorded by the register of deeds without a certification pursuant to G.S. 47-30.2 and, if determined to be necessary by the Review Officer, a certificate of approval by the Division of Highways of the plans for the public street as being in accordance with the minimum standards of the Board of Transportation for acceptance of the subdivision street on the State highway system for maintenance. The Review Officer shall not certify a map or plat subject to this section unless the new streets or changes in existing streets are designated either public or private. The certificate of approval shall not be deemed an acceptance of the dedication of ~~such~~ the streets on the subdivision plat or map. Final acceptance by the Division of Highways of ~~such~~ the public streets and placing them on the State highway system for maintenance shall be conclusive proof that the streets have been constructed according to the minimum standards of the Board of Transportation."

Section 5. G.S. 153A-321 reads as rewritten:

"**§ 153A-321. Planning agency.**

A county may by ordinance create or designate one or more agencies to perform the following duties:

(1) Make studies of the county and surrounding areas;

(2) Determine objectives to be sought in the development of the study area;

(3) Prepare and adopt plans for achieving these objectives;

(4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

(5) Advise the board of commissioners concerning the use and amendment of means for carrying out plans;

(6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the board of commissioners may direct;

(7) Perform any other related duties that the board of commissioners may direct.

An agency created or designated pursuant to this section may include but shall not be limited to one or more of the ~~following, with any staff that the board of commissioners considers appropriate:~~ following:

(1) A planning board or commission of any size (with not ~~less~~ fewer than three members) or composition considered appropriate, organized in any manner considered appropriate;

(2) A joint planning board created by two or more local governments according to the procedures and provisions of Chapter 160A, Article 20, Part 1."

Section 6. G.S. 153A-332 reads as rewritten:

"**§ 153A-332. Ordinance to contain procedure for plat approval; approval prerequisite to plat recordation; statement by owner.**

A subdivision ordinance adopted pursuant to this Part shall contain provisions setting forth the procedures to be followed in granting or denying approval of a subdivision plat before its registration.

The ordinance shall provide that the following agencies be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved:

(1) The district highway engineer as to proposed State streets, State highways, and related drainage systems;

(2) The county health director or local public utility, as appropriate, as to proposed water or sewerage systems;

(3) Any other agency or official designated by the board of commissioners.

The ordinance may provide that final approval of each individual subdivision plat is to be given by:

(1) The board of commissioners,

(2) The board of commissioners on recommendation of a planning agency, or

(3) A designated planning agency.

From the effective date of ~~time that~~ a subdivision ordinance that is adopted by the county, ~~filed with the register of deeds of the county,~~ no subdivision plat of land within the county's jurisdiction may be filed or recorded until it has been submitted to and approved by the appropriate board or agency, as specified in the subdivision ordinance, and until this approval is entered in writing on the face of the plat by an authorized representative of the county. ~~the chairman or head of the board or agency.~~ The Review Officer, pursuant to G.S. 47-30.2, shall not certify ~~register of deeds may not file or record~~ a plat of a subdivision of land located within the territorial jurisdiction of the county that has not been approved in accordance with these provisions, and the clerk of superior court may not order or direct the recording of a plat if the recording would be in conflict with this section. ~~The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether any land shown thereon is within the subdivision regulation jurisdiction of the county.~~"

Section 7. G.S. 160A-361 reads as rewritten:

"**§ 160A-361. Planning agency.**

Any city may by ordinance create or designate one or more agencies to perform the following duties:

(1) Make studies of the area within its jurisdiction and surrounding areas;

(2) Determine objectives to be sought in the development of the study area;
(3) Prepare and adopt plans for achieving these objectives;
(4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
(5) Advise the council concerning the use and amendment of means for carrying out plans;
(6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the council may direct;
(7) Perform any other related duties that the council may direct.

An agency created or designated pursuant to this section may include, but shall not be limited to, one or more of the ~~following, with such staff as the council may deem appropriate:~~ following:

(1) A planning board or commission of any size (with not ~~less~~ fewer than three members) or composition deemed appropriate, organized in any manner deemed appropriate;
(2) A joint planning board created by two or more local governments pursuant to Article 20, Part 1, of this Chapter."

Section 8. G.S. 160A-373 reads as rewritten:

"**§ 160A-373. Ordinance to contain procedure for plat approval; approval prerequisite to plat recordation; statement by owner.**

Any subdivision ordinance adopted pursuant to this Part shall contain provisions setting forth the procedures to be followed in granting or denying approval of a subdivision plat prior to its registration.

The ordinance may provide that final approval of each individual subdivision plat is to be given by

(1) The city council,
(2) The city council on recommendation of a planning agency, or
(3) A designated planning agency.

From and after the effective date of ~~time that~~ a subdivision ordinance that is adopted by the city, ~~filed with the register of deeds of the county,~~ no subdivision plat of land within the city's jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the council or appropriate agency, as specified in the subdivision ordinance, and until this approval shall have been entered on the face of the plat in writing by ~~the chairman or head of the agency.~~ an authorized representative of the city. The Reviewing Officer, pursuant to G.S. 47-30.2 shall not certify ~~register of deeds shall not file or record~~ a plat of a subdivision of land located within the territorial jurisdiction of a city that has not been approved in accordance with these provisions, nor shall the clerk of superior court order or direct the recording of a plat if the recording would be in conflict with this section. ~~The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of any city.~~"

Section 9. G.S. 161-10(a)(3) reads as rewritten:

"(3) Plats. -- For each original or revised plat recorded ~~nineteen dollars ($19.00)~~ twenty-one dollars ($21.00) per sheet or page; for furnishing a certified copy of a plat three dollars ($3.00)."

Section 10. G.S. 89C-26 is repealed.

Section 11. G.S. 130A-99 reads as rewritten:

"**§ 130A-99. Register of deeds to preserve copies of birth and death records.**

(a) The register of deeds of each county shall file and preserve the copies of birth and death certificates furnished by the local registrar under the provisions of G.S. 130A-97, and shall make and keep a proper index of the certificates. These certificates shall be open to inspection and examination. Copies or abstracts of these certificates shall be provided to any person upon request. Certified copies of these certificates shall be provided only to those persons described in G.S. 130A-93(c).

(b) The register of deeds may remove from the records and destroy copies of birth certificates for persons born in counties other than the county in which the office of the register of deeds is located."

Section 12. G.S. 132-3(a) reads as rewritten:

"(a) Prohibition. -- No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with ~~G.S. 121-5,~~ G.S. 121-5 and G.S. 130A-99, without the consent of the Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, defaces, mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00)."

Section 13. G.S. 121-5(b) reads as rewritten:

"(b) Destruction of Records Regulated. -- No person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Cultural ~~Resources.~~ Resources, except as provided in G.S. 130A-99. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, mutilates, or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined at the discretion of the court.

When the custodian of any official State records certifies to the Department of Cultural Resources that such records have no further use or value for official and administrative purposes and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be destroyed or otherwise disposed of by the agency having custody of them.

When the custodian of any official records of any county, city, municipality, or other subdivision of government certifies to the Department that such records have no further use or value for official business and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be authorized by the governing body of said county, city, municipality, or other subdivision of government to be destroyed or otherwise disposed of by the agency having custody of them. A record of such certification and

authorization shall be entered in the minutes of the governing body granting the authority.

The North Carolina Historical Commission is hereby authorized and empowered to make such orders, rules, and regulations as may be necessary and proper to carry into effect the provisions of this section. When any State, county, municipal, or other governmental records shall have been destroyed or otherwise disposed of in accordance with the procedure authorized in this subsection, any liability that the custodian of such records might incur for such destruction or other disposal shall cease and determine."

Section 14. The Legislative Research Commission may study the procedures for land title registration pursuant to Chapter 43 of the General Statutes and make recommendations regarding revisions to the procedures to improve them. The Commission shall reports its findings and recommendations to the 1998 Regular Session of the 1997 General Assembly by April 1, 1997.

Section 15. Sections 1 through 10 of this act become effective October 1, 1997. The remainder of this act is effective when it becomes law. The removal and destruction by a register of deeds of any out-of-county birth certificates prior to the effective date of this act is valid, and the register of deeds is not in violation of G.S. 121-5 or G.S. 132-3.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 875

Short Title: Revise Records Laws-2. (Public)

Sponsors: Senators Kerr and Dalton.

Referred to: State Government, Local Government and Personnel.

April 15, 1997

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 39-32.3 reads as rewritten:

"**§ 39-32.3. Recordation of plat showing control corners.**

Upon designating a control corner and affixing a permanent marker, said person, firm or corporation shall cause to be filed in the office of the register of deeds of the county in which the real estate development is located a map or plat showing the location of the control corner or corners and permanent marker or markers with adequate and sufficient description to enable a surveyor to locate such control corner or marker. ~~The register of deeds shall not accept for registration or record any map or plat of a real estate subdivision or development made after July 1, 1947, unless the location of such control corner or corners is shown thereon.~~ No map or plat of a real estate subdivision or development made after July 1, 1947, shall be certified for recording pursuant to G.S 47-30.2 unless the location of control corners is shown thereon."

Section 2. G.S. 47-30 reads as rewritten:

"**§ 47-30. Plats and subdivisions; mapping requirements.**

(a) Size Requirements. -- All land plats presented to the register of deeds for recording in the registry of a county in North Carolina after September 30, 1991, having an outside marginal size of either 18 inches by 24 inches, 21 inches by 30

inches, or 24 inches by 36 inches, and having a minimum one and one-half inch border on the left side and a minimum one-half inch border on the other sides shall be deemed to meet the size requirements for recording under this section. Where size of land areas, or suitable scale to assure legibility require, plats may be placed on two or more sheets with appropriate match lines. Counties may specify either:

(1) Only 18 inches by 24 inches;

(2) A combination of 18 inches by 24 inches and 21 inches by 30 inches;

(3) A combination of 18 inches by 24 inches and 24 inches by 36 inches; or

(4) A combination of all three sizes.

Provided, that all registers of deeds where specific sizes other than the combination of all three sizes have been specified, shall be required to submit said size specifications to the North Carolina Association of Registers of Deeds for inclusion on a master list of all such counties. The list shall be available in each register of deeds office by October 1, 1991. For purposes of this section, the terms 'plat' and 'map' are synonymous.

(b) Plats to Be Reproducible. -- Each plat presented for recording shall be a reproducible plat, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute), and submitted in this form. The recorded plat must be such that the public may obtain legible copies. A direct or photographic copy of each recorded plat shall be placed in the plat book or plat file maintained for that purpose and properly indexed for use. In those counties in which the register has made a security copy of the plat from which legible copies can be made, the original may be returned to the person who presented it for recording.

(c) Information Contained in Title of Plat. -- The title of each plat shall contain the following information: property designation, name of owner (the name of owner shall be shown for indexing purposes only and is not to be construed as title certification), location to include township, county and state, the date or dates the survey was made; scale or scale ratio in words or figures and bar graph; name and address of surveyor or firm preparing the plat.

(d) Certificate; Form. -- There shall appear on each plat a certificate by the person under whose supervision ~~such~~ the survey or ~~such~~ plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. ~~The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds.~~ Where a plat consists of more than one sheet, only one sheet must contain the certification and all other sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the ratio of precision of the survey before adjustments and shall be in substantially the following form:

'I, ..., certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ....., page ....., etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ....., page .....; that the ratio of precision as calculated is 1:.....; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ..... day of ....., A.D., 19.....

Seal or Stamp

.....

Surveyor

Registration Number'

~~The certificate of the Notary shall read as follows:~~

~~"North Carolina, ...County.~~

~~I, a Notary Public of the County and State aforesaid, certify that....., a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this..... day of ....., 19.....~~

~~Seal or Stamp~~

~~Notary Public.....~~

~~My Commission expires~~

Nothing in this requirement shall prevent the recording of a map that was prepared in accordance with a previous version of G.S. 47-30 as amended, properly signed, and notarized under the statutes applicable at the time of the signing of the map. However, it shall be the responsibility of the person presenting the map to prove that the map was so prepared.

(e) Method of Computation. -- An accurate method of computation shall be used to determine the acreage and ratio of precision shown on the plat. Area by estimation is not acceptable nor is area by planimeter, area by scale, or area copied from another source, except in the case of tracts containing inaccessible sections or areas. In such case the surveyor may make use of aerial photographs or other appropriate aids to determine the acreage of ~~such~~ any inaccessible areas when ~~such~~ the areas are bounded by natural and visible monuments. In such case the methods used must be stated on the plat and all accessible areas of the tract shall remain subject to all applicable standards of this section.

(f) Plat to Contain Specific Information. -- Every plat shall contain the following specific information:

(1) An accurately positioned north arrow coordinated with any bearings shown on the plat. Indication shall be made as to whether the north index is true, magnetic, North Carolina grid ('NAD 83' or 'NAD 27'), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to old deed or plat bearings, the date and the source (if known) ~~such~~ the index was originally determined shall be clearly indicated.

(2) The azimuth or course and distance of every property line surveyed shall be shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required.

(3) All plat distances shall be by horizontal or grid measurements. All lines shown on the plat shall be correctly plotted to the scale shown. Enlargement of portions of a plat are acceptable in the interest of clarity, where shown as inserts. Where the North Carolina grid system is used the grid factor shall be shown on the face of the plat. If grid distances are used, it must be shown on the plat.

(4) Where a boundary is formed by a curved line, the following data must be given: actual survey data from the point of curvature to the point of tangency shall be shown as standard curve data, or as a traverse of bearings and distances around the curve. If standard curve data is used the bearing and distance of the long chord (from point of curvature to point of tangency) must be shown on the plat.

(5) Where a subdivision of land is set out on the plat, all streets and lots shall be accurately plotted with dimension lines indicating widths and all other information pertinent to reestablishing all lines in the field. This shall include bearings and distances sufficient to form a continuous closure of the entire perimeter.

(6) Where control corners have been established in compliance with G.S. 39-32.1, 39-32.2, 39-32.3, and 39-32.4, as amended, the location and pertinent information as required in the reference statute shall be plotted on the plat. All other corners which are marked by monument or natural object shall be so identified on all plats, and where practical all corners of adjacent owners along the boundary lines of the subject tract which are marked by monument or natural object shall be shown.

(7) The names of adjacent landowners, or lot, block, parcel, subdivision designations or other legal reference where applicable, shall be shown where they could be determined by the surveyor.

(8) All visible and apparent rights-of-way, watercourses, utilities, roadways, and other such improvements shall be accurately located

where crossing or forming any boundary line of the property shown.

(9) Where the plat is the result of a survey, one or more corners shall, by a system of azimuths or courses and distances, be accurately tied to and coordinated with a horizontal control monument of some United States or State Agency survey system, such as the North Carolina Geodetic Survey where ~~such~~ the monument is within 2,000 feet of the subject property. Where the North Carolina Grid System coordinates of said monument are on file in the North Carolina Department of Environment, Health, and Natural Resources, the coordinates of both the referenced corner and the monuments used shall be shown in X (easting) and Y (northing) coordinates on the plat. The coordinates shall be identified as based on 'NAD 83,' indicating North American Datum of 1983, or as 'NAD 27,' indicating North American Datum of 1927. The tie lines to the monuments shall also be sufficient to establish true north or grid north bearings for the plat if the monuments exist in pairs. Within a previously recorded subdivision that has been tied to grid control, control monuments within the subdivision may be used in lieu of additional ties to grid control. Within a previously recorded subdivision that has not been tied to grid control, if horizontal control monuments are available within 2,000 feet, the above requirements shall be met; but in the interest of bearing consistency with previously recorded plats, existing bearing control should be used where practical. In the absence of Grid Control, other appropriate natural monuments or landmarks shall be used. In all cases, the tie lines shall be sufficient to accurately reproduce the subject lands from the control or reference points used.

(10) A vicinity map (location map) shall appear on the plat.

(11) Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:

a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;

b. That the survey is located in ~~such~~ a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;

c. That the survey is of an existing parcel or parcels of land;

d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;

e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of ~~his or her~~ the surveyor's professional ability as to provisions contained in (a) through (d) above.

However, if the plat contains the certificate of a surveyor as stated in a., d., or e. above, then the plat shall have, in addition to said surveyor's certificate, a certification of approval, or no approval required, as may be required by local ordinance from the appropriate government authority before the plat is presented for recordation. If the plat contains the certificate of a surveyor as stated in b. or c. above, nothing shall prevent the recordation of the plat if all other provisions have been met.

(g) Recording of Plat. ~~--For purposes of recording, the register of deeds shall not be responsible for:~~ In certifying a plat for recording pursuant to G.S 47-30.2, the Review Officer shall not be responsible for reviewing or certifying as to the following requirements of this section:

(1) ~~The provisions of subsection (b),~~ Subsection (b) of this section as to archival;

~~(2) The provisions of subsection (d), except for the notary certificate;~~

(3) ~~The provisions of subsection (e);~~ Subsection (e) of this section; or

(4) ~~The provisions of subdivisions (2) through (9) of subsection (f).~~ Subdivisions (2) through (9) of subsection (f) of this section.

A plat, when certified pursuant to G.S. 47-30.2 ~~proven and probated as provided herein for deeds and other conveyances, when~~ and presented for recording, shall be recorded in the plat book or plat file and when so recorded shall be duly indexed. Reference in any instrument hereafter executed to the record of any plat herein authorized shall have the same effect as if the description of the lands as indicated on the record of the plat were set out in the instrument.

(h) Nothing in this section shall be deemed to prevent the filing of any plat prepared by a registered land surveyor but not recorded prior to the death of the registered land surveyor. However, it is the responsibility of the person presenting the map to the Review Officer pursuant to G.S. 47-30.2 to prove that the plat was so prepared. For preservation these plats may be filed without signature, notary acknowledgement or probate, in a special plat file.

(i) Nothing in this section shall be deemed to invalidate any instrument or the title thereby conveyed making reference to any recorded plat.

(j) The provisions of this section shall not apply to boundary plats of areas annexed by municipalities nor to plats of municipal boundaries, whether or not required by law to be recorded.

(k) The provisions of this section shall apply to all counties in North Carolina. ~~Where local law is in conflict with this section, the provisions in this section shall apply. Failure of a plat to conform in all requirements of this statute shall be sufficient grounds for the register of deeds to refuse to accept the plat for recordation.~~

(l) The provisions of this section shall not apply to the registration of highway right-of-way plans provided for in G.S. 136-19.4 nor to registration of roadway corridor official maps provided in Article 2E of Chapter 136.

(m) Except as provided in subsection (n), any map submitted for inclusion on the public record, whether submitted alone or attached to a deed or other instrument, shall be prepared by a registered land surveyor. Such a map shall either (i) have an original personal signature and original seal as approved by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors or (ii) be a copy of a map, already on file in the public record, that is certified by the custodian of the public record to be a true and accurate copy of a map bearing an original personal signature and original seal. The presence of the original personal signature and seal shall constitute a certification that the map conforms to the standards of practice for land surveying in North Carolina, as defined in the rules of the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

(n) A map that does not meet the requirements of subsection (m) of this section may be attached to a deed or other instrument submitted for inclusion in the public record only for illustrative purposes and only if the map is conspicuously labelled, 'THIS MAP IS NOT A CERTIFIED SURVEY AND NO RELIANCE MAY BE PLACED IN ITS ACCURACY.'"

Section 3. Article 2 of Chapter 47 of the General Statutes is amended by adding a new section to read:

"§ 47-30.2. Review Officer.

(a) The board of commissioners of each county shall, by resolution, designate by name a person experienced in mapping or land records management as Review Officer to review each map and plat before it is presented to the register of deeds for recording. The person designated Review Officer shall, if possible, be certified as a property mapper pursuant to G.S. 147-54.4. The resolution designating the Review Officer shall be recorded in the county registry and indexed on the grantor index in the name of the Review Officer.

(b) The Review Officer shall review each map or plat before it is presented to the register of deeds for recording and certify that it complies with all statutory requirements for recording. The certification shall be in substantially the following form:

State of North Carolina
County of

I, Review Officer of County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

(c) The register of deeds shall not accept for recording any map or plat that does not have affixed a certification as provided in subsection (b) of this section."

Section 4. G.S. 136-102.6(d) reads as rewritten:

"(d) The right-of-way and construction plans for such public streets in residential subdivisions, including plans for street drainage, shall be submitted to the Division of Highways for review and approval, prior to the recording of the subdivision plat in the office of the register of deeds. The plat or map required by this section shall not be recorded by the register of deeds without a certification pursuant to G.S. 47-30.2 and, if determined to be necessary by the Review Officer, a certificate of approval by the Division of Highways of the plans for the public street as being in accordance with the minimum standards of the Board of Transportation for acceptance of the subdivision street on the State highway system for maintenance. The Review Officer shall not certify a map or plat subject to this section unless the new streets or changes in existing streets are designated either public or private. The certificate of approval shall not be deemed an acceptance of the dedication of ~~such~~ the streets on the subdivision plat or map. Final acceptance by the Division of Highways of ~~such~~ the public streets and placing them on the State highway system for maintenance shall be conclusive proof that the streets have been constructed according to the minimum standards of the Board of Transportation."

Section 5. G.S. 153A-321 reads as rewritten:

"**§ 153A-321. Planning agency.**

A county may by ordinance create or designate one or more agencies to perform the following duties:

(1) Make studies of the county and surrounding areas;

(2) Determine objectives to be sought in the development of the study area;

(3) Prepare and adopt plans for achieving these objectives;

(4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

(5) Advise the board of commissioners concerning the use and amendment of means for carrying out plans;

(6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the board of commissioners may direct;

(7) Perform any other related duties that the board of commissioners may direct.

An agency created or designated pursuant to this section may include but shall not be limited to one or more of the ~~following, with any staff that the board of commissioners considers appropriate.~~ following:

(1) A planning board or commission of any size (with not ~~less~~ fewer than three members) or composition considered appropriate, organized in any manner considered appropriate;

(2) A joint planning board created by two or more local governments according to the procedures and provisions of Chapter 160A, Article 20, Part 1."

Section 6. G.S. 153A-332 reads as rewritten:

"**§ 153A-332. Ordinance to contain procedure for plat approval; approval prerequisite to plat recordation; statement by owner.**

A subdivision ordinance adopted pursuant to this Part shall contain provisions setting forth the procedures to be followed in granting or denying approval of a subdivision plat before its registration.

The ordinance shall provide that the following agencies be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved:

(1) The district highway engineer as to proposed State streets, State highways, and related drainage systems;

(2) The county health director or local public utility, as appropriate, as to proposed water or sewerage systems;

(3) Any other agency or official designated by the board of commissioners.

The ordinance may provide that final approval of each individual subdivision plat is to be given by:

(1) The board of commissioners,

(2) The board of commissioners on recommendation of a planning agency, or

(3) A designated planning agency.

From the effective date of ~~time that~~ a subdivision ordinance that is adopted by the county, ~~filed with the register of deeds of the county,~~ no subdivision plat of land within the county's jurisdiction may be filed or recorded until it has been submitted to and approved by the appropriate board or agency, as specified in the subdivision ordinance, and until this approval is entered in writing on the face of the plat by an authorized representative of the county. ~~the chairman or head of the board or agency.~~ The Review Officer, pursuant to G.S. 47-30.2, shall not certify ~~register of deeds may not file or record~~ a plat of a subdivision of land located within the territorial jurisdiction of the county that has not been approved in accordance with these provisions, and the clerk of superior court may not order or direct the recording of a plat if the recording would be in conflict with this section. ~~The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether any land shown thereon is within the subdivision regulation jurisdiction of the county.~~"

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Section 9. G.S. 161-10(a)(3) reads as rewritten:

"(3) Plats. -- For each original or revised plat recorded ~~nineteen dollars ($19.00)~~ twenty-one dollars ($21.00) per sheet or page; for furnishing a certified copy of a plat three dollars ($3.00)."

Section 10. G.S. 89C-26 is repealed.

Section 11. G.S. 130A-99 reads as rewritten:

"**§ 130A-99. Register of deeds to preserve copies of birth and death records.**

(a) The register of deeds of each county shall file and preserve the copies of birth and death certificates furnished by the local registrar under the provisions of G.S. 130A-97, and shall make and keep a proper index of the certificates. These certificates shall be open to inspection and examination. Copies or abstracts of these certificates shall be provided to any person upon request. Certified copies of these certificates shall be provided only to those persons described in G.S. 130A-93(c).

(b) The register of deeds may remove from the records and destroy copies of birth certificates for persons born in counties other than the county in which the office of the register of deeds is located."

Section 12. G.S. 132-3(a) reads as rewritten:

"(a) Prohibition. -- No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with ~~G.S. 121-5,~~ G.S. 121-5 and G.S. 130A-99, without the consent of the Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, defaces, mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00)."

Section 13. G.S. 121-5(b) reads as rewritten:

"(b) Destruction of Records Regulated. -- No person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Cultural ~~Resources.~~ Resources, except as provided in G.S. 130A-99. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, mutilates, or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined at the discretion of the court.

When the custodian of any official State records certifies to the Department of Cultural Resources that such records have no further use or value for official and administrative purposes and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be destroyed or otherwise disposed of by the agency having custody of them.

When the custodian of any official records of any county, city, municipality, or other subdivision of government certifies to the Department that such records have no further use or value for official business and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be authorized by the governing body of said county, city, municipality, or other subdivision of government to be destroyed or otherwise disposed of by the agency having custody of them. A record of such certification and

authorization shall be entered in the minutes of the governing body granting the authority.

The North Carolina Historical Commission is hereby authorized and empowered to make such orders, rules, and regulations as may be necessary and proper to carry into effect the provisions of this section. When any State, county, municipal, or other governmental records shall have been destroyed or otherwise disposed of in accordance with the procedure authorized in this subsection, any liability that the custodian of such records might incur for such destruction or other disposal shall cease and determine."

Section 14. The Legislative Research Commission may study the procedures for land title registration pursuant to Chapter 43 of the General Statutes and make recommendations regarding revisions to the procedures to improve them. The Commission shall reports its findings and recommendations to the 1998 Regular Session of the 1997 General Assembly.

Section 15. Sections 1 through 10 of this act become effective October 1, 1997. The remainder of this act is effective when it becomes law. The removal and destruction by a register of deeds of any out-of-county birth certificates prior to the effective date of this act is valid, and the register of deeds is not in violation of G.S. 121-5 or G.S. 132-3.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 875
Proposed Committee Substitute S875-PCS1785

Short Title: Revise Records Laws-2. (Public)

Sponsors:

Referred to:

April 15, 1997

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 39-32.3 reads as rewritten:

"**§ 39-32.3. Recordation of plat showing control corners.**

Upon designating a control corner and affixing a permanent marker, said person, firm or corporation shall cause to be filed in the office of the register of deeds of the county in which the real estate development is located a map or plat showing the location of the control corner or corners and permanent marker or markers with adequate and sufficient description to enable a surveyor to locate such control corner or marker. ~~The register of deeds shall not accept for registration or record any map or plat of a real estate subdivision or development made after July 1, 1947, unless the location of such control corner or corners is shown thereon.~~ No map or plat of a real estate subdivision or development made after July 1, 1947, shall be certified for recording pursuant to G.S 47-30.2 unless the location of control corners is shown thereon."

Section 2. G.S. 47-30 reads as rewritten:

"**§ 47-30. Plats and subdivisions; mapping requirements.**

(a) Size Requirements. -- All land plats presented to the register of deeds for recording in the registry of a county in North Carolina after September 30, 1991,

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"**§ 47-30. Plats and subdivisions; mapping requirements.**

(a) Size Requirements. -- All land plats presented to the register of deeds for recording in the registry of a county in North Carolina after September 30, 1991,

where crossing or forming any boundary line of the property shown.

(9) Where the plat is the result of a survey, one or more corners shall, by a system of azimuths or courses and distances, be accurately tied to and coordinated with a horizontal control monument of some United States or State Agency survey system, such as the North Carolina Geodetic Survey where ~~such~~ the monument is within 2,000 feet of the subject property. Where the North Carolina Grid System coordinates of said monument are on file in the North Carolina Department of Environment, Health, and Natural Resources, the coordinates of both the referenced corner and the monuments used shall be shown in X (easting) and Y (northing) coordinates on the plat. The coordinates shall be identified as based on 'NAD 83,' indicating North American Datum of 1983, or as 'NAD 27,' indicating North American Datum of 1927. The tie lines to the monuments shall also be sufficient to establish true north or grid north bearings for the plat if the monuments exist in pairs. Within a previously recorded subdivision that has been tied to grid control, control monuments within the subdivision may be used in lieu of additional ties to grid control. Within a previously recorded subdivision that has not been tied to grid control, if horizontal control monuments are available within 2,000 feet, the above requirements shall be met; but in the interest of bearing consistency with previously recorded plats, existing bearing control should be used where practical. In the absence of Grid Control, other appropriate natural monuments or landmarks shall be used. In all cases, the tie lines shall be sufficient to accurately reproduce the subject lands from the control or reference points used.

(10) A vicinity map (location map) shall appear on the plat.

(11) Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:

a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;

b. That the survey is located in ~~such~~ a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;

c. That the survey is of an existing parcel or parcels of land;

d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;

e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of ~~his or her~~ the surveyor's professional ability as to provisions contained in (a) through (d) above.

However, if the plat contains the certificate of a surveyor as stated in a., d., or e. above, then the plat shall have, in addition to said surveyor's certificate, a certification of approval, or no approval required, as may be required by local ordinance from the appropriate government authority before the plat is presented for recordation. If the plat contains the certificate of a surveyor as stated in b. or c. above, nothing shall prevent the recordation of the plat if all other provisions have been met.

(g) Recording of Plat. --~~For purposes of recording, the register of deeds shall not be responsible for:~~ In certifying a plat for recording pursuant to G.S 47-30.2, the Review Officer shall not be responsible for reviewing or certifying as to the following requirements of this section:

(1) ~~The provisions of subsection (b),~~ Subsection (b) of this section as to archival;

~~(2) The provisions of subsection (d), except for the notary certificate;~~

(3) ~~The provisions of subsection (e);~~ Subsection (e) of this section; or

(4) ~~The provisions of subdivisions (2) through (9) of subsection (f).~~ Subdivisions (1) through (10) of subsection (f) of this section.

A plat, when certified pursuant to G.S. 47-30.2 ~~proven and probated as provided herein for deeds and other conveyances, when~~ and presented for recording, shall be recorded in the plat book or plat file and when so recorded shall be duly indexed. Reference in any instrument hereafter executed to the record of any plat herein authorized shall have the same effect as if the description of the lands as indicated on the record of the plat were set out in the instrument.

(h) Nothing in this section shall be deemed to prevent the filing of any plat prepared by a registered land surveyor but not recorded prior to the death of the registered land surveyor. However, it is the responsibility of the person presenting the map to the Review Officer pursuant to G.S. 47-30.2 to prove that the plat was so prepared. For preservation these plats may be filed without signature, notary acknowledgement or probate, in a special plat file.

(i) Nothing in this section shall be deemed to invalidate any instrument or the title thereby conveyed making reference to any recorded plat.

(j) The provisions of this section shall not apply to boundary plats of areas annexed by municipalities nor to plats of municipal boundaries, whether or not required by law to be recorded.

(k) The provisions of this section shall apply to all counties in North Carolina. ~~Where local law is in conflict with this section, the provisions in this section shall apply. Failure of a plat to conform in all requirements of this statute shall be sufficient grounds for the register of deeds to refuse to accept the plat for recordation.~~

(l) The provisions of this section shall not apply to the registration of highway right-of-way plans provided for in G.S. 136-19.4 nor to registration of roadway corridor official maps provided in Article 2E of Chapter 136.

(m) Except as provided in subsection (n), any map submitted for inclusion on the public record, whether submitted alone or attached to a deed or other instrument, shall be prepared by a registered land surveyor. Such a map shall either (i) have an original personal signature and original seal as approved by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors or (ii) be a copy of a map, already on file in the public record, that is certified by the custodian of the public record to be a true and accurate copy of a map bearing an original personal signature and original seal. The presence of the original personal signature and seal shall constitute a certification that the map conforms to the standards of practice for land surveying in North Carolina, as defined in the rules of the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

(n) A map that does not meet the requirements of subsection (m) of this section may be attached to a deed or other instrument submitted for inclusion in the public record only for illustrative purposes and only if the map is conspicuously labelled, 'THIS MAP IS NOT A CERTIFIED SURVEY AND NO RELIANCE MAY BE PLACED IN ITS ACCURACY.'"

Section 3. Article 2 of Chapter 47 of the General Statutes is amended by adding a new section to read:

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(a) The board of commissioners of each county shall, by resolution, designate by name a person experienced in mapping or land records management as Review Officer to review each map and plat before it is presented to the register of deeds for recording. The person designated Review Officer shall, if possible, be certified as a property mapper pursuant to G.S. 147-54.4. The resolution designating the Review Officer shall be recorded in the county registry and indexed on the grantor index in the name of the Review Officer.

(b) The Review Officer shall review each map or plat before it is presented to the register of deeds for recording and certify that it complies with all statutory requirements for recording. The certification shall be in substantially the following form:

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I, Review Officer of County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

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Date

(c) The register of deeds shall not accept for recording any map or plat that does not have affixed a certification as provided in subsection (b) of this section."

Section 4. G.S. 136-102.6(d) reads as rewritten:

"(d) The right-of-way and construction plans for such public streets in residential subdivisions, including plans for street drainage, shall be submitted to the Division of Highways for review and approval, prior to the recording of the subdivision plat in the office of the register of deeds. The plat or map required by this section shall not be recorded by the register of deeds without a certification pursuant to G.S. 47-30.2 and, if determined to be necessary by the Review Officer, a certificate of approval by the Division of Highways of the plans for the public street as being in accordance with the minimum standards of the Board of Transportation for acceptance of the subdivision street on the State highway system for maintenance. The Review Officer shall not certify a map or plat subject to this section unless the new streets or changes in existing streets are designated either public or private. The certificate of approval shall not be deemed an acceptance of the dedication of ~~such~~ the streets on the subdivision plat or map. Final acceptance by the Division of Highways of ~~such~~ the public streets and placing them on the State highway system for maintenance shall be conclusive proof that the streets have been constructed according to the minimum standards of the Board of Transportation."

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(1) Make studies of the county and surrounding areas;

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From and after the effective date of ~~time that~~ a subdivision ordinance that is adopted by the city, ~~filed with the register of deeds of the county,~~ no subdivision plat of land within the city's jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the council or appropriate agency, as specified in the subdivision ordinance, and until this approval shall have been entered on the face of the plat in writing by ~~the chairman or head of the agency.~~ an authorized representative of the city. The Review Officer, pursuant to G.S. 47-30.2 shall not certify ~~register of deeds shall not file or record~~ a plat of a subdivision of land located within the territorial jurisdiction of a city that has not been approved in accordance with these provisions, nor shall the clerk of superior court order or direct the recording of a plat if the recording would be in conflict with this section. ~~The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of any city.~~"

Section 9. G.S. 161-10(a)(3) reads as rewritten:

"(3) Plats. -- For each original or revised plat recorded ~~nineteen dollars ($19.00)~~ twenty-one dollars ($21.00) per sheet or page; for furnishing a certified copy of a plat three dollars ($3.00)."

Section 10. G.S. 89C-26 is repealed.

Section 11. G.S. 130A-99 reads as rewritten:

"**§ 130A-99. Register of deeds to preserve copies of birth and death records.**

(a) The register of deeds of each county shall file and preserve the copies of birth and death certificates furnished by the local registrar under the provisions of G.S. 130A-97, and shall make and keep a proper index of the certificates. These certificates shall be open to inspection and examination. Copies or abstracts of these certificates shall be provided to any person upon request. Certified copies of these certificates shall be provided only to those persons described in G.S. 130A-93(c).

(b) The register of deeds may remove from the records and destroy copies of birth or death certificates for persons born or dying in counties other than the county in which the office of the register of deeds is located."

Section 12. G.S. 132-3(a) reads as rewritten:

"(a) Prohibition. -- No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with ~~G.S. 121-5,~~ G.S. 121-5 and G.S. 130A-99, without the consent of the Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, defaces, mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00)."

Section 13. G.S. 121-5(b) reads as rewritten:

"(b) Destruction of Records Regulated. -- No person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Cultural ~~Resources.~~ Resources, except as provided in G.S. 130A-99. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, mutilates, or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined at the discretion of the court.

When the custodian of any official State records certifies to the Department of Cultural Resources that such records have no further use or value for official and administrative purposes and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be destroyed or otherwise disposed of by the agency having custody of them.

When the custodian of any official records of any county, city, municipality, or other subdivision of government certifies to the Department that such records have no further use or value for official business and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be authorized by the governing body of said county, city, municipality, or other subdivision of government to be destroyed or otherwise disposed of by the agency having custody of them. A record of such certification and

authorization shall be entered in the minutes of the governing body granting the authority.

The North Carolina Historical Commission is hereby authorized and empowered to make such orders, rules, and regulations as may be necessary and proper to carry into effect the provisions of this section. When any State, county, municipal, or other governmental records shall have been destroyed or otherwise disposed of in accordance with the procedure authorized in this subsection, any liability that the custodian of such records might incur for such destruction or other disposal shall cease and determine."

Section 14. The Legislative Research Commission may study the procedures for land title registration pursuant to Chapter 43 of the General Statutes and make recommendations regarding revisions to the procedures to improve them. The Commission shall report its findings and recommendations to the 1998 Regular Session of the 1997 General Assembly.

Section 15. Sections 1 through 10 of this act become effective October 1, 1997. The remainder of this act is effective when it becomes law. The removal and destruction by a register of deeds of any out-of-county birth certificates prior to the effective date of this act is valid, and the register of deeds is not in violation of G.S. 121-5 or G.S. 132-3.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 875

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

H875-ARF-02 Page 1 of __

Date_____,1997

Comm. Sub. []
Amends Title []

moves to amend the bill on page 2, line 26, by rewriting that line to read:

"person indicated on the plat.";

and further moves to amend the bill on page 6, line 22, be rewriting that line to read:

"Subdivisions (1) through (10) of subsection (f) of this section.";

and further moves to amend the bill on page 10, line 37 by deleting the word "Reviewing" and substituting the word "Review";

and further moves to amend the bill on page 11, line 14 through 16 by rewriting those lines to read:

"(b) The register of deeds may remove from the records and destroy copies of birth or death certificates for persons born in counties other than the county in which the office of the register of deeds is located.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 891

Short Title: Local Government Contracting. (Public)

Sponsors: Senators Dalton; Conder, Hartsell, Odom, Warren, Weinstein, and Wellons.

Referred to: State Government, Local Government, and Personnel.

April 16, 1997

A BILL TO BE ENTITLED

AN ACT TO UPDATE AND REVISE THE LAWS AFFECTING LOCAL GOVERNMENT CONTRACTING.

The General Assembly of North Carolina enacts:

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

"(a) No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than one hundred thousand dollars ($100,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ~~twenty thousand dollars ($20,000),~~ thirty thousand dollars ($30,000), except in cases of group purchases made by hospitals through a competitive bidding purchasing program or in cases of special emergency involving the health and safety of the people or their property, shall be performed, nor shall any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any county, city, town, or other subdivision of the State, unless the provisions of this section are complied with. For purposes of this Article, a competitive bidding group purchasing program is a formally organized program that offers purchasing services at discount prices to two or more hospital facilities. The limitation contained in this paragraph shall not apply to construction or repair work undertaken during the progress of a construction or repair project initially begun pursuant to this section. Further, the provisions of this section shall not apply to the purchase of gasoline, diesel fuel, alcohol fuel, motor oil or fuel oil. Such purchases shall be subject to G.S. 143-131.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any municipality, county, or other political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the manager or the chief purchasing official the authority to award contracts, reject bids, readvertise to receive bids on behalf of the unit, or waive bid bonds or deposits, or performance and payment bond requirements. Any person to whom authority is delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body."

Section 2. G.S. 143-129(b) reads as rewritten:

"(b) Advertisement of the letting of such contracts shall be as follows:

Where the contract is to be let by a board or governing body of the State government, or of a State institution, as distinguished from a board or governing body of a subdivision of the State, proposals shall be invited by advertisement at least one week before the time specified for the opening of said proposals in a newspaper having general circulation in the State of North Carolina. Provided that the advertisements for bidders required by this section shall be published at such a time that at least seven full days shall lapse between the date of publication of notice and the date of the opening of bids.

Where the contract is to be let by a county, city, town or other subdivision of the State, proposals shall be invited by advertisement at least one week before the time specified for the opening of said proposals in a newspaper having general circulation in such county, city, town or other subdivision.

Such advertisement shall state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials or equipment may be had, and the time and place for opening of the proposals, and shall reserve to said board or governing body the right to reject any or all such proposals.

Proposals shall not be rejected for the purpose of evading the provisions of this Article. No board or governing body of the State or subdivision thereof shall assume responsibility for construction or purchase contracts, or guarantee the payments of labor or materials therefor except under provisions of this Article.

All proposals shall be opened in public and shall be recorded on the minutes of the board or governing body and the award shall be made to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract. In the event the lowest responsible bids are in excess of the funds available for the project, the responsible board or governing body is authorized to enter into negotiations with the lowest responsible bidder above mentioned, making reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available, and may award a contract to such bidder upon recommendation of the Department of Administration in the case of the State government or of a State institution or agency, or upon recommendation of the responsible commission, council or board in the case of a subdivision of the State, if such bidder will agree to perform the work at the negotiated price within the funds available therefor. If a

contract cannot be let under the above conditions, the board or governing body is authorized to readvertise, as herein provided, after having made such changes in plans and specifications as may be necessary to bring the cost of the project within the funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor.

No proposal shall be considered or accepted by said board or governing body unless at the time of its filing the same shall be accompanied by a deposit with said board or governing body of cash, or a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the proposal. In lieu of making the cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as required herein. In the case of proposals ~~in an estimated amount of less than one hundred thousand dollars ($100,000)~~ for the purchase of apparatus, supplies, materials, or equipment, the board or governing body may waive the requirement for a bid bond or other deposit.

Bids shall be sealed ~~if the invitation to bid so specifies and, in any event,~~ and the opening of an envelope or package with knowledge that it contains a bid or the disclosure or exhibition of the contents of any bid by anyone without the permission of the bidder prior to the time set for opening in the invitation to bid shall constitute a Class 1 misdemeanor."

Section 3. G.S. 143-129(f) reads as rewritten:

"(f) The provisions of this Article shall not apply to purchases of apparatus, supplies, materials, or equipment ~~by hospitals~~ when performance or price competition for a product are not available; when a needed product is available from only one source of supply; or when standardization or compatibility is the overriding ~~consideration;~~ consideration. Notwithstanding any other provision of this section, the governing board of a municipality, county, or other subdivision of the State shall approve purchases made under this exception prior to the award of the contract. In the case of purchases by hospitals, in addition to the other exceptions in this subsection, the provisions of this Article shall not apply when a particular medical item or prosthetic appliance is needed; when a particular product is ordered by an attending physician for his patients; when additional products are needed to complete an ongoing job or task; when products are purchased for "over-the-counter" resale; when a particular product is needed or desired for experimental, developmental, or research work; or when equipment is already installed, connected, and in service under a lease or other agreement and the governing body of the hospital determines that the equipment should be purchased. The governing body of a ~~hospital~~ hospital, municipality, county or other political subdivision of the State shall keep a record of

all purchases made pursuant to this exception. These records are subject to public inspection."

Section 4. G.S. 143-129 is amended by adding a new subsection to read:

"(g) When the governing board of any municipality, county, or other subdivision of the State, or the manager or purchasing official delegated authority under subsection (a) of this section, determines that it is in the best interest of the unit, the requirements of this section may be waived for the purchase of apparatus, supplies, materials, or equipment from any person or entity that has, within the previous 12 months, contracted to furnish the apparatus, supplies, materials, or equipment to:

(1) The United States of America or any federal agency;

(2) The State of North Carolina or any agency or political subdivision of the State; or

(3) Any other state or any agency or political subdivision of that state,

if the person or entity is willing to furnish the items at the same or more favorable prices, terms, and conditions as those provided under the contract with the other unit or agency. Notwithstanding any other provision of this section, any purchase made under this subsection shall be approved by the governing body of the purchasing municipality, county, or other political subdivision of the State. Rules issued by the Secretary of Administration pursuant to G.S. 143-129(6) shall apply with respect to participation in State term contracts."

Section 5. G.S. 143-131 reads as rewritten:

"**§ 143-131. When counties, cities, towns and other subdivisions may let contracts on informal bids.**

All contracts for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment, involving the expenditure of public money in the amount of five thousand dollars ($5,000) or more, but less than the limits prescribed in G.S. 143-129, made by any officer, department, board, or commission of any county, city, town, or other subdivision of this State shall be made after informal bids have been secured. All such contracts shall be awarded to the lowest responsible bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract. It shall be the duty of any officer, department, board, or commission entering into such contract to keep a record of all bids submitted, and such record shall not be subject to public inspection ~~at any time.~~ until the contract has been awarded."

Section 6. G.S. 160A-266 reads as rewritten:

"**§ 160A-266. Methods of sale; limitation.**

(a) Subject to the limitations prescribed in subsection (b) of this section, and according to the procedures prescribed in this Article, a city may dispose of real or personal property belonging to the city by:

(1) Private negotiation and sale;

(2) Advertisement for sealed bids;

(3) Negotiated offer, advertisement, and upset bid;

(4) Public auction; or

(5) Exchange.

(b) Private negotiation and sale may be used only with respect to personal property valued at less than ~~ten thousand dollars ($10,000)~~ thirty thousand dollars ($30,000) for any one item or group of similar items. Real ~~property~~ property, of any value, and personal property valued at ~~ten thousand dollars ($10,000)~~ thirty thousand dollars ($30,000) or more for any one item or group of similar items may be exchanged as permitted by G.S. 160A-271, or may be sold by any method permitted ~~in this~~ Article other than private negotiation and sale, except as permitted in G.S. 160A-277 and G.S. 160A-279.

Provided, however, a city may dispose of real property of any value and personal property valued at ~~ten thousand dollars ($10,000)~~ thirty thousand dollars ($30,000) or more for any one item or group of similar items by private negotiation and sale where (i) said real or personal property is significant for its architectural, archaeological, artistic, cultural or historical associations, or significant for its relationship to other property significant for architectural, archaeological, artistic, cultural or historical associations, or significant for its natural, scenic or open condition; and (ii) said real or personal property is to be sold to a nonprofit corporation or trust whose purposes include the preservation or conservation of real or personal properties of architectural, archaeological, artistic, cultural, historical, natural or scenic significance; and (iii) where a preservation agreement or conservation agreement as defined in G.S. 121-35 is placed in the deed conveying said property from the city to the nonprofit corporation or trust. Said nonprofit corporation or trust shall only dispose of or use said real or personal property subject to covenants or other legally binding restrictions which will promote the preservation or conservation of the property, and, where appropriate, secure rights of public access.

(c) A city council may adopt regulations prescribing procedures for disposing of personal property valued at less than ~~five hundred dollars ($500.00)~~ five thousand dollars ($5,000) for any one item or group of items in substitution for the requirements of this Article. The regulations shall be designed to secure for the city fair market value for all property disposed of and to accomplish the disposal efficiently and economically. The regulations may, but need not, require published notice, and may provide for either public or private exchanges and sales. The council may authorize one or more city officials to declare surplus any personal property valued at less than ~~five hundred dollars ($500.00)~~ five thousand dollars ($5,000) for any one item or group of items, to set its fair market value, and to convey title to the property for the city in accord with the regulations. A city official authorized under this section to dispose of property ~~shall, on the first day of February, report in writing to the council on any property disposed of under such authorization from July 1 through December 31 of the previous year, and shall on the first day of August report in writing to the council on any property disposed of under such authorization from January 1 through June 30 of that year. The written report~~ shall keep a record of all property sold under this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with

whom exchanged, and the amount of money or other consideration received for each sale or ~~exchange since the last such report was submitted.~~ exchange."

Section 7. Article 8 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-129.7. Purchase with trade-in of apparatus, supplies, materials, and equipment.**

Notwithstanding the provisions of Article 12 of Chapter 160A, municipalities, counties, and other political subdivisions of the State may include in specifications for the purchase of apparatus, supplies, materials, or equipment an opportunity for bidders to purchase as 'trade-in' specified personal property owned by the municipality, county, or other political subdivision, and the awarding authority may award a contract for both the purchase of the apparatus, supplies, materials, or equipment and the sale of trade-in property, taking into consideration the amount offered on the trade-in when applying the criteria for award established in this Article."

Section 8. This act raises the threshold amount in G.S. 143-129 and G.S. 160A-266. If any local act provides a threshold amount for the subjects addressed in these statutes that is less than the amount provided in this act, this act prevails to the extent of that conflict.

Section 9. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) _____
Sen.)

moves to amend the bill on page _____, line _____

( ) WHICH CHANGES THE TITLE

by _____

SIGNED _____

Adopted By The Committee On State Gov./Local Gov./Personnel

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

COMMITTEE CLERK

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ 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 _____, line _____

2 ( ) WHICH CHANGES THE TITLE

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SIGNED _____

Adopted By The Committee On State Gov./Local Gov./Personnel

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

COMMITTEE CLERK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 910

Short Title: Change Limitations for Official Bonds. (Public)

Sponsors: Senators Dalton, Kerr; Clark, Warren, and Weinstein.

Referred to: Judiciary.

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE STATUTE OF LIMITATIONS FOR ACTIONS ON OFFICIAL BONDS FROM SIX YEARS TO THREE YEARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-50(a)(1) is repealed.

Section 2. G.S. 1-52 reads as rewritten:

"**§ 1-52. Three years.**

Within three years an action --

(1) Upon a contract, obligation or liability arising out of a contract, express or implied, except those mentioned in the preceding sections or in G.S. 1-53(1).

(1a) Upon the official bond of a public officer.

(2) Upon a liability created by statute, either state or federal, unless some other time is mentioned in the statute creating it.

(3) For trespass upon real property. When the trespass is a continuing one, the action shall be commenced within three years from the original trespass, and not thereafter.

(4) For taking, detaining, converting or injuring any goods or chattels, including action for their specific recovery.

(5) For criminal conversation, or for any other injury to the person or rights of another, not arising on contract and not hereafter enumerated.

(6) Against the sureties of any executor, administrator, collector or guardian on the official bond of their principal; within three years after the breach thereof complained of.

(7) Against bail; within three years after judgment against the principal; but bail may discharge himself by a surrender of the principal, at any time before final judgment against the bail.

(8) For fees due to a clerk, sheriff or other officer, by the judgment of a court; within three years from the rendition of the judgment, or the issuing of the last execution thereon.

(9) For relief on the ground of fraud or mistake; the cause of action shall not be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(10) Repealed by Session Laws 1977, c. 886, s. 1.

(11) For the recovery of any amount under and by virtue of the provisions of the Fair Labor Standards Act of 1938 and amendments thereto, said act being an act of Congress.

(12) Upon a claim for loss covered by an insurance policy which is subject to the three-year limitation contained in lines 158 through 161 of the Standard Fire Insurance Policy for North Carolina, G.S. 58-44-15(c).

(13) Against a public officer, for a trespass, under color of his office.

(14) An action under Chapter 75B of the General Statutes, the action in regard to a continuing violation accrues at the time of the latest violation.

(15) For the recovery of taxes paid as provided in G.S. 105-267 and G.S. 105-381.

(16) Unless otherwise provided by statute, for personal injury or physical damage to claimant's property, the cause of action, except in causes of actions referred to in G.S. 1-15(c), shall not accrue until bodily harm to the claimant or physical damage to his property becomes apparent or ought reasonably to have become apparent to the claimant, whichever event first occurs. Provided that no cause of action shall accrue more than 10 years from the last act or omission of the defendant giving rise to the cause of action.

(17) Against a public utility, electric or telephone membership corporation, or a municipality for damages or for compensation for right-of-way or use of any lands for a utility service line or lines to serve one or more customers or members unless an inverse condemnation action or proceeding is commenced within three years after the utility service line has been constructed or by October 1, 1984, whichever is later.

(18) Against any registered land surveyor as defined in G.S. 89C-3(9) or any person acting under his supervision and control for physical

damage or economic or monetary loss due to negligence or a deficiency in the performance of surveying or platting as defined in G.S. 1-47(6)."

Section 3. This act becomes effective October 1, 1997, and applies to actions occurring on or after that date. This act shall not affect litigation or actions pending on October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 936

Short Title: Veterans Reemployment Priority. (Public)

Sponsors: Senators Warren; Conder, Jordan, and Rand.

Referred to: State Government, Local Government, and Personnel.

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PRIORITY IN EMPLOYMENT ASSISTANCE FOR UNITED STATES ARMED FORCES VETERANS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 127B is amended by adding a new Article to read:

"ARTICLE 3.

"Priority in Employment for United States Armed Forces Veterans.

"**§ 127B-20. Purpose.**

The General Assembly finds and declares that veterans in North Carolina represent a strong, productive part of the workforce of this State and are disadvantaged in their pursuit of civilian employment through their delayed entry into the civilian labor market and that it is only proper and in the public interest and public welfare that veterans be provided priority in programs of employment and job training assistance.

"**§ 127B-21. Veteran defined.**

For the purposes of this Article, 'veteran' means a person who served on active duty (other than for training) in any component of the United States Armed Forces for a period of 180 days or more, unless released earlier because of service-connected disability, and who was discharged or released from the armed forces under honorable conditions.

"**§ 127B-22. Priority defined.**

For the purposes of this Article, 'priority' for veterans means that eligible veterans who register or otherwise apply for services shall be extended the opportunity to

participate or otherwise receive the services of the covered providers before the providers extend the opportunity and services to other registered applicants.

"**§ 127B-23. Priority employment directed.**

All officers and employees of the State and of any county, city, other political subdivisions, boards, commissions, and other public or private recipients of federal funds or funds appropriated by the General Assembly, shall establish procedures to provide eligible veterans with priority in the provision of these programs and services.

"**§ 127B-24. Implementation and performance measures.**

The North Carolina Commission on Workforce Preparedness shall:

(1) Issue implementing directives that shall apply to all employees of the State and of any county, city, other political subdivision of the State, boards, commissions, and other public or private recipients of federal funds or funds appropriated by the General Assembly, and revise those directives as necessary to further the intent of this Article.

(2) Develop measures of service for veterans that will serve as indicators of compliance with the provisions of this Article by all covered service providers.

(3) Annually publish and submit to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, beginning not later than October 1, 1998, a report detailing covered providers' compliance with the provisions of this Article."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE DRS2703-LK153(4.10)

987

Short Title: Interstate Econ. Develop. Permits. (Public)

Sponsors: Senator Ballance.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS IN INTERSTATE ECONOMIC DEVELOPMENT ZONES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-1006 is amended by adding a new subsection to read:

"(l) Interstate Interchange Economic Development Zones. -- The Commission may issue permits listed in G.S. 18B-1001(10), without approval at an election, to qualified establishments defined in G.S. 18B-1000(4), (6), and (8) located within one and one-half miles of an interstate highway interchange located in a county that:

(1) Has approved the sale of malt beverages, unfortified wine, and fortified wine, but not mixed beverages;

(2) Operates ABC stores;

(3) Borders on another state; and

(4) Lies north of the Roanoke River."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 987
Proposed Committee Substitute S987-PCS2733

Short Title: Interstate Econ. Develop. Permits. (Public)

Sponsors:

Referred to:

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS IN INTERSTATE ECONOMIC DEVELOPMENT ZONES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-1006 is amended by adding a new subsection to read:

"(l) Interstate Interchange Economic Development Zones. -- The Commission may issue permits listed in G.S. 18B-1001(10), without approval at an election, to qualified establishments defined in G.S. 18B-1000(4), (6), and (8) located within one mile of an interstate highway interchange located in a county that:

(1) Has approved the sale of malt beverages, unfortified wine, and fortified wine, but not mixed beverages;

(2) Operates ABC stores;

(3) Borders on another state; and

(4) Lies north of the Roanoke River."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE DRS7755-LK157(4.10)

1030

Short Title: Public Contract Disputes. (Public)

Sponsors: Senator Miller.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR PROJECT EXPEDITERS ON PUBLIC CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-128(e) reads as rewritten:

"(e) Project expediter; ~~scheduling.~~ scheduling; public body to resolve project disputes. -- The State, county, municipality, or ~~other~~ public body ~~may, if specified in~~ the bid documents, provide for assignment of responsibility for expediting the work on the project to a single responsible and reliable person, firm or corporation, which may be a prime contractor. In executing this responsibility, the designated project expediter may recommend to the State, county, municipality, or other public body whether payment to a contractor should be approved. The project expediter, if required by the contract documents, shall be responsible for the preparation of the project schedule and shall allow all contractors and subcontractors performing any of the branches of work listed in subsection (d) of this section equal input into the preparation of the initial schedule. Notwithstanding an assignment of responsibility for expediting the work, whenever separate contracts are awarded and separate contractors engaged for a project pursuant to this section, the State, county, or municipality or other public body shall issue decisions and directives concerning the work of the separate contractors and any project disputes between them. These decisions and directives shall be made and issued promptly so as not to delay the progress of the project and shall be binding on the separate contractors during the project's construction."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

S1030-PCSRF-01
PROPOSED COMMITTEE SUBSTITUTE
SENATE BILL 1030
THIS IS A DRAFT 23-APR-97 14:06:54
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Public Contract Disputes. (Public)

Sponsors:

Referred to: State Government, Local Government, and Personnel

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR PROJECT EXPEDITERS ON PUBLIC CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-128(e) reads as rewritten:

"(e) Project expediter; ~~scheduling.~~ scheduling; public body to resolve project disputes. -- The State, county, municipality, or other public body may, if specified in the bid documents, provide for assignment of responsibility for expediting the work on the project to a single responsible and reliable person, firm or corporation, which may be a prime contractor. In executing this responsibility, the designated project expediter may recommend to the State, county, municipality, or other public body whether payment to a contractor should be approved. The project expediter, if required by the contract documents, shall be responsible for the preparation of the project schedule and shall allow all contractors and subcontractors performing any of the branches of work listed in subsection (d) of this section equal input into the preparation of the initial schedule. Notwithstanding an assignment of responsibility for expediting the work, whenever separate contracts are awarded and separate contractors engaged for a project pursuant to this section, the

State, county, or municipality or other public body, or their designee, may issue decisions and directives concerning the work of the separate contractors and any project disputes between them. "

Section 2. This act becomes effective October 1, 1997 and applies to contracts entered into on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

SENATE DRS6659*-LL140(4.9)

1074

Short Title: Haliwa Name Change. (Public)

Sponsors: Senators Ballance and Cooper.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO OFFICIALLY RECOGNIZE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE HALIWA TRIBE AS THE HALIWA SAPONI TRIBE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 71A-5 reads as rewritten:

"**§ 71A-5. Haliwa Saponi Tribe of North Carolina; rights, privileges, immunities, obligations and duties.**

The Indians now residing in Halifax, Warren and adjoining counties of North Carolina, originally found by the first permanent white settlers on the Roanoke River in Halifax and Warren Counties, and claiming descent from certain tribes of Indians originally inhabiting the coastal regions of North Carolina, shall, from and after April 15, 1965, be designated and officially recognized as the Haliwa Saponi Tribe of North Carolina, and they shall continue to enjoy all their rights, privileges and immunities as citizens of the State as now or hereafter provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law."

Section 2. G.S. 143B-407(a) reads as rewritten:

"(a) The State Commission of Indian Affairs shall consist of two persons appointed by the General Assembly, the Secretary of Human Resources, the Director of the State Employment Security Commission, the Secretary of Administration, the Secretary of Environment, Health, and Natural Resources, the Commissioner of Labor or their designees and 18 representatives of the Indian community. These Indian members shall be selected by tribal or community consent from the Indian groups that are recognized by the State of North Carolina and are principally geographically located as follows: the Coharie of Sampson and Harnett Counties; the

Eastern Band of Cherokees; the Haliwa Saponi of Halifax, Warren, and adjoin counties; the Lumbees of Robeson, Hoke and Scotland Counties; the Meherrin of Hertford County; the Waccamaw-Siouan from Columbus and Bladen Counties; and the Native Americans located in Cumberland, Guilford and Mecklenburg Counties. The Coharie shall have two members; the Eastern Band of Cherokees, two; the ~~Haliwa,~~ Haliwa Saponi, two; the Lumbees, three; the Meherrin, one; the Waccamaw-Siouan, two; the Cumberland County Association for Indian People, two; the Guilford Native Americans, two; the Metrolina Native Americans, two. Of the two appointments made by the General Assembly, one shall be made upon the recommendation of the Speaker, and one shall be made upon recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121 and vacancies shall be filled in accordance with G.S. 120-122."

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

PROMINENT CITIZENS OF BUNCOMBE COUNTY WHO SUPPORT SB 410, SHORT TITLE "BUNCOMBE COUNTY COMMISSIONER ELECTIONS"

O. L. Sherrill - Telephone 704 669-8213 - African-American, Democrat, retired principal of Asheville High School, former Democrat member of Buncombe County Board of Elections.

District Judge Robert L. Harrell - Telephone (H) 704-274-1369, (0) 704-255-4701, African-American, Democrat, presides over night court, can reach him at home most of the time during the day.

H. K. Edgerton - Telephone (0) 704 253-1439, (H) 704 281-4454 - African-American, Republican, President Asheville NAACP.

Dr. L. C. Ray - Telephone 704 253-7986, African-American, Democrat, Minister.

Doris Giezentanner - Telephone 704-645-7351, Democrat, retired Buncombe County Commissioner (1976-92). Former council person, Town of Woodfin.

Z. R. (Zeb) Sheppard - Telephone 704-252-6724, Democrat, retired real estate developer and builder and country store operator, former Buncombe County Commissioner, former member of Buncombe County Board of Education and member of Asheville-Buncombe Community College Board of Trustees.

Bill Oglesby - Telephone (0) 704-258-2007, (H) 704 645-4686, Democrat, former County Commissioner. Spoke to Local Government Committee on March 26th in favor of bill.

Harold DeBruhl - Telephone (0) 704 254-8856, (h) 704 254-7965, Democrat, real estate appraiser, former Buncombe County Democrat Chairman, brother of the late State Representative Claude DeBruhl.

Dr. Rachael Queen - Telephone 704 254-3720, Democrat, retired college professor, President Tax Payers for Accountable Government (TAG).

No more taxation without representation!
Elect a commissioner from each district.

✔ Vote Yes

for district representation in Buncombe County

Fairer representation

- Every district will have a voice - 65% of county residents live west of the French Broad River with NO representation - 57% live in unincorporated areas with little representation.
- District elections will give minorities a good chance to be elected.

Land use planning

- Residents will have a voice in land use planning in their district.

Communication

- District representatives will be more accessible to taxpayers.
- Better communications will result in greater voter participation and will encourage more young people to become involved.
- This will bring communities closer, rather than being divisive.

Accountability

- More accountability will result in less costly government.

It's the right thing to do!

Paid for by Concerned Democrats for Better Representation

VISITOR REGISTRATION SHEET

STATE/LOCAL GOVERNMENT & PERSONNEL — 4-23-97
Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Charles Moore	Secretary of State
Judy Gibson	Register of Deeds Mecklenburg Co.
[illegible]	Register of Deeds Randolph Co.
[illegible]	Register of Deeds Lenoir Co.
Jim Blackburn	Assoc. County Commr's
[illegible]	[illegible]
Richard T. Davis	Register + Bee
Grover A. Gore	Lawyer - Town of Belville Brunswick Co - Shallotte LOHO agency Belville NC
Jack Stack	
Dale McNiel	SCENIC NC
Ed Brackett	Asheville Citizen-Times
Robert Beam	DANVILLE REGISTER + BEE
Stephanie Gibbs	Charlotte Observer
Bob Carpenter	N.C. Senate, 42nd District

State Government, Local Government and Personnel 4/23/97

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Henry Jones	H Hearney - Raleigh
James Woodard	NC DVA
Steve Guess	NC Veterans Council
GARNETT Shropshire	N.C. Veterans Council
Dwyane Rowe	Lenoir Co Register of Deeds
Judy Gunn	Mecklenburg Co. Register of Deeds
Ann Shaw	Randolph Co Register of Deeds
Kim Smith	NCLM
Randy Jones	City of Charlotte
Natalie Hawkins	Charlotte Chamber

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

TUESDAY, APRIL 29, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Tuesday, April 29, 1997 at 8:00 a.m. in room 414 of the Legislative Office Building. Seven members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

SB 546, Raleigh Real Property Disclosure, was explained by Senator Miller. Senator Miller moved to amend the bill to include the entire state and that the bill be put into a committee substitute. The motion carried unanimously. Senator Miller moved that the committee substitute be given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 548, Stokes/Delinquent Prop. Taxes, was explained by Senator Foxx. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 936, Veterans Reemployment Priority, was explained by Senator Warren. Senator Ledbetter moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ledbetter moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 959, Modular Home Certifying Agent, was explained by Senator Hartsell. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 1028, Subcontractor Claims Against Owners, was explained by Senator Miller. Senator Miller moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 1054, Allow Burma Divestiture, was explained by Senator Page. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 1067, No Business Relations with Burma, was explained by Senator Page. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

Senator Brad Miller, Chairman

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Tuesday, April 29, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **548** Stokes/Delinquent Prop. Taxes.
Sequential Referral: None
Recommended Referral: None

S.B. **959** Modular Home Certifying Agent
Sequential Referral: None
Recommended Referral: None

S.B. **1028** Subcontractor Claims Against Owners.
Sequential Referral: None
Recommended Referral: None

S.B. **1054** Allow Burma Divestiture.
Sequential Referral: None
Recommended Referral: None

S.B. **1067** No Business Relations with Burma.
Sequential Referral: None
Recommended Referral: None

FAVORABLE, AS AMENDED

S.B. **546** Raleigh Real Property Disclosure.
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 6

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Tuesday, April 29, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. **936** Veterans Reemployment Priority

Draft Number:	PCS2744
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

TUESDAY, APRIL 29, 1997

ROOM 414

Bills

SB 546, Raleigh Real Property Disclosure	Senator Miller
SB 548, Stokes/Delinquent Prop. Taxes	Senator Foxx
SB 900, State Building Commission Projects	Senator Warren
SB 936, Veterans Reemployment Priority	Senator Warren
SB 959, Modular Home Certifying Agent	Senator Hartsell
SB 1054, Allow Burma Divestiture	Senator Page
SB 1067, No Business Relations with Burma	Senator Page

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 546

Short Title: Raleigh Real Property Disclosure. (Local)

Sponsors: Senator Miller.

Referred to: State Government. Local Government, and Personnel.

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE REAL PROPERTY DISCLOSURE LAWS RELATING TO THE SALE OF REAL PROPERTY WITHIN THE CITY OF RALEIGH AND AREAS WITHIN ITS EXTRATERRITORIAL JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 47E-4(b) reads as rewritten:

"(b) A residential property disclosure statement shall read as follows:

"RESIDENTIAL PROPERTY DISCLOSURE STATEMENT

Notice to Seller and Purchaser

The North Carolina Residential Property Disclosure Act requires the owner of residential real property consisting of 1-4 units, whenever the property is to be sold, exchanged, optioned, or purchased pursuant to a lease with option to purchase, to furnish to the purchaser a RESIDENTIAL PROPERTY DISCLOSURE STATEMENT disclosing certain conditions of the property. Certain transfers of residential property are excluded from this requirement by G.S. 47E-2, including transfers of residential property made pursuant to a lease with an option to purchase where the lessee occupies or intends to occupy the dwelling.

Property Address/Description:_____

The undersigned owner(s) of the real property described above disclose the following present conditions of the real property of which the owner(s) has actual knowledge with regard to:

1. Any abnormality or malfunctioning of the water supply or sanitary sewage disposal system:
[]Yes []None Known []No Representations
If Yes, please describe_____

2. Any damage to or abnormality of the roof, chimneys, floors, foundation, basement, or load-bearing walls, or any leak in the roof or basement:
[]Yes []None Known []No Representations
If Yes, please describe_____

3. Any abnormality or malfunctioning of the plumbing, electrical, heating, or cooling systems:
[]Yes []None Known []No Representations
If Yes, please describe_____

4. Present infestation of wood-destroying insects or organisms or past infestation the damage for which has not been repaired:
[]Yes []None Known []No Representations
If Yes, please describe_____

5. The real property's violation of zoning laws, restrictive covenants or building codes; any encroachment of the real property from or to adjacent real property; or notice from any governmental agency affecting this real property:
[]Yes []None Known []No Representations
If Yes, please describe_____

6. ~~Presence~~ The presence of lead-based paint, asbestos, radon gas, methane gas, underground storage tank, hazardous material or toxic material (whether buried or covered):
[]Yes []None Known []No Representations
If Yes, please describe_____

7. The presence of any flood hazard areas as designated on city or county maps.
[]Yes []None Known []No Representations
If Yes, please describe_____

The purchaser and owner may wish to obtain professional advice about, or inspections of, the real property. The owner has a duty to disclose any material inaccuracy in this statement or any material change in the real property which is discovered between the date of this statement and the closing of the transaction. The owner(s) acknowledge having examined this statement before signing below:

_____ _____ _____ _____
Owner Date Owner Date

The purchaser(s) acknowledge receipt of a copy of this disclosure statement and further acknowledge that they have examined it before signing below:

_____ _____ _____ _____
Purchaser Date Purchaser Date"

Section 2. This act applies only to the City of Raleigh and to areas within the City's extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 548

Short Title: Stokes/Delinquent Prop. Taxes. (Local)

Sponsors: Senator Foxx.

Referred to: State Government, Local Government, and Personnel.

March 27, 1997

A BILL TO BE ENTITLED

AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN STOKES COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 657 of the 1993 Session Laws reads as rewritten:

"Section 1. The ~~Register~~ Registers of Deeds of Ashe ~~County~~ and Stokes Counties shall not receive for recordation any deed unless the deed is accompanied by a certificate from the ~~Ashe~~ County Tax Collector to the effect that all delinquent taxes upon the property described in the deed offered for recordation have been paid."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 900

Short Title: State Building Commission Projects. (Public)

Sponsors: Senators Warren; Albertson, Dalton, Hoyle, Miller, Rand, Weinstein, and Wellons.

Referred to: State Government, Local Government and Personnel.

April 16, 1997

A BILL TO BE ENTITLED

AN ACT TO MAKE CONSISTENT AMONG GENERAL STATUTES CERTAIN REQUIREMENTS FOR ANNOUNCING OF CAPITAL IMPROVEMENT PROJECT DESIGN REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-64.34 reads as rewritten:

"**§ 143-64.34. Exemption of certain State Capital Improvement Projects.**

State Capital Improvement Projects under the jurisdiction of the State Building Commission where the estimated expenditure of public money is less than ~~fifty thousand dollars ($50,000)~~ one hundred thousand dollars ($100,000) are exempt from the provisions of this Article."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 936

Short Title: Veterans Reemployment Priority. (Public)

Sponsors: Senators Warren; Conder, Jordan, and Rand.

Referred to: State Government, Local Government, and Personnel.

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PRIORITY IN EMPLOYMENT ASSISTANCE FOR UNITED STATES ARMED FORCES VETERANS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 127B is amended by adding a new Article to read:

"ARTICLE 3.

"Priority in Employment for United States Armed Forces Veterans.

"**§ 127B-20. Purpose.**

The General Assembly finds and declares that veterans in North Carolina represent a strong, productive part of the workforce of this State and are disadvantaged in their pursuit of civilian employment through their delayed entry into the civilian labor market and that it is only proper and in the public interest and public welfare that veterans be provided priority in programs of employment and job training assistance.

"**§ 127B-21. Veteran defined.**

For the purposes of this Article, 'veteran' means a person who served on active duty (other than for training) in any component of the United States Armed Forces for a period of 180 days or more, unless released earlier because of service-connected disability, and who was discharged or released from the armed forces under honorable conditions.

"**§ 127B-22. Priority defined.**

For the purposes of this Article, 'priority' for veterans means that eligible veterans who register or otherwise apply for services shall be extended the opportunity to

participate or otherwise receive the services of the covered providers before the providers extend the opportunity and services to other registered applicants.

"**§ 127B-23. Priority employment directed.**

All officers and employees of the State and of any county, city, other political subdivisions, boards, commissions, and other public or private recipients of federal funds or funds appropriated by the General Assembly, shall establish procedures to provide eligible veterans with priority in the provision of these programs and services.

"**§ 127B-24. Implementation and performance measures.**

The North Carolina Commission on Workforce Preparedness shall:

(1) Issue implementing directives that shall apply to all employees of the State and of any county, city, other political subdivision of the State, boards, commissions, and other public or private recipients of federal funds or funds appropriated by the General Assembly, and revise those directives as necessary to further the intent of this Article.

(2) Develop measures of service for veterans that will serve as indicators of compliance with the provisions of this Article by all covered service providers.

(3) Annually publish and submit to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, beginning not later than October 1, 1998, a report detailing covered providers' compliance with the provisions of this Article."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 936
Proposed Committee Substitute S936-CSRP-001
WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Vet Employment Assistance Priority. (Public)

Sponsors:

Referred to: State Government, Local Government, and Personnel.

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PRIORITY IN EMPLOYMENT ASSISTANCE FOR UNITED STATES ARMED FORCES VETERANS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 165 of the General Statutes is amended by adding a new article to read:

"ARTICLE 7A.

"Priority in Employment Assistance for United States Armed Forces Veterans.

"§ 165-44.1. Purpose.

The General Assembly finds and declares that veterans in North Carolina represent a strong, productive part of the workforce of this State and are disadvantaged in their pursuit of civilian employment through their delayed entry into the civilian labor market and that it is only proper and in the public interest and public welfare that veterans be provided priority in programs of employment and job training assistance.

"§ 165-44.2. Veteran defined.

For the purposes of this Article, 'veteran' means a person who served on active duty (other than for training) in any component of the United States Armed Forces for a period of 180 days or

more, unless released earlier because of service-connected disability, and who was discharged or released from the armed forces under honorable conditions.

"§ 165-44.3. Priority defined.

For the purposes of this Article, 'priority' for veterans means that eligible veterans who register or otherwise apply for services shall be extended the opportunity to participate in or otherwise receive the services of the covered providers before the providers extend the opportunity or services to other registered applicants.

"§ 165-44.4. Priority employment assistance directed.

All officers and employees of the State and of any county, city, other political subdivision, boards and commissions, and other public or private recipients of federal funds or funds appropriated by the General Assembly which provide employment and job training and related assistance programs and services, shall establish procedures to provide eligible veterans with priority in the provision of these programs and services.

"§ 165-44.5. Implementation and performance measures.

The North Carolina Commission on Workforce Preparedness shall:

(1) Issue implementing directives that shall apply to all employees of the State and of any county, city, other political subdivision of the State, boards and commissions, and other public or private recipients of federal funds or funds appropriated by the General Assembly, and revise those directives as necessary to further the intent of this Article.

(2) Develop measures of service for veterans that will serve as indicators of compliance with the provisions of this Article by all covered service providers.

(3) Annually publish and submit to the Joint Legislative Commission on Governmental Operations, beginning not later than October 1, 1998, a report detailing covered providers' compliance with the provisions of this Article."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 959

Short Title: Modular Home Certifying Agent. (Public)

Sponsors: Senator Hartsell.

Referred to: State Government, Local Government, and Personnel.

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO EXEMPT MODULAR CONSTRUCTION CERTIFYING AGENCIES FROM CHAPTER 89C OF THE GENERAL STATUTES WHILE PRACTICING EXCLUSIVELY AS CERTIFYING AGENCIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 89C-25 reads as rewritten:

"**§ 89C-25. Limitations on application of Chapter.**

This Chapter shall not be construed to prevent or affect:

(1) The practice of architecture, landscape architecture, or contracting or any other legally recognized profession or trade; or

(2) The practice of professional engineering or land surveying in this State or by any person not a resident of this State and having no established place of business in this State when this practice does not aggregate more than 90 days in any calendar year, whether performed in this State or elsewhere, or involve more than one specific project; provided, however, that such person is legally qualified by registration to practice the said profession in his own state or country, in which the requirements and qualifications for obtaining a certificate of registration are satisfactory to the Board; in which case the person shall apply for and the Board will issue a temporary permit; or

(3) The practice of professional engineering or land surveying in this State not to aggregate more than 90 days by any person residing in this State, but whose residence has not been of sufficient duration

for the Board to grant or deny registration; provided, however, such person shall have filed an application for registration as a professional engineer or registered land surveyor and shall have paid the fee provided for in G.S. 89C-14, and provided that such a person is legally qualified by registration to practice professional engineering or land surveying in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are satisfactory to the Board, in which case the person shall apply for and the Board will issue a temporary permit; or

(4) Engaging in engineering or land surveying as an employee or assistant under the responsible charge of a professional engineer or registered land surveyor or as an employee or assistant of a nonresident professional engineer or a nonresident registered land surveyor provided for in subdivisions (2) and (3) of this section, provided that said work as an employee may not include responsible charge of design or supervision; or

(5) The practice of professional engineering or land surveying by any person not a resident of, and having no established place of business in this State, as a consulting associate of a professional engineer or registered land surveyor registered under the provisions of this Chapter; provided, the nonresident is qualified for such professional service in his own state or country; or

(6) Practice by members of the armed forces or employees of the government of the United States while engaged in the practice of engineering or land surveying solely for said government on government-owned works and projects; or

(7) The internal engineering or surveying activities of a person, firm or corporation engaged in manufacturing, processing, or producing a product, including the activities of public service corporations, public utility companies, authorities, State agencies, railroads, or membership cooperatives, or the installation and servicing of their product in the field; or research and development in connection with the manufacture of that product or their service; or of their research affiliates; or their employees in the course of their employment in connection with the manufacture, installation, or servicing of their product or service in the field, or on-the-premises maintenance of machinery, equipment, or apparatus incidental to the manufacture or installation of the product or service of a firm by the employees of the firm upon property owned, leased or used by the firm; inspection, maintenance and service work done by employees of the State of North Carolina, any political subdivision thereof, or any municipality therein including construction, installation, servicing, maintenance by regular full-time employees of streets, street lighting, traffic-control

signals, police and fire alarm systems, waterworks, steam, electric and sewage treatment and disposal plants; the services of superintendents, inspectors or foremen regularly employed by the State of North Carolina or any political subdivision thereof, or municipal corporation therein; provided, however, that the internal engineering or surveying activity is not a holding out to or an offer to the public of engineering or any service thereof as prohibited by this Chapter. Engineering work, not related to the foregoing exemptions, where the safety of the public is directly involved shall be under the responsible charge of a registered professional engineer, or in accordance with standards prepared or approved by a registered professional engineer.

(8) The (i) preparation of fire sprinkler planning and design drawings by a fire sprinkler contractor licensed under Article 2 of Chapter 87 of the General Statutes, or (ii) the performance of internal engineering or survey work by a manufacturing or communications common carrier company, or by a research and development company, or by employees of such corporations provided that such work is in connection with, or incidental to products of, or nonengineering services rendered by such corporations or their affiliates.

(9) The routine maintenance or servicing of machinery, equipment, facilities or structures, the work of mechanics in the performance of their established functions, or the inspection or supervision of construction by a foreman, superintendent, or agent of the architect or professional engineer, or services of an operational nature performed by an employee of a laboratory, a manufacturing plant, a public service corporation, or governmental operation.

(10) Practice by certifying agencies, approved by the State Building Code Council under G.S. 143-139.1, only while performing testing, evaluation, inspection, and certification services under G.S. 143-139.1."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 1028

Short Title: Subcontractor Claims Against Owners. (Public)

Sponsors: Senator Miller.

Referred to: Judiciary.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW A CONTRACTOR, ON BEHALF OF A SUBCONTRACTOR, TO FILE AN ACTION AGAINST THE OWNER REGARDING A CLAIM ARISING OUT OF THE CONTRACT BETWEEN THE SUBCONTRACTOR AND THE CONTRACTOR FOR THE SAME PROJECT THAT IS THE SUBJECT OF THE CONTRACT BETWEEN THE CONTRACTOR AND THE OWNER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 22C-2 reads as rewritten:

"§ 22C-2. **Performance by ~~subcontractor.~~ subcontractor; actions by contractor on behalf of subcontractor.**

(a) Performance by a subcontractor in accordance with the provisions of its contract shall entitle it to payment from the party with whom it contracts. Payment by the owner to a contractor is not a condition precedent for payment to a subcontractor and payment by a contractor to a subcontractor is not a condition precedent for payment to any other subcontractor, and an agreement to the contrary is unenforceable.

(b) A contractor may, on behalf of a subcontractor of any tier under the contractor, file an action against an owner regarding a claim arising out of or relating to labor, materials, or services furnished by the subcontractor to the contractor pursuant to a contract between the subcontractor and the contractor for the same project that is the subject of the contract between the contractor and the owner.

(c) In any action filed by a contractor against an owner under subsection (b) of this section, it shall not be a defense that the costs and damages at issue were

incurred by a subcontractor and that subcontractor has not been paid for these costs and damages. The owner shall not be required to pay the contractor for the costs and damages incurred by a subcontractor, unless the subcontractor submits proof to the court that the contractor has paid these costs and damages to the subcontractor."

Section 2. This act becomes effective October 1, 1997, and applies to contracts entered on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 1054

Short Title: Allow Burma Divestiture. (Public)

Sponsors: Senators Page; Blust and Kinnaird.

Referred to: State Government, Local Government, and Personnel.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT AUTHORIZING COUNTIES, CITIES, AND LOCAL BOARDS OF EDUCATION TO ESTABLISH REQUIREMENTS CONCERNING DOING BUSINESS WITH THE UNION OF MYANMAR, FORMERLY BURMA, IN PROJECTS FINANCED BY PUBLIC FUNDS.

The General Assembly of North Carolina enacts:

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

"**§ 153A-142. Anti-heroin requirements.**

As a means of encouraging, expressing, and implementing policies opposing the illegal heroin trade and serious human rights abuses in the Union of Myanmar, formerly Burma, a county may enact ordinances, resolutions, rules, regulations, and procedures, relative to the use of public funds, that prohibit purchases from, investment in, or otherwise contracting with any person, firm, or corporation doing business in or with the Union of Myanmar, formerly Burma. The county may include such prohibitions in the specifications for contracts to perform all or part of any projects and may award bids pursuant to G.S. 143-129 and G.S. 143-131, if applicable, to the lowest responsible bidder or bidders meeting these and other specifications."

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

"**§ 160A-198. Anti-heroin requirements.**

As a means of encouraging, expressing, and implementing policies opposing the illegal heroin trade and serious human rights abuses, a city may enact ordinances,

resolutions, rules, regulations, and procedures, relative to the use of public funds, that prohibit purchases from, investment in, or otherwise contracting with any person, firm, or corporation doing business in or with the Union of Myanmar, formerly Burma. The city may include such prohibitions in the specifications for contracts to perform all or part of any projects and may award bids pursuant to G.S. 143-129 and G.S. 143-131, if applicable, to the lowest responsible bidder or bidders meeting these and other specifications."

Section 3. Article 5 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-51. Anti-heroin requirements.**

As a means of encouraging, expressing, and implementing policies opposing the illegal heroin trade and serious human rights abuses, local boards of education may enact resolutions, rules, regulations, and procedures, relative to the use of public funds, that prohibit purchases from, investment in, or otherwise contracting with any person, firm, or corporation doing business in or with the Union of Myanmar, formerly Burma. The local board of education may include such prohibitions in the specifications for contracts to perform all or part of any projects and may award bids pursuant to G.S. 143-129 and G.S. 143-131, if applicable, to the lowest responsible bidder or bidders meeting these and other specifications."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 1067

Short Title: No Business Relations with Burma. (Public)

Sponsors: Senators Page; and Kinnaird.

Referred to: State Government, Local Government, and Personnel.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO DENOUNCE THE HEROIN TRAFFIC TRADE FROM THE UNION OF MYANMAR, FORMERLY BURMA, AND TO REQUEST COMPANIES PRESENTLY DOING BUSINESS WITH THE STATE OF NORTH CAROLINA AND ALSO DOING BUSINESS IN THE UNION OF MYANMAR TO WITHDRAW THEIR OPERATION FROM THE UNION OF MYANMAR IN SUPPORT OF THE DEMOCRACY MOVEMENT IN THE UNION OF MYANMAR.

Whereas, the citizens of North Carolina recognize the need to protect their State from the influx of heroin coming from the Union of Myanmar, formerly Burma (herein referred to as Myanmar) and the resulting health and human service costs associated with increased heroin use; and

Whereas, according to the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, there are approximately 17,544 known IV drug users in the State of North Carolina, most of whom use heroin; and

Whereas, approximately 2,315 addicts received treatment through public programs; and

Whereas, the United States State Department report of June 1996 states that "Burma ... is the source of over sixty percent (60%) of the heroin seized on U.S. streets." Further it states that the State Law and Order Restoration Council (SLORC) military regime maintains good relationships with leaders of "drug-trafficking armies," and has allowed several of them to participate in the Government's national constitutional convention in the guise of ethnic leaders."

Section 3. The General Assembly requests that companies affected by this act withdraw from doing business in the Union of Myanmar by the end of one calendar year from the date of the enactment of this bill.

Section 4. The State shall monitor the situation in the Union of Myanmar and the effects of this correspondence.

Section 5. A list of the companies currently doing business in the Union of Myanmar shall be obtained through the resources of the Investor Responsibility Research Center and other reliable sources.

Section 6. The heads of all State departments, agencies, and institutions affected by this act shall file a written report with the Joint Legislative Commission Governmental Operations detailing compliance with this request.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 1067

Short Title: No Business Relations with Burma. (Public)

Sponsors: Senators Page; and Kinnaird.

Referred to: State Government, Local Government, and Personnel.

April 21, 1997

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AN ACT TO DENOUNCE THE HEROIN TRAFFIC TRADE FROM THE UNION OF MYANMAR, FORMERLY BURMA, AND TO REQUEST COMPANIES PRESENTLY DOING BUSINESS WITH THE STATE OF NORTH CAROLINA AND ALSO DOING BUSINESS IN THE UNION OF MYANMAR TO WITHDRAW THEIR OPERATION FROM THE UNION OF MYANMAR IN SUPPORT OF THE DEMOCRACY MOVEMENT IN THE UNION OF MYANMAR.

Whereas, the citizens of North Carolina recognize the need to protect their State from the influx of heroin coming from the Union of Myanmar, formerly Burma (herein referred to as Myanmar) and the resulting health and human service costs associated with increased heroin use; and

Whereas, according to the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, there are approximately 17,544 known IV drug users in the State of North Carolina, most of whom use heroin; and

Whereas, approximately 2,315 addicts received treatment through public programs; and

Whereas, the United States State Department report of June 1996 states that "Burma ... is the source of over sixty percent (60%) of the heroin seized on U.S. streets." Further it states that the State Law and Order Restoration Council (SLORC) military regime maintains good relationships with leaders of "drug-trafficking armies," and has allowed several of them to participate in the Government's national constitutional convention in the guise of ethnic leaders."

(1) Ignoring the f he 1990 electio which pro-democracy candidates re ver sixty percent (of the vote and over eighty perce of the seats in the mment;

(2) Forcing the nment, death, or le of many of these candidates, in the six years' hous arrest of pro-democracy leader and 19 el Peace Prize recipient Aung San Suu Kyi;

(3) Failing to co a Constitutional Convention as promised in 1990;

(4) Imposing mar barring freedom of the press and gatherings of more than fi people;

(5) Forcibly relocating hundreds of thousands of people, both those in neighborhoods with strong pro-democracy support and ethnic minorities including the Muslim Rohingyas and indigenous groups in areas with extractive resources, to locales in which malaria and other diseases are rampant and where food, water, and sewers are scarce, if available at all;

(6) Barring all labor and trade union organizing and implementing forced labor for the purpose of road and tourist site construction, portaging of military goods and human minesweeping;

(7) Harming the men, women, and children of Myanmar by pillaging villages and townships, and by attacking and burning refugee camps; and

Whereas, the military regime is currently attempting to enhance its standing in the international community and to increase the flow of foreign funds and investment through various means; and

Whereas, the National League for Democracy's call for sanctions is supported by Nobel Peace Prize Laureates Archbishop Desmond Tutu, the Dalai Lama, Oscar Arias Sanchez, Mairead McGuire, Betty Williams, Adolpho Perez Esquival, and many others including the AFL-CIO; and

Whereas, the State of North Carolina declares the right to measure the moral character of its business partners with whom it seeks to have business relations; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The General Assembly recognizes that it is in the public interest that the State of North Carolina refrain from doing business in or with the Union of Myanmar, formerly Burma.

Section 2. The heads of all State departments, agencies, and institutions are authorized to send letters to all companies with which they do business which are also doing business in the Union of Myanmar, formerly Burma, informing them of the State's concern about the importation of heroin into the United States and the human rights abuses in the Union of Myanmar, and requesting that they withdraw all operations from the Union of Myanmar as soon as possible as requested by the duly elected leadership of the Union of Myanmar, the National League for Democracy led by Aung San Suu Kyi.

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April 10, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 546: Raleigh Real Property Disclosure

Senate Bill 546, introduced by Senator Miller, amends the provisions of the real property disclosure law by adding another condition for disclosure to the Residential Property Disclosure Statement set forth in G.S. 47E-4(b).

Under the amendment, the disclosure statement for residential real estate transfers in Raleigh and its ETJ will have to contain a provision regarding the presence of flood hazard areas as designated on city or county maps.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 11, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 548: Stokes Delinquent Property Taxes.

Senate Bill 548, introduced by Senator Foxx, permits the Stokes County Register of Deeds to refuse to record any deed unless the deed is accompanied by a certificate from the Stokes County tax collector that all deliquent taxes have been paid on the property.

Under the duties of the Register of Deeds, Article 2 of Chapter 161 of the General Statutes, the Register of Deeds must immediately register all written instruments presented to him for registration and endorse on the instrument the date and time at which it was presented. G.S. 161-14. The Register of Deeds faces both civil and criminal liability for failure to properly discharge his office. G.S. 161-16, G.S. 161-27. Senate Bill 186 creates an exception to this rule requiring immediate registration of all instruments when presented as set forth above.

This bill is identical to Senate Bill 186, also introduced by Senator Foxx, which received a favorable report from this committee. Ashe County also obtained this exemption from the General Assembly in 1993.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 28, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 900: State Building Commission Projects.

Senate Bill 900, introduced by Senator Warren, increases the cost exemption for the procurement of architectural, engineering, and surveying services for State Capitol Improvement Projects to $100,000.. G.S. 143-64.34 currently provides that State Capitol Improvement Projects under $50,000 are not subject to the provisions of Article 3D. Under Article 3D, all requirements for architectural, engineering, and surveying services must be announced and firms selected that are most qualified to perform those services on the basis of demonstrated competence and qualifications for the services to be rendered. ($100,000 is also the threshold under the competitive bidding statute, G.S. 143-129, for construction and repair work.)

The act is effective when it becomes law.

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April 28, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 959: Modular Home Certifying Agent.

Senate Bill 959, introduced by Senator Hartsell, exempts from the provisions of the North Carolina Engineering and Land Surveying Act, Chapter 89C of the General Statutes, agencies that certify modular homes under the provisions of G.S. 143-139.1 of the General Statutes, when they are performing testing, evaluation, inspection and certification services pursuant to that statute.

G.S. 143-139.1 allows the State Building Code to provide for the testing, evaluation, and certification of modular structures by recognized independent testing labs. The statute also provides that the State Building Code Council may adopt rules for the approval of agencies offering such testing and for overseeing their operations.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 28, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 1054: Allow Burma Divestiture

Senate Bill 1054, introduced by Senator Page, adds new sections to the General Statutes that would allow counties and municipalities to enact ordinances and other regulations that prohibit purchases from, investment in, or otherwise contracting with any person or firm doing business with the Union of Myanmar (Burma). Counties and municipalities may include the prohibition as part of their specifications for contracts. Section 3 of the bill provides similar authority for local boards of education.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 28, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 1067: No Business Relations with Burma

Senate Bill 1067, introduced by Senator Page, requests companies doing business with the State and also with Myanmar (Burma) to end their Myanmar operations due to human rights abuses and the heroin traffic in that country.

Section 2 authorizes the Heads of all State departments and agencies to send letters to companies with which they do business that have business relations with the Union of Myanmar (Burma) expressing their concern about the heroin trade and human rights abuses in that country and requesting that they withdraw all business operation from Myanmar as soon as possible.

Section 3 is the General Assembly's request that companies doing business with Myanmar and with the State withdraw from business in Myanmar within one year of the enactment of this act.

Section 4 provides that the State shall monitor the situation in Myanmar.

Section 5 provides that the list of companies doing business with Myanmar shall be obtained from the Investor Responsibility Research Center and other reliable sources.

Section 6 requires State agency heads to report to the Joint Legislative Commission on Governmental Operations on compliance with this request.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

State & Local Gov
~~SENATE REDISTRICTING COMMITTEE~~ ~~2/20/97~~ 4/29/97

~~Name of Committee~~ **Date**

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
James A Womack	NCDVA
Tim Minton	NC Assoc of Realtors
Garrett Shepherd	NC Veterans Council
Steve Giese	NC Veterans Council
Marshall Hurley	atty
Dave Simpson	Carolinas AFC
Bill Gammon	Atty
Andrea Silva	Free Burma Coalition
Margaret Hume	Free Burma Coalition
[illegible]	N.C. Assoc. Soc. of Cert. Tr. Counselors
Wendy Mills	SEANC
[illegible]	OSP

VISITOR REGISTRATION SHEET

SENATE REDISTRICTING COMMITTEE — 2/26/97

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	[illegible]
[illegible]	[illegible]

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, APRIL 30, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, April 30, 1997 at 11:00 a.m. in room 414 of the Legislative Office Building. Ten members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

SB 552, McDowell Road Hunting, was explained by Senator Ledbetter, who moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 725, EEOC Deferral Agency/Proceedings, was explained by Senator Miller. Senator Ballance moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ballance moved to give the Proposed Committee Substitute a favorable report. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 791, OSHA Witness Statements/AB, was explained by Senator Ballance. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 900, State Building Commission Projects, was explained by Senator Warren. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

SB 943, Medicaid False Claims Act, was explained by Senator Rand. Senator Jenkins moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ledbetter moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 1049, Campus Satellite Polling Places, was explained by Senator Kinnaird. Senator Ballance moved a favorable report of the bill. By a vote of 5-2, the motion carried. **Favorable report.**

Senator Brad Miller, Chair

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Wednesday, April 30, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **552** McDowell Road Hunting.
Sequential Referral: None
Recommended Referral: None

S.B. **791** OSHA Witness Statements/AB.
Sequential Referral: None
Recommended Referral: None

S.B. **900** State Building Commission Projects.
Sequential Referral: None
Recommended Referral: None

S.B. **1049** Campus Satellite Polling Places.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. **725** EEOC Deferral Agency/Proceedings.
Draft Number: PCS7789
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

S.B. **943** Medicaid False Claims Act.
Draft Number: PCS7787
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 6

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, APRIL 30, 1997

ROOM 414

Bills

SB 62, Annexation/Municipal Services	Senator Hartsell
SB 552, McDowell Road Hunting	Senator Ledbetter
SB 725, EEOC Deferral Agency/Proceedings	Senator Miller
SB 791, OSHA Witness Statements/AB	Senator Ballance
SB 900, State Building Commission Projects	Senator Warren
SB 943, Medicaid False Claims Act	Senator Rand
SB 1024, Sheriffs' comm'n Amendments	Senator Cooper
SB 1049, Campus Satellite Polling Places	Senator Kinnaird

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 62*

Short Title: Annexation/Municipal Services. (Public)

Sponsors: Senators Hartsell; Cochrane and Odom.

Referred to: Judiciary.

February 6, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL MUNICIPAL SERVICES TO BE PROVIDED TO A NEWLY ANNEXED AREA ON THE DATE OF ANNEXATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-35 reads as rewritten:

"**§ 160A-35. Prerequisites to annexation; ability to serve; report and plans.**

A municipality exercising authority under this Part shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the public hearing provided for in G.S. 160A-37, prepare a report setting forth such plans to provide services to such area. The report shall include:

(1) A map or maps of the municipality and adjacent territory to show the following information:
   a. The present and proposed boundaries of the municipality.
   b. The proposed extensions of water mains and sewer outfalls to serve the annexed area, if such utilities are operated by the municipality. The water and sewer map must bear the seal of a registered professional engineer or a licensed surveyor.

(2) A statement showing that the area to be annexed meets the requirements of G.S. 160A-36.

(3) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans shall:

a. Provide for extending police protection, fire protection, solid waste collection and street maintenance services to the area to be annexed on the date of ~~annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.~~ annexation. A contract with a rural fire department to provide fire protection shall be an acceptable method of providing fire protection. If a water distribution system is not available in the area to be annexed, the plans must call for reasonably effective fire protection services until such time as waterlines are made available in such area under existing municipal policies for the extension of waterlines. A contract with a private firm to provide solid waste collection services shall be an acceptable method of providing solid waste collection services.

b. Provide for extension of water mains and sewer lines into the area to be annexed so that property owners in the area to be annexed will be able to secure public water and sewer ~~services according to the policies in effect in such municipality for extending water and sewer lines to individual lots or subdivisions.~~ services. If the municipality must, at its own expense, extend water and/or sewer mains into the area to be annexed before property owners in the area can, according to municipal policies, make such connection to such lines, then the plans must call for contracts to be let and construction to begin on such lines within one year following the effective date of annexation.

c. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.

(4) A statement of the impact of the annexation on any rural fire department providing service in the area to be annexed and a statement of the impact of the annexation on fire protection and fire insurance rates in the area to be annexed, if the area where service is provided is in an insurance district designated under G.S. 153A-233, a rural fire protection district under Article 3A of Chapter 69 of the General Statutes, or a fire service district under Article 16 of Chapter 153A of the General Statutes. The rural fire department shall make available to the city not later than 30 days following a written request from the city all information in its possession or control, including but not limited to operational, financial and budgetary information, necessary for preparation of a statement of impact. The rural fire department forfeits its rights under G.S. 160A-37.1 and G.S. 160A-37.2 if it fails to make a good faith response within 45 days following receipt of the written

request for information from the city, provided that the city's written request so states by specific reference to this section."

Section 2. G.S. 160A-47 reads as rewritten:

"**§ 160A-47. Prerequisites to annexation; ability to serve; report and plans.**

A municipality exercising authority under this Part shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the public hearing provided for in G.S. 160A-49, prepare a report setting forth such plans to provide services to such area. The report shall include:

(1) A map or maps of the municipality and adjacent territory to show the following information:
   a. The present and proposed boundaries of the municipality.
   b. The present major trunk water mains and sewer interceptors and outfalls, and the proposed extensions of such mains and outfalls as required in subdivision (3) of this section. The water and sewer map must bear the seal of a registered professional engineer.
   c. The general land use pattern in the area to be annexed.

(2) A statement showing that the area to be annexed meets the requirements of G.S. 160A-48.

(3) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans shall:
   a. Provide for extending police protection, fire protection, solid waste collection and street maintenance services to the area to be annexed on the date of ~~annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.~~ annexation. A contract with a rural fire department to provide fire protection shall be an acceptable method of providing fire protection. If a water distribution system is not available in the area to be annexed, the plans must call for reasonably effective fire protection services until such time as waterlines are made available in such area under existing municipal policies for the extension of waterlines. A contract with a private firm to provide solid waste collection services shall be an acceptable method of providing solid waste collection services.
   b. Provide for extension of major trunk water mains and sewer outfall lines into the area to be annexed so that when such lines are constructed, property owners in the area to be annexed will be able to secure public water and ~~sewer service, according to the policies in effect in such municipality for extending water and sewer lines to~~

~~individual lots or subdivisions.~~ service. If requested by the owner of an occupied dwelling unit or an operating commercial or industrial property in writing on a form provided by the municipality, which form acknowledges that such extension or extensions will be made according to the current financial policies of the municipality for making such extensions, and if such form is received by the city clerk not less than 30 days before adoption of the annexation ordinance, provide for extension of water and sewer lines to the property or to a point on a public street or road right-of-way adjacent to the property according to the financial policies in effect in such municipality for extending water and sewer lines. If any such requests are timely made, the municipality shall at the time of adoption of the annexation ordinance amend its report and plan for services to reflect and accommodate such requests.

c. If extension of major trunk water mains, sewer outfall lines, sewer lines and water lines is necessary, set forth a proposed timetable for construction of such mains, outfalls and lines as soon as possible following the effective date of annexation. In any event, the plans shall call for construction to be completed within two years of the effective date of annexation.

d. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.

(4) A statement of the impact of the annexation on any rural fire department providing service in the area to be annexed and a statement of the impact of the annexation on fire protection and fire insurance rates in the area to be annexed, if the area where service is provided is in an insurance district designated under G.S. 153A-233, a rural fire protection district under Article 3A of Chapter 69 of the General Statutes, or a fire service district under Article 16 of Chapter 153A of the General Statutes. The rural fire department shall make available to the city not later than 30 days following a written request from the city all information in its possession or control, including but not limited to operational, financial and budgetary information, necessary for preparation of a statement of impact. The rural fire department forfeits its rights under G.S. 160A-49.1 and G.S. 160A-49.2 if it fails to make a good faith response within 45 days following receipt of the written request for information from the city, provided that the city's written request so states by specific reference to this section."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 2

SENATE BILL 552
Corrected Copy 3/27/97

Short Title: McDowell Road Hunting. (Local)

Sponsors: Senator Ledbetter (By Request).

Referred to: State Government, Local Government and Personnel.

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY IN HUNTING BIG GAME.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to discharge a firearm from the right-of-way of a State-numbered road for the purpose of taking big game animals.

Section 2. Violation of this act is a Class 3 misdemeanor.

Section 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Section 4. This act applies only to McDowell County.

Section 5. This act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 725

Short Title: EEOC Deferral Agency/Proceedings. (Public)

Sponsors: Senators Miller; and Reeves.

Referred to: Judiciary.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE FILING OF A DEFERRED CHARGE WITH EEOC OR THE OFFICE OF ADMINISTRATIVE HEARINGS BY STATE OR LOCAL GOVERNMENT EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-759 is amended by adding the following new subsection to read:

"(b1) The filing of any deferred charge with either the Equal Employment Opportunity Commission or with the Office of Administrative Hearings by a State or local government employee covered under Chapter 126 of the General Statutes shall be construed as a commencement of proceedings under State law for purposes of 42 U.S.C. § 2000e-5(c)."

Section 2. This act is effective when it becomes law and applies to charges pending or filed on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 725
Proposed Committee Substitute S725-PCS7789

Short Title: EEOC Deferral Agency/Proceedings. (Public)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE FILING OF A DEFERRED CHARGE WITH EEOC OR THE OFFICE OF ADMINISTRATIVE HEARINGS BY STATE OR LOCAL GOVERNMENT EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-759 reads as rewritten:

"**§ 7A-759. Role as deferral agency.**

(a) The Office of Administrative Hearings is designated to serve as the State's deferral agency for cases deferred by the Equal Employment Opportunity Commission to the Office of Administrative Hearings as provided in Section 706 of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5, the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq., and the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. for charges filed by State or local government employees covered under Chapter 126 of the General Statutes and shall have all of the powers and authority necessary to function as a deferral agency.

(b) The Chief Administrative Law Judge is authorized and directed to contract with the Equal Employment Opportunity Commission for the Office of Administrative Hearings to serve as a deferral agency and to establish and maintain a Civil Rights Division in the Office of Administrative Hearings to carry out the functions of a deferral agency.

(b1) As provided in the contract between the Office of Administrative Hearings and the Equal Employment Opportunity Commission, a deferred charge for purposes of 42 U.S.C. § 2000e-5(c) or (d) is a charge that is filed by a State or local

government employee covered under Chapter 126 of the General Statutes and alleges an unlawful employment practice prohibited under that Chapter or any other State law. A deferred charge may be filed with either agency.

The date a deferred charge is filed with either agency is considered to be a commencement of proceedings under State law for purposes of 42 U.S.C. § 2000e-5(c) or (d). The filing of a deferred charge automatically tolls the time limit under G.S. 126-7.2, 126-35, 126-38, and 150B-23(f) and any other State law that sets a time limit for filing a contested case under Article 3 of Chapter 150B of the General Statutes alleging an unlawful employment practice. These time limits are tolled until the completion of the investigation and of any informal methods of resolution pursued pursuant to subsection (d) of this section.

(c) In investigating charges an employee of the Civil Rights Division of the Office of Administrative Hearings specifically designated by an order of the Chief Administrative Law Judge filed in the pending case may administer oaths and affirmations.

(c1) In investigating charges, an employee of the Civil Rights Division shall have access at reasonable times to State premises, records, and documents relevant to the charge and shall have the right to examine, photograph, and copy evidence. Any challenge to the Civil Rights Division to investigate the deferred charge shall not constitute grounds for denial or refusal to produce or allow access to the investigative evidence.

(d) Any charge not resolved by informal methods of conference, conciliation or persuasion shall be heard as a contested case as provided in Article 3 of Chapter 150B of the General Statutes.

(e) Notwithstanding G.S. ~~150B~~-34 and G.S. 150B-36, an order entered by an administrative law judge after a contested case hearing on the merits of a deferred charge is a final agency decision and is binding on the parties. The administrative law judge may order whatever remedial action is appropriate to give full relief consistent with the requirements of federal statutes or ~~regulations.~~ regulations or State statutes or rules.

(f) In addition to the authority vested in G.S. 7A-756 and G.S. 150B-33, an administrative law judge may monitor compliance with any negotiated settlement, conciliation agreement or order entered in a deferred case.

(g) The standards of confidentiality established by federal statute or regulation for discrimination charges shall apply to deferred cases investigated or heard by the Office of Administrative Hearings.

(h) Nothing in this section shall be construed as limiting the authority or right of any federal agency to act under any federal statute or regulation.

(i) This section shall be broadly construed to further the general purposes stated in this section and the specific purposes of the particular provisions involved."

Section 2. This act is effective when it becomes law and applies to charges pending or filed on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 791*

Short Title: OSHA Witness Statements/AB. (Public)

Sponsors: Senator Ballance.

Referred to: Judiciary.

April 10, 1997

A BILL TO BE ENTITLED

AN ACT CLARIFYING WHEN WITNESS STATEMENTS OBTAINED PURSUANT TO THE ENFORCEMENT OF THE OCCUPATIONAL SAFETY AND HEALTH ACT MAY BE RELEASED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-136(e1) reads as rewritten:

"(e1) ~~The~~ In order to encourage witnesses and complainants to speak freely without fear of reprisal to duly authorized agents of the Commissioner carrying out their duties pursuant to this Article, the names of witnesses or complainants, and any information within statements taken from witnesses or complainants during the course of inspections or investigations conducted pursuant to this Article that would name or otherwise identify the witnesses or complainants, shall not be released or ordered to be released to any employer or third ~~party.~~ party by the Review Board or any court, either during the pendency or after final determination of proceedings under this Article, unless their testimony or statements are needed by the Commissioner to enforce the provisions of this Article. A witness or complainant may, however, sign a written release permitting the Commissioner to provide information specified in the release to any persons or entities designated in the release. Nothing in this section shall be construed to prohibit the ~~use of~~ Commissioner from using the name or statement of a witness or complainant ~~in enforcement proceedings or hearings held pursuant to this Article.~~ at hearings to enforce the provisions of this Article. After a witness called by the Commissioner has testified on direct examination at a hearing on the merits, the Review Board or court shall, on motion of the respondent, order the Commissioner to produce any statement

of the witness in the possession of the Commissioner that relates to the subject matter of the testimony of the witness. The Commissioner may permit the use of names and statements of witnesses and complainants and information obtained during the course of inspections or investigations conducted pursuant to this Article by public officials in the performance of their public duties."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 900

Short Title: State Building Commission Projects. (Public)

Sponsors: Senators Warren; Albertson, Dalton, Hoyle, Miller, Rand, Weinstein, and Wellons.

Referred to: State Government, Local Government and Personnel.

April 16, 1997

A BILL TO BE ENTITLED

AN ACT TO MAKE CONSISTENT AMONG GENERAL STATUTES CERTAIN REQUIREMENTS FOR ANNOUNCING OF CAPITAL IMPROVEMENT PROJECT DESIGN REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-64.34 reads as rewritten:

"**§ 143-64.34. Exemption of certain State Capital Improvement Projects.**

State Capital Improvement Projects under the jurisdiction of the State Building Commission where the estimated expenditure of public money is less than ~~fifty thousand dollars ($50,000)~~ one hundred thousand dollars ($100,000) are exempt from the provisions of this Article."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 943

Short Title: Medicaid False Claims Act. (Public)

Sponsors: Senators Rand; Cooper and Perdue.

Referred to: Judiciary.

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO ENACT THE MEDICAL ASSISTANCE PROVIDER FALSE CLAIMS ACT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 108A of the General Statutes is amended by adding the following new sections to read:

"§ 108A-63.1. Medical assistance provider false claims.

(a) Definitions. -- As used in G.S. 108A-63.1, 108A-63.2, 108A-63.3, and 108A-63.4:

(1) 'Claim' means an application for payment or approval or for use in determining entitlement to payment presented to the Medical Assistance Program in any form, including written, electronic, or magnetic, which identifies a service, good, or accommodation as reimbursable under the Medical Assistance Program.

(2) 'Knowingly' means that a provider, with respect to information about a false or fraudulent claim:

a. Has actual knowledge of the information;

b. Acts in deliberate ignorance of the truth or falsity of the information; or

c. Acts in reckless disregard of the truth or falsity of the information. No proof of specific intent to defraud is required.

(3) 'Medical Assistance Program' is the North Carolina Division of Medical Assistance and its fiscal agent.

(4) 'Restitution' is the difference between what the Medical Assistance Program paid a provider and the amount it would have paid the provider in the absence of a violation of this section and may be established by statistical sampling methods.

(b) Liability for Certain Acts. -- It shall be unlawful for any provider of medical assistance under the Medical Assistance Program to:

(1) Knowingly present, or cause to be presented to the Medical Assistance Program a false or fraudulent claim for payment or approval or for use in determining entitlement to payment of a claim;

(2) Knowingly make, use, or cause to be made or used a false record or statement to obtain a false or fraudulent claim paid or approved by the Medical Assistance Program;

(3) Knowingly present, or cause to be presented to the Medical Assistance Program a claim for providing a service, good, or accommodation which may only be furnished by a person who is licensed by an appropriate licensing authority, when the person who furnished the service, good, or accommodation was not licensed by the appropriate licensing authority;

(4) Knowingly present, or cause to be presented to the Medical Assistance Program a claim for payment or approval or for use in determining entitlement to payment of a claim during a period in which the provider was excluded from participating in the Medical Assistance Program pursuant to a determination by the Secretary of the United States Department of Health and Human Services or the North Carolina Department of Human Resources; or

(5) Knowingly accept a person as a patient under the Medical Assistance Program and knowingly bill the patient for services except as allowed by administrative rule.

Each claim presented or caused to be presented in violation of subsections (b)(1) through (b)(4) of this section and each bill presented in violation of subsection (b)(5) of this section is a separate violation.

(c) Liability. --

(1) Except as provided in subdivision (2) of this subsection, any provider of medical assistance under the Medical Assistance Program who violates this section is liable for all of the following:

a. Full restitution to the Medical Assistance Program;

b. Damages in the amount of three times the amount of the restitution; and

c. A civil penalty to the State of not less than five thousand dollars ($5,000) and not more than ten thousand dollars ($10,000) for each violation of this section.

(2) A court may assess damages of not less than two times the amount of restitution to the Medical Assistance Program if a court finds that:

a. The provider committing a violation of this section furnished officials of the State responsible for investigating false claims violations with all information known to the provider about the violation within 30 days after the date the provider first obtained the information;

b. The provider fully cooperated with any State investigation of such violation; and

c. At the time the provider furnished the State with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to the violation, and the provider did not have actual knowledge of the existence of an investigation into such violation.

(3) A provider violating this section shall also be liable for the costs of a civil action brought to recover any penalty or damages, interest on the restitution at the maximum legal rate in effect on the date the payment was made to the provider for the period from the date upon which payment was made to the provider to the date upon which repayment is made by the provider to the Medical Assistance Program, and the costs of the investigation.

(d) Repayment. -- Intent to repay or repayment of any amounts obtained by a provider as a result of any acts described in subsection (b) of this section shall not be a defense to or grounds for dismissal of an action brought pursuant to this section. However, any repayment may be considered in mitigation of the amount of any penalties assessed.

"**§ 108A-63.2. False claims procedure.**

(a) The Attorney General shall have the authority to investigate, institute proceedings, compromise and settle any investigation or action, and perform all duties in connection with any civil action to enforce G.S. 108A-63.1.

(b) A civil action under G.S. 108A-63.1 may not be brought more than six years after the date the violation of G.S. 108A-63.1 is committed, or more than three years after the date when facts material to the right of action are known or reasonably should have been known by the official of the State of North Carolina charged with responsibility to act in the circumstances, but in no event more than 10 years after the date on which the violation is committed, which ever occurs last.

(c) In any action brought under G.S. 108A-63.1, the State shall be required to prove all essential elements of the cause of action, including damages, by the greater weight of the evidence.

(d) Notwithstanding any other provision of law or rule, a final judgment rendered in favor of the State in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall

estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under G.S. 108A-63.1.

(e) No criminal or administrative action need be brought against any provider as a condition for establishing civil liability under G.S. 108A-63.1. The civil liability under G.S. 108A-63.1 is in addition to any other criminal, civil, and administrative liabilities or penalties that may be prescribed by law.

(f) The amount of restitution due and number of violations of G.S. 108A-63.1 shall be established by the trial judge or, in the event of a jury trial, by jury verdict. The amount of penalties, treble damages, interest, cost of the investigation, and cost of the civil action shall be determined by the trial judge in accordance with G.S. 108A-63.1(c).

(g) Venue for any action brought pursuant to G.S. 108A-63.1 shall be in either Wake County or in any county in which claim originated, or in which any statement or record was made, or acts done, or services, goods, or accommodations rendered in connection with any act constituting part of the violation of G.S. 108A-63.1.

"**§ 108A-63.3. Civil investigative demand.**

(a) If the Attorney General has reasonable cause to believe that a person has information or is in possession, custody, or control of any document or other tangible object relevant to an investigation or that would lead to the discovery of relevant information in an investigation of a violation of G.S. 108A-63.1, the Attorney General may serve upon the person, before bringing an action under G.S. 108A-63.1 or other false claims law, a civil investigative demand to appear and be examined under oath, to answer written interrogatories under oath, and to produce any documents or objects for their inspection and copying. The civil investigative demand shall:

(1) Be served upon the person in the manner required for service of process in civil actions and may be served by any Assistant Attorney General or investigator assigned to the North Carolina Department of Justice;

(2) Describe the nature of the conduct constituting the violation under investigation;

(3) Describe the class or classes of any documents or objects to be produced with sufficient definiteness to permit them to be fairly identified;

(4) Contain a copy of any written interrogatories to be answered;

(5) Prescribe a reasonable date and time at which the person shall appear to testify, answer any written interrogatories, or produce any document or object;

(6) Advise the person that objections to or reasons for not complying with the demand may be filed with the Attorney General on or before that date and time;

(7) Specify a place for the taking of testimony;

(8) Designate a person to whom answers to written interrogatories shall be submitted and to whom any document or object shall be produced; and

(9) Contain a copy of subsections (b) and (c) of this section.

(b) The date within which to answer any written interrogatories and within which any document or object must be produced shall be more than 20 days after the civil investigative demand has been served upon the person. The date within which a person must appear to testify shall be more than seven days after the demand has been served upon the person. If the Attorney General determines that exceptional circumstances are present that warrant commencement of the testimony within a lesser period of time, the time prescribed in this subsection may be shortened.

(c) Responses and Procedures. --

(1) Oral examinations. -- The Attorney General may administer the oath to any person examined pursuant to this section. The testimony shall be transcribed. The Attorney General may exclude from the place where the examination is held all persons except the person giving the testimony, the attorney or other representative of the person giving the testimony, the Attorney General conducting the examination, the investigator assisting the Attorney General, the stenographer, and any other person agreed upon by the Attorney General and the person giving the testimony. When the testimony is transcribed, the person shall have a reasonable opportunity to examine and read the transcript, unless an examination and reading are waived by the person. Any changes in form or substance which the person desires to make shall be entered and identified upon the transcript by the person. The transcript shall then be signed by the person, unless the person in writing waives the signing, is ill, cannot be found, or refuses to sign.

(2) Interrogatories. -- Each interrogatory in a civil investigative demand served under this section shall be answered separately and fully in writing under oath and shall be submitted under sworn certificate by the person to whom the demand is directed, or in the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to the production and authorized to act on behalf of the person. If a person objects to any interrogatory, the reasons for the objection shall be stated in the certificate instead of an answer. The certificate shall state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any information is not furnished, the information shall be identified and reasons set forth with particularity regarding the reasons why the information was not furnished.

(3) Production of documents or objects. -- The production of documents and objects in response to a civil investigative demand served under this section shall be made under a sworn certificate by the person to whom the demand is directed, or in the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to the production and authorized to act on behalf of the person. The certificate shall state that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available. Upon written agreement between the person served with the civil investigative demand and the Attorney General, the person may substitute copies for originals of all or any part of the documents requested.

(d) No person shall be excused from testifying, answering interrogatories, or producing documents or objects in response to a civil investigative demand on the ground that the testimony, answers, documents, or objects required of the person may tend to incriminate the person. However, no compelled testimony, answers, documents, or objects may be used against the person in a criminal action, except a prosecution for perjury or for contempt arising from a failure to comply with an order of the court.

(e) Any person appearing for oral testimony under a civil investigative demand issued pursuant to this section shall be entitled to the same fees and allowances paid to witnesses in the General Court of Justice of the State of North Carolina.

(f) If a person objects to or otherwise fails to comply with a civil investigative demand served upon the person under subsection (a) of this section, the Attorney General may file an action in superior court for an order to enforce the demand. Venue for the action to enforce the demand shall be in either Wake County or the county in which the person resides. Notice of a hearing on the action to enforce the demand and a copy of the action shall be served upon the person in the same manner as prescribed in the Rules for Civil Procedure. If the court finds that the demand is proper, that there is reasonable cause to believe that there may have been a violation of G.S. 108A-63.1, and that the information sought or document or object demanded is relevant to the violation, the court shall order the person to comply with the demand, subject to modifications the court may prescribe.

(g) If the person fails to comply with an order entered pursuant to subsection (f) of this section, the court may:

(1) Adjudge the person to be in contempt of court;

(2) Grant injunctive relief against the person to whom the demand is issued to restrain the conduct which is the subject of the investigation; or

(3) Grant such other relief as the court may deem proper.

(h) Any transcript of oral testimony, answers to written interrogatories, and documents and objects produced pursuant to this section may be used in connection with any civil action brought under G.S. 108A-63.1.

(i) The North Carolina Rules of Civil Procedure shall apply to this section to the extent that the rules are not inconsistent with the provisions of this section.

"**§ 108A-63.4. Employee remedies.**

(a) In the absence of fraud or malice, no person who furnishes information to officials of the State responsible for investigating false claims violations shall be liable for damages in a civil action for any oral or written statement made or any other action that is necessary to supply information required pursuant to this section.

(b) Any employee of a provider who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by the employee's employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under G.S. 108A-63.1, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under G.S. 108A-63.1, shall be entitled to any relief necessary to make the employee whole. Relief shall include reinstatement with the same seniority status as the employee would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. An employee may bring an action in the appropriate court for the relief provided in this section."

Section 2. This act becomes effective December 1, 1997, and applies to violations committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 943
Proposed Committee Substitute S943-PCS7787

Short Title: Medicaid False Claims Act. (Public)

Sponsors:

Referred to:

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO ENACT THE MEDICAL ASSISTANCE PROVIDER FALSE CLAIMS ACT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 108A of the General Statutes is amended by adding the following new Part to read:

"Part 7. Medical Assistance Provider False Claims Act.

"**§ 108A-70.10. Short title.**

This Part may be cited as the Medical Assistance Provider False Claims Act.

"**§ 108A-70.11. Definitions.**

Definitions. -- As used in this Part:

(1) 'Attorney General' means the Attorney General or any Deputy, Assistant, or Associate Attorney General.

(2) 'Claim' means an application for payment or approval or for use in determining entitlement to payment presented to the Medical Assistance Program in any form, including written, electronic, or magnetic, which identifies a service, good, or accommodation as reimbursable under the Medical Assistance Program.

(3) 'Damages' means the difference between what the Medical Assistance Program paid a provider and the amount it would have paid the provider in the absence of a violation of this section and may be established by statistical sampling methods.

(4) 'Knowingly' means that a provider, with respect to the information:
a. Has actual knowledge of the information;
b. Acts in deliberate ignorance of the truth or falsity of the information; or
c. Acts in reckless disregard of the truth or falsity of the information. No proof of specific intent to defraud is required.
(5) 'Medical Assistance Program' means the North Carolina Division of Medical Assistance and its fiscal agent.

"**§ 108A-70.12. Liability for certain acts; damages; effect of repayment.**

(a) Liability for Certain Acts. -- It shall be unlawful for any provider of medical assistance under the Medical Assistance Program to:
(1) Knowingly present, or cause to be presented to the Medical Assistance Program a false or fraudulent claim for payment or approval; or
(2) Knowingly make, use, or cause to be made or used a false record or statement to get a false or fraudulent claim paid or approved by the Medical Assistance Program.

Each claim presented or caused to be presented in violation of this section is a separate violation.

(b) Damages. --
(1) Except as provided in subdivision (2) of this subsection, a court shall assess against any provider of medical assistance under the Medical Assistance Program who violates this section a civil penalty of not less than five thousand dollars ($5,000) and not more than ten thousand dollars ($10,000) plus three times the amount of damages which the Medicaid Assistance Program sustained because of the act of the provider.
(2) A court may assess a penalty of not less than two times the amount of damages which the Medical Assistance Program sustains because of the act of the provider if a court finds that:
a. The provider committing a violation of this section furnished officials of the State responsible for investigating false claims violations with all information known to the provider about the violation within 30 days after the date the provider first obtained the information;
b. The provider fully cooperated with any State investigation of the violation; and
c. At the time the provider furnished the State with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to the violation, and the provider did not have

actual knowledge of the existence of an investigation into the violation.

(3) In addition to the damages and penalty assessed by the court pursuant to subdivisions (1) or (2) of this subsection, a provider violating this section shall also be liable for the costs of a civil action brought to recover any penalty or damages, interest on the damages at the maximum legal rate in effect on the date the payment was made to the provider for the period from the date upon which payment was made to the provider to the date upon which repayment is made by the provider to the Medical Assistance Program, and the costs of the investigation.

(c) Effect of Repayment. -- Intent to repay or repayment of any amounts obtained by a provider as a result of any acts described in subsection (a) of this section shall not be a defense to or grounds for dismissal of an action brought pursuant to this section. However, a court may consider any repayment in mitigation of the amount of any penalties assessed.

"§ 108A-70.13. False claims procedure.

(a) The Attorney General shall have the authority to investigate, institute proceedings, compromise and settle any investigation or action, and perform all duties in connection with any civil action to enforce G.S. 108A-70.12.

(b) A civil action under G.S. 108A-70.12 may not be brought more than six years after the date the violation of G.S. 108A-70.12 is committed, or more than three years after the date when facts material to the right of action are known or reasonably should have been known by the official of the State of North Carolina charged with responsibility to act in the circumstances, but in no event more than 10 years after the date on which the violation is committed, which ever occurs last.

(c) In any action brought under G.S. 108A-70.12, the State shall be required to prove all essential elements of the cause of action, including damages, by the greater weight of the evidence.

(d) Notwithstanding any other provision of law or rule, a final judgment rendered in favor of the State in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under G.S. 108A-70.12.

(e) No criminal or administrative action need be brought against any provider as a condition for establishing civil liability under G.S. 108A-70.12. The civil liability under G.S. 108A-70.12 is in addition to any other criminal, civil, and administrative liabilities or penalties that may be prescribed by law. However, treble and double damages and civil penalties provided by G.S. 108A-70.12 shall not be assessed against a provider if treble or double damages or civil penalties have been previously assessed against the provider for the same claims under the Federal False Claims Act, 31 U.S.C. § 3729, et seq., or the Federal Civil Monetary Penalty Law, 42 U.S.C. § 1320a-7a.

(f) The amount of damages and number of violations of G.S. 108A-70.12 shall be established by the trial judge or, in the event of a jury trial, by jury verdict. The amount of penalties, treble or double damages, interest, cost of the investigation, and cost of the civil action shall be determined by the trial judge as prescribed in G.S. 108A-70.12(b).

(g) Venue for any action brought pursuant to G.S. 108A-70.12 shall be in either Wake County or in any county in which claim originated, or in which any statement or record was made, or acts done, or services, goods, or accommodations rendered in connection with any act constituting part of the violation of G.S. 108A-70.12.

"**§ 108A-70.14. Civil investigative demand.**

(a) If the Attorney General has reasonable cause to believe that a person has information or is in possession, custody, or control of any document or other tangible object relevant to an investigation or that would lead to the discovery of relevant information in an investigation of a violation of G.S. 108A-70.12, the Attorney General may serve upon the person, before bringing an action under G.S. 108A-70.12 or other false claims law, a civil investigative demand to appear and be examined under oath, to answer written interrogatories under oath, and to produce any documents or objects for their inspection and copying.

(b) The civil investigative demand shall:

(1) Be served upon the person in the manner required for service of process in civil actions and may be served by the Attorney General or investigator assigned to the North Carolina Department of Justice;

(2) Describe the nature of the conduct constituting the violation under investigation;

(3) Describe the class or classes of any documents or objects to be produced with sufficient definiteness to permit them to be fairly identified;

(4) Contain a copy of any written interrogatories to be answered;

(5) Prescribe a reasonable date and time at which the person shall appear to testify, answer any written interrogatories, or produce any document or object;

(6) Advise the person that objections to or reasons for not complying with the demand may be filed with the Attorney General on or before that date and time;

(7) Specify a place for the taking of testimony;

(8) Designate a person to whom answers to written interrogatories shall be submitted and to whom any document or object shall be produced; and

(9) Contain a copy of subsections (b) and (c) of this section.

(c) The date within which to answer any written interrogatories and within which any document or object must be produced shall be more than 20 days after the civil investigative demand has been served upon the person. The date within which a person must appear to testify shall be more than seven days after the demand has

been served upon the person. If the Attorney General determines that exceptional circumstances are present that warrant commencement of the testimony within a lesser period of time, the time prescribed in this subsection may be shortened.

(d) The Attorney General may administer the oath to any person orally examined pursuant to this section. The testimony shall be transcribed. The Attorney General may exclude from the place where the examination is held all persons except the person giving the testimony, the attorney or other representative of the person giving the testimony, the Attorney General conducting the examination, the investigator assisting the Attorney General, the stenographer, and any other person agreed upon by the Attorney General and the person giving the testimony. When the testimony is transcribed, the person shall have a reasonable opportunity to examine and read the transcript, unless an examination and reading are waived by the person. Any changes in form or substance which the person desires to make shall be entered and identified upon the transcript by the person. The transcript shall then be signed by the person, unless the person in writing waives the signing, is ill, cannot be found, or refuses to sign.

(e) Each interrogatory in a civil investigative demand served under this section shall be answered separately and fully in writing under oath and shall be submitted under sworn certificate by the person to whom the demand is directed, or in the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to the production and authorized to act on behalf of the person. If a person objects to any interrogatory, the reasons for the objection shall be stated in the certificate instead of an answer. The certificate shall state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any information is not furnished, the information shall be identified and reasons set forth with particularity regarding the reasons why the information was not furnished.

(f) The production of documents and objects in response to a civil investigative demand served under this section shall be made under a sworn certificate by the person to whom the demand is directed, or in the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to the production and authorized to act on behalf of the person. The certificate shall state that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available. Upon written agreement between the person served with the civil investigative demand and the Attorney General, the person may substitute copies for originals of all or any part of the documents requested.

(g) No person shall be excused from testifying, answering interrogatories, or producing documents or objects in response to a civil investigative demand on the ground that the testimony, answers, documents, or objects required of the person may tend to incriminate the person. However, no testimony, answers, documents, or objects compelled pursuant to G.S. 108A-70.14 may be used against the person in a

criminal action, except a prosecution for perjury or for contempt arising from a failure to comply with an order of the court.

(h) Any person appearing for oral testimony under a civil investigative demand issued pursuant to this section shall be entitled to the same fees and allowances paid to witnesses in the General Court of Justice of the State of North Carolina.

(i) If a person objects to or otherwise fails to comply with a civil investigative demand served upon the person under subsection (a) of this section, the Attorney General may file an action in superior court for an order to enforce the demand. Venue for the action to enforce the demand shall be in either Wake County or the county in which the person resides. Notice of a hearing on the action to enforce the demand and a copy of the action shall be served upon the person in the same manner as prescribed in the Rules for Civil Procedure. If the court finds that the demand is proper, that there is reasonable cause to believe that there may have been a violation of G.S. 108A-70.12, and that the information sought or document or object demanded is relevant to the violation, the court shall order the person to comply with the demand, subject to modifications the court may prescribe.

(j) If the person fails to comply with an order entered pursuant to subsection (i) of this section, the court may:

(1) Adjudge the person to be in contempt of court;

(2) Grant injunctive relief against the person to whom the demand is issued to restrain the conduct which is the subject of the investigation; or

(3) Grant any other relief as the court may deem proper.

(k) Any transcript of oral testimony, answers to written interrogatories, and documents and objects produced pursuant to this section may be used in connection with any civil action brought under G.S. 108A-70.12.

(l) The North Carolina Rules of Civil Procedure shall apply to this section to the extent that the rules are not inconsistent with the provisions of this section.

"§ 108A-70.15. Employee remedies.

(a) In the absence of fraud or malice, no person who furnishes information to officials of the State responsible for investigating false claims violations shall be liable for damages in a civil action for any oral or written statement made or any other action that is necessary to supply information required pursuant to this Part.

(b) Any employee of a provider who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by the employee's employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under G.S. 108A-70.12, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under G.S. 108A-70.12, shall be entitled to all relief necessary to make the employee whole. Relief shall include reinstatement with the same seniority status as the employee would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs

and reasonable attorneys' fees. An employee may bring an action in the appropriate court for the relief provided in this section.

"**§ 108A-70.16. Uniformity of interpretation.**

This Part shall be so interpreted and construed as to be consistent and harmonize, as far as possible, with the Federal False Claims Act, 31 U.S.C. § 3729, et seq., and any subsequent amendments to that act."

Section 2. This act becomes effective December 1, 1997, and applies to violations committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 1024*

Short Title: Sheriffs' comm'n Amendments. (Public)

Sponsors: Senator Cooper.

Referred to: Judiciary.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION TO ESTABLISH MINIMUM EMPLOYMENT, TRAINING, AND RETENTION STANDARDS FOR TELECOMMUNICATORS AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 17E-2(3) reads as rewritten:

"(3) 'Justice officer' ~~means a person who, through the special trust and confidence of the sheriff of the county, has taken the oath of office prescribed by Chapter 11 of these statutes as a peace officer in the office of a sheriff, or who has been duly appointed as a detention officer by the sheriff. The term includes 'deputy sheriffs' and 'special deputy sheriffs' but does not include clerical and support personnel not required to take an oath. The term 'special deputy' means a person who, through appointment by the sheriff, becomes an unpaid criminal justice officer to perform a specific act directed to the person by the sheriff. Justice officer shall also mean the administrator and the other custodial personnel of district confinement facilities as defined in G.S. 153A-219. Nothing in this Chapter shall transfer any supervisory or administrative control of employees of district confinement facilities to the office of the sheriff.~~ means:

a. A person who, through the special trust and confidence of the sheriff, has taken the oath of office prescribed by

Chapter 11 of the General Statutes as a peace officer in the office of the sheriff. This term includes 'deputy sheriffs', 'reserve deputy sheriffs', and 'special deputy sheriffs', but does not include clerical and support personnel not required to take an oath. The term 'special deputy' means a person who, through appointment by the sheriff, becomes an unpaid criminal justice officer to perform a specific act directed by the sheriff; or

b. A person who, through the special trust and confidence of the sheriff, has been appointed as a detention officer by the sheriff; or

c. A person who is either the administrator or other custodial personnel of district confinement facilities as defined in G.S. 153A-219; however, nothing in this Chapter transfers any supervisory or administrative control over employees of district confinement facilities to the office of the sheriff; or

d. A person who, through the special trust and confidence of the sheriff, is under the direct supervision and control of the sheriff and serves as a telecommunicator, or who is presented to the Commission for appointment as a telecommunicator by an employing entity other than the sheriff for the purpose of obtaining certification from the Commission as a telecommunicator."

Section 2. G.S. 17E-7 reads as rewritten:

"**§ 17E-7. Required standards.**

(a) Justice ~~officers~~ officers, other than those set forth in subsection (c1) of this section, shall not be required to meet any requirements of subsections (b) and (c) of this section as a condition of continued employment, nor shall failure of a justice officer to fulfill such requirements make him ineligible for any promotional examination for which he is otherwise eligible if the officer held an appointment prior to July 1, 1983, and is a sworn law-enforcement officer with power of arrest. The legislature finds, and it is hereby declared to be the policy of this Chapter, that such officers have satisfied such requirements by their experience. It is the intent of the Chapter that all justice officers employed at the entry level after the Commission has adopted the required standards shall meet the requirements of this Chapter. All justice officers who are exempted from the required entry level standards by this subsection are subject to the requirements of subsections (b) and (c) of this section as well as the requirements of G.S. 17E-4(a) in order to retain certification.

(b) The Commission shall provide, by regulation, that no person may be appointed as a justice officer at entry level, except on a temporary or probationary basis, unless such person has satisfactorily completed an initial preparatory program of training at a school certified by the Commission or has been exempted from that requirement by the Commission pursuant to this Chapter. Upon separation of a justice officer from a sheriff's department within the temporary or probationary

period of appointment, the probationary certification shall be terminated by the Commission. Upon the reappointment to the same department or appointment to another department of an officer who has separated from a department within the probationary period, the officer shall be charged with the amount of time served during his initial appointment and allowed the remainder of the probationary period to complete the basic training requirement. Upon the reappointment to the same department or appointment to another department of an officer who has separated from a department within the probationary period and who has remained out of service for more than one year from the date of separation, the officer shall be allowed another probationary period to complete such training as the Commission shall require by rule for an officer returning to service.

~~(c)~~ In addition to the requirements of subsection (b) of this section, the Commission, by rules and regulations, may fix other qualifications for the employment and retention of justice officers including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of the office, and the Commission shall prescribe the means for presenting evidence of fulfillment of these requirements.

Where minimum educational standards are not met, yet the individual shows potential and a willingness to achieve the standards by extra study, they may be waived by the Commission for the reasonable amount of time it will take to achieve the standards required. Upon petition from a sheriff, the Commission may grant a waiver of any provisions of this section (17E-7) for any justice officer serving that sheriff.

(c1) Any justice officer appointed as a telecommunicator at the entry level after October 1, 1997, shall meet all requirements of this Chapter. Any person employed in the capacity of a telecommunicator as defined by the Commission on or before October 1, 1997, shall not be required to meet any entry-level requirements as a condition of continued employment but shall be reported to the Commission for certification. All justice officers who are exempted from the required entry-level standards by this subsection are subject to the requirements of subsections (b) and (c) of this section as well as the requirements of G.S. 17E-4(a) in order to retain certification.

(d) The Commission may issue a certificate evidencing satisfaction of the requirements of subsections ~~(b) and (c)~~ (b), (c), and (c1) of this section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of instruction in another jurisdiction."

Section 3. There is appropriated from the General Fund to the Department of Justice the sum of one hundred fifty-six thousand seven hundred thirty-one dollars ($156,731) for the 1997-98 fiscal year and the sum of one hundred thirty-two thousand two hundred thirty-one dollars ($132,231) for the 1998-99 fiscal year to fund a criminal justice research associate, a processing assistant, a criminal justice instructor-coordinator, and related expenses to implement this act.

Section 4. This act becomes effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 1049

Short Title: Campus Satellite Polling Places. (Public)

Sponsors: Senator Kinnaird.

Referred to: Judiciary.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW SATELLITE POLLING PLACES TO SERVE CAMPUS HOUSING AT INSTITUTIONS OF HIGHER EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-130 reads as rewritten:

"**§ 163-130. Satellite voting places.**

A county board of elections may, upon approval of a request submitted in writing to the State Board of Elections, establish a plan whereby elderly or disabled voters in a ~~precinct~~ precinct, or residents of campus housing at an institution of higher education, may vote at designated sites within the precinct other than the regular voting place for that precinct. The State Board of Elections shall approve a county board's proposed plan if:

(1) All the satellite voting places to be used are listed in the county's written request;

(2) The plan will in the State Board's judgment overcome a barrier to voting by the ~~elderly or disabled;~~ elderly, the disabled, or those residing in campus housing;

(3) Adequate security against fraud is provided for; and

(4) The plan does not unfairly favor or disfavor voters with regard to race or party affiliation."

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

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April 29, 1997

MEMORANDUM

TO: Senator Roy Cooper, Chair, Senate Judiciary Committee

FROM: Brenda J. Carter, Committee Counsel

RE: SENATE BILL 725 - DEFERRAL AGENCY\PROCEEDINGS
Senator Miller

Senate Bill 725 provides that the filing of any deferred charge with either the EEOC or with the Office of Administrative Hearings by a State or local government employee covered under the State Personnel Act is considered as a commencement of proceedings under State law for purposes of 42 U.S.C. § 2000e-5(c).

Where state law prohibits an alleged discriminatory act, deferral is required to permit the state to use remedies available under its laws. G.S. 7A-759 provides that the Office of Administrative Hearings is designated to serve as the State's deferral agency for charges filed by State or local government employees covered under the State Personnel Act. This bill applies to cases alleging unlawful employment practices - discrimination against an individual because of race, color, religion, sex or national origin. The bill would be effective when it becomes law and would apply to charges pending or filed after that date.

Sen. Miller L.O.B. 621

For Senate State Gov. Comm., Wednesday April 30, 1997

Title of Legislation: SB 943, Medicaid False Claims Act, Senator Rand

Resource Person(s) and Phone Number(s): Daphne Lyon (DMA-DHR) 733-6964
Bo Nowell (DMA-DHR) 733-6681

Synopsis of Legislation: Enables the State to pursue civil action for damages and penalties for providers who file false claims for Medicaid.

Rationale for Legislation: Currently the state must rely on the federal False Claims Act for civil prosecution of providers that knowingly bill the Medicaid program for false or fraudulent claims. This legislation will supplement (or be an alternative to) the federal civil law and allow the state to retain more money received in those civil settlements. Currently, the state can only keep "damages" (the money actually lost) while these settlements also include significant amounts of "penalties." Absent a State civil law, all penalty moneys are retained by the federal government and the state recovers only restitution (actual damages). The state has easily lost over one half million dollars in penalties from recent settlements by not having a civil law. Most states have a state civil.

DMA is working in cooperation with the Medicaid Fraud Unit in the Office of the Attorney General. That agency will use the statute in their pursuit of fraudulent activities.

According to the NC Constitution, all fines or money received from penalties must go to benefit public schools. In effect, the ability to retain this additional money directly supports our school systems.

Interest Groups: All provider groups have an interest in this legislation, but because it is directed at those engaging in fraudulent activities, no opposition is anticipated. Agency staff have worked with representatives of the Medical Society, the Hospital Association, the Health Care Facilities Association, and the Home Care Association to make the bill as fair and reasonable as possible

Defeat of this legislation only means less money for NC schools and the AGO will continue to use the existing federal law. Defeat will not hamper prosecution..

Fiscal Impact: Savings are anticipated but not documented. There is no additional cost.

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April 29, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 791: OSHA Witness Statements/AB

Senate Bill 791, introduced by Senator Ballance, amends G.S. 95-136(e1) to assure that in actions to enforce the Occupational Safety and Health Act, the names and statements of witnesses are not released or ordered to be released to an employer or any third party by either the Review Board or any court. This prohibition applies both during the pendency of an action and after the final determination, except when the statements are needed by the Commissioner of Labor to enforce the provisions of the Act. Further, the Commissioner is not prohibited from using the name or statement of a witness at a hearing to enforce the Act. After a witness has testified on direct examination at a hearing, the Commissioner may be ordered to produce any statements of the witness in his possession relating to the subject matter of the witness' testimony.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 28, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 900: State Building Commission Projects.

Senate Bill 900, introduced by Senator Warren, increases the cost exemption for the procurement of architectural, engineering, and surveying services for State Capitol Improvement Projects to $100,000.. G.S. 143-64.34 currently provides that State Capitol Improvement Projects under $50,000 are not subject to the provisions of Article 3D. Under Article 3D, all requirements for architectural, engineering, and surveying services must be announced and firms selected that are most qualified to perform those services on the basis of demonstrated competence and qualifications for the services to be rendered. ($100,000 is also the threshold under the competitive bidding statute, G.S. 143-129, for construction and repair work.)

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

SENATOR MILLER

Title of Legislation: SB 943, Medicaid False Claims Act, Senator Rand

Resource Person(s) and Phone Number(s): Daphne Lyon (DMA-DHR) 733-6964
Bo Nowell (DMA-DHR) 733-6681

Synopsis of Legislation: Enables the State to pursue civil action for damages and penalties for providers who file false claims for Medicaid.

Rationale for Legislation: Currently the state must rely on the federal False Claims Act for civil prosecution of providers that knowingly bill the Medicaid program for false or fraudulent claims. This legislation will supplement (or be an alternative to) the federal civil law and allow the state to retain more money received in those civil settlements. Currently, the state can only keep "damages" (the money actually lost) while these settlements also include significant amounts of "penalties." Absent a State civil law, all penalty moneys are retained by the federal government and the state recovers only restitution (actual damages). The state has easily lost over one half million dollars in penalties from recent settlements by not having a civil law. Most states have a state civil.

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According to the NC Constitution, all fines or money received from penalties must go to benefit public schools. In effect, the ability to retain this additional money directly supports our school systems.

Interest Groups: All provider groups have an interest in this legislation, but because it is directed at those engaging in fraudulent activities, no opposition is anticipated. Agency staff have worked with representatives of the Medical Society, the Hospital Association, the Health Care Facilities Association, and the Home Care Association to make the bill as fair and reasonable as possible

Defeat of this legislation only means less money for NC schools and the AGO will continue to use the existing federal law. Defeat will not hamper prosecution..

Fiscal Impact: Savings are anticipated but not documented. There is no additional cost.

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April 29, 1997

MEMORANDUM

TO: Senator Roy Cooper, Chair, Senate Judiciary Committee

FROM: O. Walker Reagan, Committee Co-Counsel

RE: **SENATE BILL 943 - MEDICAID FALSE CLAIM ACT** - Senator Rand

Senate Bill 943 provides a state remedy for the recovery of Medicaid payments made based on false claims. These provisions parallel the false claim recovery provisions of federal law, and will enable the State to retain more of the amount recovered, requiring less to be sent to the federal government. The bill provides for civil remedies and civil penalties.

The new G.S. 108A-70.12(a) makes it unlawful for a provider of medical assistance under the Medical Assistance Program to present false or fraudulent claims for payment or to use a false record or statement to get a false or fraudulent claim paid or approved for payment. Each claim presented or caused to be presented constitutes a separate violation.

G.S. 108A-70.12(b) provides for two levels of civil penalties for violations under this bill. In a normal situation the court shall assess a penalty of between $5000 and $10,000 plus three times the amount of damages the Program sustained. If the provider who violates the law, cooperates in the investigation as set forth in G.S. 108A-70.12(b)(2), the court may assess a penalty of not less than twice the amount of damages sustained. In both cases, in addition to the damages and penalties, the provider shall also pay the cost of the action to recover the penalty or damages, interest on the amount of damages, and the costs of the investigation.

G.S. 108A-70.13 sets forth the investigative authority of the Attorney General and the statute of limitations on claims under this act. A civil action must be brought within six years of the violation or three years after the date facts became known or should have been known to the official of the State charged with the responsibility to act in these matters, but in not in event more than 10 years after the date the violation is committed., whichever occurs last. A guilty or nolo contendere plea or a guilty verdict to

a criminal charge estops a defendant from denying the essential elements to a civil action arising from the same transaction.

G.S. 108A-70.14 gives the Attorney General the authority to compel evidence as part of a civil investigation through both sworn written interrogatories and depositions. Subsection (g) removes the 5th Amendment right against being made to make self incriminating statements in the civil matter, but the statute protects the person providing the information by providing that no testimony, answers, documents, or objects compelled in the discovery may be used against the person in any criminal action except for perjury or contempt. A person who fails to comply with the investigative discovery may be held in contempt.

G.S. 108A-70.15 grants immunity from liability to a person who furnishes information to officials investigating false claims violations. It also gives protection to employees who provide investigative information against their employer who is a provider under investigation from retaliation by the employer.

G.S. 108A-70.16 provides that the Act is to be interpreted and construed so as to harmonized with the Federal False Claims Act.

The bill become effective December 1, 1997 and applies to violation committed on or after that date.

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April 29, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 1049: Campus Satellite Polling Places

Senate Bill 1049, introduced by Senator Kinniard, amends G.S. 163-130 to allow the county board of elections upon request to establish a plan so that university campus residents may vote at designated sites within the precinct other than the regular voting place for that precinct. This option is made available currently for the elderly and disabled.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

Local & ~~State~~ Gov — 4/30/97

Name of Committee — Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Doris Weaver	N.C. CWA Political Committee
Steve Keene	NC Med Soc
Hugh Tilson	NCHA
[illegible]	NCHA
[illegible]	NCAHC
[illegible]	DOL
[illegible]	DOL
[illegible]	DOL
[illegible]	DOL
[illegible]	DOJ

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

THURSDAY, MAY 1, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Thursday, May 1, 1997 at 8:30 a.m. in room 414 of the Legislative Office Building. Nine members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

SB 30, Speeding in a Work Zone, was explained by Senator Gulley. Senator Jenkins moved to amend the bill and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Jordan moved to give the committee substitute a favorable report. By a vote of 5-4, the motion carried. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 61, ETJ Changes, was explained by Senator Hartsell, who moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ballance moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 643, Greensboro Council Disclosure, was explained by Senator Shaw, who moved to amend the bill and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Shaw moved to give the committee substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 644, High Point Council Disclosure, was explained by Senator Shaw, who moved to amend the bill and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Shaw moved to give the committee substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 645, Guilford School Board Disclosure, was explained by Senator Shaw, who moved to amend the bill and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Shaw moved to give the committee substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 885, Time and Method for Execution, was explained by Senator Gulley. Senator Jenkins moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Shaw moved to give the Proposed Committee Substitute a favorable report. **Unfavorable as to bill, but favorable as to committee substitute.**

SB 1053, Computerized Voter Reg., was explained by Senator Page. Senator Ballance moved to amend the bill and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Ballance moved that the committee substitute be given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

Brad Miller

Senator Brad Miller, Chair

Cornelia McMillan

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Wednesday, May 1, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 30 Speeding in a Work Zone.

Draft Number:	PCS4597
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. 643 Greensboro Council Disclosure.

Draft Number:	PCS6678
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. 644 High Point Council Disclosure.

Draft Number:	PCS6677
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. 885 Time and Method for Execution.

Draft Number:	PCS2751
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 4

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Thursday, May 01, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. **30** Speeding in a Work Zone.

Draft Number:	PCS4597
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **643** Greensboro Council Disclosure.

Draft Number:	PCS6678
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. **644** High Point Council Disclosure.

Draft Number:	PCS6677
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. **885** Time and Method for Execution.

Draft Number:	PCS2751
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **1053** Computerized Voter Reg.

Draft Number:	PCS1806
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 5

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Thursday, May 01, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 61 ETJ Changes.

Draft Number:	PCS7793
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. 645 Guilford School Board Disclosure.

Draft Number:	PCS6676
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

THURSDAY, MAY 1, 1997

ROOM 414

Bills

SB 30, Speeding in a Work Zone	Senator Jordan
SB 61, ETJ Changes	Senator Hartsell
SB 643, Greensboro Council Disclosure	Senator Shaw
SB 644, High Point Council Disclosure	Senator Shaw
SB 645, Guilford School Board Disclosure	Senator Shaw
SB 885, Time and Method for Execution	Senator Gulley
SB 1053, Computerized Voter Reg.	Senator Page
SB 1076, Campus Voter Registration	Senator Kinnaird

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 30

Short Title: Speeding in a Work Zone. (Public)

Sponsors: Senator Jordan.

Referred to: Judiciary.

February 3, 1997

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE ONE HUNDRED DOLLAR PENALTY FOR SPEEDING IN A HIGHWAY WORK ZONE IS IN addition TO, AND NOT IN LIEU OF, ANY OTHER PENALTY FOR A SPEEDING OFFENSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-141(j2) reads as rewritten:

"(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than the speed limit set and posted under G.S. 20-141 ~~is~~ is, in addition to any other offense committed within the highway work zone, responsible for an infraction of 'Speeding in a Highway Work Zone' and ~~is~~ shall be required to pay a penalty of one hundred dollars ~~($100.00).~~ ($100.00) in addition to any other penalty imposed. The one hundred dollars ($100.00) is a penalty that is to be added as a surcharge to, and not substituted for, the penalty for exceeding the posted speed limit. A 'highway work zone' is the area between the first sign that informs motorists of the existence of a work zone on a highway and the last sign that informs motorists of the end of the work zone. This subsection applies only if a sign posted at the beginning of the highway work zone states the penalty for speeding in the work zone."

Section 2. This act becomes effective December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 30
Proposed Committee Substitute S30-PCS4597

Short Title: Speeding in a Work Zone. (Public)

Sponsors:

Referred to:

February 3, 1997

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTY FOR SPEEDING IN A HIGHWAY WORK ZONE TO TWO HUNDRED FIFTY DOLLARS, AND TO PROVIDE THAT THE SAFE DRIVER INCENTIVE PLAN EXCEPTION FOR VIOLATIONS OF SPEEDING TEN MILES PER HOUR OR LESS OVER THE SPEED LIMIT SHALL NOT APPLY TO SPEEDING IN A HIGHWAY WORK ZONE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-141(j2) reads as rewritten:

"(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than the speed limit set and posted under G.S. 20-141 ~~is~~ is, in addition to any other nonspeeding offense committed within the highway work zone, responsible for an infraction of 'Speeding in a Highway Work Zone' and ~~is~~ shall be required to pay a penalty of ~~one hundred dollars ($100.00).~~ two hundred fifty dollars ($250.00). A 'highway work zone' is the area between the first sign that informs motorists of the existence of a work zone on a highway and the last sign that informs motorists of the end of the work zone. This subsection applies only if a sign posted at the beginning of the highway work zone states the penalty for speeding in the work zone."

Section 2. G.S. 58-36-75(f) reads as rewritten:

"(f) The subclassification plan shall provide that with respect to a conviction for a 'violation of speeding 10 miles per hour or less over the speed limit' there shall be no premium surcharge nor any assessment of points unless there is a driving record consisting of a conviction or convictions for a moving traffic violation or violations,

except for a prayer for judgment continued for any moving traffic violation, during the three years immediately preceding the date of application or the preparation of the renewal. The subclassification plan shall also provide that with respect to a prayer for judgment continued for any moving traffic violation, there shall be no premium surcharge nor any assessment of points unless the vehicle owner, principal operator, or any licensed operator in the owner's household has a driving record consisting of a prayer or prayers for judgment continued for any moving traffic violation or violations during the three years immediately preceding the date of application or the preparation of the renewal. For the purpose of this subsection, a 'prayer for judgment continued' means a determination of guilt by a jury or a court though no sentence has been imposed. For the purpose of this subsection, a 'violation of speeding 10 miles per hour or less over the speed limit' does not include the offense of speeding in a school zone or a highway work zone in excess of the posted ~~school~~ zone speed limit."

Section 3. This act becomes effective October 1, 1997, and applies to violations which occur on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. _____ DATE 5/6/97

S. B. No. 30 Amendment No. _____

(to be filled in by Principal Clerk)

S30 PCS4596

Rep.)
Sen.) Ballance

moves to amend the bill on page 1, line 12

by adding after the word "other"

the phrase. "non-speeding"

SIGNED Frank Ballance

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 61*

Short Title: ETJ Changes. (Public)

Sponsors: Senators Hartsell; Cochrane and Odom.

Referred to: Judiciary.

February 6, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE AT LEAST TWO REPRESENTATIVES FROM A MUNICIPALITY'S EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION ON THE PLANNING AGENCY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-362 reads as rewritten:

"**§ 160A-362. Extraterritorial representation.**

When a city elects to exercise extraterritorial zoning or subdivision-regulation powers under G.S. 160A-360, it shall in the ordinance creating or designating its planning agency or agencies provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated. Representation shall be provided by appointing at least ~~one resident~~ two residents of the entire extraterritorial zoning and subdivision regulation area to the planning agency and the board of adjustment that makes recommendations or grants relief in these matters. For purposes of this section, an additional member must be appointed to the planning agency or board of adjustment to achieve proportional representation only when the population of the entire extraterritorial zoning and subdivision area constitutes a full fraction of the municipality's population divided by the total membership of the planning agency or board of adjustment. Membership of joint municipal county planning agencies or boards of adjustment may be appointed as agreed by counties and municipalities. Any advisory board established prior to July 1, 1983, to provide the required extraterritorial representation shall constitute compliance with this section until the board is abolished by ordinance of the city. The representatives on the planning agency and the board of adjustment shall be appointed by the board of

county commissioners with jurisdiction over the area. When selecting a new representative to the planning agency or to the board of adjustment as a result of an extension of the extraterritorial jurisdiction, the board of county commissioners shall hold a public hearing on the selection. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The board of county commissioners shall select appointees only from those who apply at or before the public hearing. The county shall make the appointments within 45 days following the public hearing. Once a city provides proportional representation, no power available to a city under G.S. 160A-360 shall be ineffective in its extraterritorial area solely because county appointments have not yet been made. If there is an insufficient number of qualified residents of the area to meet membership requirements, the board of county commissioners may appoint as many other residents of the county as necessary to make up the requisite number. When the extraterritorial area extends into two or more counties, each board of county commissioners concerned shall appoint representatives from its portion of the area, as specified in the ordinance. If a board of county commissioners fails to make these appointments within 90 days after receiving a resolution from the city council requesting that they be made, the city council may make them. If the ordinance so provides, the outside representatives may have equal rights, privileges, and duties with the other members of the agency to which they are appointed, regardless of whether the matters at issue arise within the city or within the extraterritorial area; otherwise they shall function only with respect to matters within the extraterritorial area."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE JOINT RESOLUTION 61*
Proposed Committee Substitute S61-PCS7793

Short Title: New Muni. Incorp/Study. (Public)

Sponsors:

Referred to:

February 6, 1997

A BILL TO BE ENTITLED

A JOINT RESOLUTION AUTHORIZING A STUDY BY THE LEGISLATIVE RESEARCH COMMISSION OF THE PROCESS AND REQUIREMENTS FOR INCORPORATION OF NEW MUNICIPALITIES.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Legislative Research Commission may study the process and requirements for incorporation on new municipalities, including:

(1) Whether newly incorporated municipalities should be required to provide a specified minimum level of services within a stated time;

(2) Whether receipt of various State-shared local revenues should be contingent on a minimum level of taxation and the provision of a specified level of services; and

(3) The powers and duties granted under existing laws to new municipalities.

The Commission shall make a report to the 1997 General Assembly (Regular Session 1998) on the subject authorized by this resolution.

Section 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 643

Short Title: Greensboro Council Disclosure. (Local)

Sponsors: Senator Shaw of Guilford.

Referred to: State Government, Local Government, and Personnel.

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY GREENSBORO CITY COUNCIL MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Every member of the city council shall within 30 days after the effective date of this act or within 30 days after assuming office, whichever comes later, disclose any legal, equitable, or beneficial interest the member or the member's spouse may have in any real property which is in the zoning jurisdiction of the city.

This disclosure shall be filed in writing with the clerk of superior court of the county where the majority of the population of the city is located and shall include all real property which any council member holds title to, individually or jointly, any real property held in trust as well as any pecuniary interest he may have in any business, firm, or corporation, of whatever nature, which holds title to or has any ownership interest in any real property within the zoning jurisdiction of the city.

Section 2. Every member of the city council shall disclose any legal, equitable, or beneficial ownership interest he may have in any business, firm, or corporation, of whatever nature, which is doing business with the city pursuant to contracts which have been awarded by the city.

Section 3. Every member of the city council shall disclose any legal, equitable, or beneficial ownership interest he may have in any business, firm, or corporation, of whatever nature, which is attempting to secure the award of a bid from the city, prior to the award of any contract.

Section 4. The acquisition by any member subject to this act of any legal, equitable, or beneficial interest in real property within the zoning jurisdiction of the

city shall be disclosed within 30 days after the acquisition of that property. Any legal, equitable, or beneficial ownership interest which any member has in any business, firm, or corporation, of whatever nature, with whom the city is now doing business, shall be disclosed within 30 days after the effective date of this act or within 30 days after acquisition of the ownership interest, whichever is later.

Section 5. Every city council member who has an ownership interest required to be disclosed by this act shall disqualify himself from voting on any matter involving any such ownership interest which comes for official action before the city council.

Section 6. Any member who violates any provision of this act shall be guilty of a Class 1 misdemeanor. Any member who is convicted of a violation of any provision of this act shall forfeit that office, and such office shall be considered vacant as of the date of the final judgment of conviction.

Section 7. This act applies to the City of Greensboro only.

Section 8. This act becomes effective January 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 643
Proposed Committee Substitute S643-PCS6678

Short Title: Greensboro Council Disclosure. (Local)

Sponsors:

Referred to:

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY GREENSBORO CITY COUNCIL MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Every member of the city council shall within 30 days after the effective date of this act or within 30 days after assuming office, whichever comes later, disclose any legal, equitable, or beneficial interest the member or the member's spouse may have in any real property which is in the zoning jurisdiction of the city.

This disclosure shall be filed in writing with the clerk of superior court of the county where the majority of the population of the city is located and shall include all real property which any council member holds title to, individually or jointly, any real property held in trust as well as any pecuniary interest he may have in any business, firm, or corporation, of whatever nature, which holds title to or has any ownership interest in any real property within the zoning jurisdiction of the city.

Section 2. Every member of the city council shall disclose any legal, equitable, or beneficial ownership interest he may have in any business, firm, or corporation, of whatever nature, which is doing business with the city pursuant to contracts which have been awarded by the city.

Section 3. Every member of the city council shall disclose any legal, equitable, or beneficial ownership interest he may have in any business, firm, or corporation, of whatever nature, which is attempting to secure the award of a bid from the city, prior to the award of any contract.

Section 4. The acquisition by any member subject to this act of any legal, equitable, or beneficial interest in real property within the zoning jurisdiction of the city shall be disclosed within 30 days after the acquisition of that property. Any legal, equitable, or beneficial ownership interest which any member has in any business, firm, or corporation, of whatever nature, with whom the city is now doing business, shall be disclosed within 30 days after the effective date of this act or within 30 days after acquisition of the ownership interest, whichever is later.

Section 5. Every city council member who has an ownership interest required to be disclosed by this act shall disqualify himself from voting on any matter involving any such ownership interest which comes for official action before the city council.

Section 6. Any member who violates any provision of this act shall be guilty of a Class 1 misdemeanor.

Section 7. This act applies to the City of Greensboro only.

Section 8. This act becomes effective January 1, 1998.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. _____ DATE 5/1/97

S. B. No. 643 Amendment No. _____

(to be filled in by Principal Clerk)

Rep.)
)
Sen.)

moves to amend the bill on page 2, line 11 - 13

by rewriting those lines to read

guilty of a Class 1 misdemeanor.

SIGNED Bob Shaw

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 644

Short Title: High Point Council Disclosure. (Local)

Sponsors: Senator Shaw of Guilford.

Referred to: State Government, Local Government, and Personnel.

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY HIGH POINT CITY COUNCIL MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Every member of the city council shall, within 30 days after the effective date of this act or within 30 days after assuming office, whichever comes later, disclose any legal, equitable or beneficial interest the member or the member's spouse may have in any real property which is in the zoning jurisdiction of the city.

This disclosure shall be filed in writing with the clerk of superior court of the county where the majority of the population of the city is located and shall include all real property which any council member holds title to, individually or jointly, any real property held in trust, as well as any pecuniary interest he may have in any business, firm, or corporation of whatever nature, which holds title to or has any ownership interest in any real property within the zoning jurisdiction of the city.

Section 2. Every member of the city council shall disclose any legal, equitable or beneficial ownership interest he may have in any business, firm, or corporation, of whatever nature, which is doing business with the city pursuant to contracts which have been awarded by the city.

Section 3. Every member of the city council shall disclose any legal, equitable or beneficial ownership interest he may have in any business, firm, or corporation, of whatever nature, which is attempting to secure the award of a bid from the city, prior to the award of any contract.

Section 4. The acquisition by any member subject to this act of any legal, equitable or beneficial interest in real property within the zoning jurisdiction of the

city shall be disclosed within 30 days after the acquisition of that property. Any legal, equitable or beneficial ownership interest which any member has in any business, firm, or corporation, of whatever nature, with whom the city is now doing business, shall be disclosed within 30 days after the effective date of this act or within 30 days after acquisition of the ownership interest, whichever is later.

Section 5. Every city council member who has an ownership interest required to be disclosed by this act shall disqualify himself from voting on any matter involving any such ownership interest which comes for official action before the city council.

Section 6. Any member who violates any provision of this act shall be guilty of a Class 1 misdemeanor. Any member who is convicted of a violation of any provision of this act shall forfeit that office, and such office shall be considered vacant as of the date of the final judgment of conviction.

Section 7. This act applies to the City of High Point only.

Section 8. This act becomes effective January 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 644
Proposed Committee Substitute S644-PCS6677

Short Title: High Point Council Disclosure. (Local)

Sponsors:

Referred to:

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY HIGH POINT CITY COUNCIL MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Every member of the city council shall, within 30 days after the effective date of this act or within 30 days after assuming office, whichever comes later, disclose any legal, equitable or beneficial interest the member or the member's spouse may have in any real property which is in the zoning jurisdiction of the city.

This disclosure shall be filed in writing with the clerk of superior court of the county where the majority of the population of the city is located and shall include all real property which any council member holds title to, individually or jointly, any real property held in trust, as well as any pecuniary interest he may have in any business, firm, or corporation of whatever nature, which holds title to or has any ownership interest in any real property within the zoning jurisdiction of the city.

Section 2. Every member of the city council shall disclose any legal, equitable or beneficial ownership interest he may have in any business, firm, or corporation, of whatever nature, which is doing business with the city pursuant to contracts which have been awarded by the city.

Section 3. Every member of the city council shall disclose any legal, equitable or beneficial ownership interest he may have in any business, firm, or corporation, of whatever nature, which is attempting to secure the award of a bid from the city prior to the award of any contract.

Section 4. The acquisition by any member subject to this act of any legal, equitable or beneficial interest in real property within the zoning jurisdiction of the city shall be disclosed within 30 days after the acquisition of that property. Any legal, equitable or beneficial ownership interest which any member has in any business, firm, or corporation, of whatever nature, with whom the city is now doing business, shall be disclosed within 30 days after the effective date of this act or within 30 days after acquisition of the ownership interest, whichever is later.

Section 5. Every city council member who has an ownership interest required to be disclosed by this act shall disqualify himself from voting on any matter involving any such ownership interest which comes for official action before the city council.

Section 6. Any member who violates any provision of this act shall be guilty of a Class 1 misdemeanor.

Section 7. This act applies to the City of High Point only.

Section 8. This act becomes effective January 1, 1998.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. _____ DATE 5/1/97

S. B. No. 644 Amendment No. _____
(to be filled in by Principal Clerk)

Rep.)
) _____
Sen.)

moves to amend the bill on page 2, line s 11-13

by rewriting those lines to read

"guilty of a Class 1 misdemeanor."

SIGNED Bob Shaw

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. _____ DATE 5/1/97

S. B. No. 644 Amendment No. _____
(to be filled in by Principal Clerk)

Rep.)
) _____
Sen.)

moves to amend the bill on page 2, line s 11-13

by rewriting those lines to read

"guilty of a Class 1 misdemeanor."

SIGNED Bob Shaw

ADOPTED _____ FAILED _____ TABLED _____

GA-3 PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 645

Short Title: Guilford School Board Disclosure. (Local)

Sponsors: Senator Shaw of Guilford.

Referred to: State Government, Local Government, and Personnel.

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY GUILFORD COUNTY BOARD OF EDUCATION MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Every member of the Guilford County Board of Education shall, within 30 days after the effective date of this act or within 30 days after assuming office, whichever comes later, disclose any legal, equitable or beneficial interest the member or the member's spouse may have in any real property which is in Guilford County.

This disclosure shall be filed in writing with the Clerk of Superior Court of Guilford County and shall include all real property which any council member holds title to, individually or jointly, any real property held in trust, as well as any pecuniary interest he may have in any business, firm, or corporation of whatever nature, which holds title to or has any ownership interest in any real property within Guilford County.

Section 2. Every member of the Guilford County Board of Education shall disclose any legal, equitable or beneficial ownership interest he may have in any business, firm, or corporation, of whatever nature, which is doing business with the Guilford County School Administrative Unit pursuant to contracts which have been awarded by the Guilford County School Administrative Unit.

Section 3. Every member of the Guilford County Board of Education shall disclose any legal, equitable or beneficial ownership interest he may have in any business, firm, or corporation, of whatever nature, which is attempting to secure the

award of a bid from the Guilford County School Administrative Unit, prior to the award of any contract.

Section 4. The acquisition by any member subject to this act of any legal, equitable or beneficial interest in real property within Guilford County shall be disclosed within 30 days after the acquisition of that property. Any legal, equitable or beneficial ownership interest which any member has in any business, firm, or corporation, of whatever nature, with whom the Guilford County School Administrative Unit is now doing business, shall be disclosed within 30 days after the effective date of this act or within 30 days after acquisition of the ownership interest, whichever is later.

Section 5. Every Guilford Board of Education member who has an ownership interest required to be disclosed by this act shall disqualify himself from voting on any matter involving any such ownership interest which comes for official action before the Guilford County Board of Education.

Section 6. Any member who violates any provision of this act shall be guilty of a Class 1 misdemeanor. Any member who is convicted of a violation of any provision of this act shall forfeit that office, and such office shall be considered vacant as of the date of the final judgment of conviction.

Section 7. This act applies only to the City of High Point.

Section 8. This act becomes effective January 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 645
Proposed Committee Substitute S645-PCS6676

Short Title: Guilford School Board Disclosure. (Local)

Sponsors:

Referred to:

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY GUILFORD COUNTY BOARD OF EDUCATION MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Every member of the Guilford County Board of Education shall, within 30 days after the effective date of this act or within 30 days after assuming office, whichever comes later, disclose any legal, equitable or beneficial interest the member or the member's spouse may have in any real property which is in Guilford County.

This disclosure shall be filed in writing with the Clerk of Superior Court of Guilford County and shall include all real property which any council member holds title to, individually or jointly, any real property held in trust, as well as any pecuniary interest he may have in any business, firm, or corporation of whatever nature, which holds title to or has any ownership interest in any real property within Guilford County.

Section 2. Every member of the Guilford County Board of Education shall disclose any legal, equitable or beneficial ownership interest he may have in any business, firm, or corporation, of whatever nature, which is doing business with the Guilford County School Administrative Unit pursuant to contracts which have been awarded by the Guilford County School Administrative Unit.

Section 3. Every member of the Guilford County Board of Education shall disclose any legal, equitable or beneficial ownership interest he may have in any business, firm, or corporation, of whatever nature, which is attempting to secure the

award of a bid from the Guilford County School Administrative Unit, prior to the award of any contract.

Section 4. The acquisition by any member subject to this act of any legal, equitable or beneficial interest in real property within Guilford County shall be disclosed within 30 days after the acquisition of that property. Any legal, equitable or beneficial ownership interest which any member has in any business, firm, or corporation, of whatever nature, with whom the Guilford County School Administrative Unit is now doing business, shall be disclosed within 30 days after the effective date of this act or within 30 days after acquisition of the ownership interest, whichever is later.

Section 5. Every Guilford Board of Education member who has an ownership interest required to be disclosed by this act shall disqualify himself from voting on any matter involving any such ownership interest which comes for official action before the Guilford County Board of Education.

Section 6. Any member who violates any provision of this act shall be guilty of a Class 1 misdemeanor.

Section 7. This act applies to the Guilford County Board of Education only.

Section 8. This act becomes effective January 1, 1998.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. _____ DATE 5/1/97

S. B. No. 645 Amendment No. _____

(to be filled in by Principal Clerk)

Rep.)
) _____
Sen.)

moves to amend the bill on page 2, line 16-18

by rewriting those lines to read:

"guilty of a Class 1 misdemeanor."

and further amends the bill on page 2,

line 7 by rewriting that line to read:

"Section 7. This act applies to the Guilford County Board of Education only."

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 885

Short Title: Time and Method for Execution. (Public)

Sponsors: Senator Gulley.

Referred to: Judiciary.

April 15, 1997

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE LAWS REGARDING THE TIME AND METHOD FOR EXECUTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15-194 reads as rewritten:

"**§ 15-194. Time for execution.**

(a) In sentencing a capital defendant to a death sentence pursuant to G.S. 15A-2000(b), the sentencing judge need not specify the date and time the execution is to be carried out by the Department of Correction. The warden of the State penitentiary at Raleigh shall immediately schedule a date for the execution of the original death sentence not less than 30 days nor more than 45 days from the date of receiving written notification from the Attorney General of North Carolina or the district attorney who prosecuted the case of any one of the following:

(1) The United States Supreme Court has filed an opinion upholding the sentence of death following completion of the initial State and federal postconviction proceedings, if any;

(2) The mandate issued by the Supreme Court of North Carolina on direct appeal pursuant to N.C.R. App. P. 32(b) affirming the capital defendant's death sentence and the time for filing a petition for writ of certiorari to the United States Supreme Court has expired without a petition being filed;

(3) The capital defendant, if indigent, failed to timely seek the appointment of counsel pursuant to G.S. 7A-451(c), or failed to file

a timely motion for appropriate relief as required by G.S. ~~15A-1415(a);~~ 15A-1415(a), or as required by the superior court;

(4) The superior court denied the capital defendant's motion for appropriate relief, but the capital defendant failed to file a timely petition for writ of certiorari to the Supreme Court of North Carolina pursuant to N.C.R. App. P. 21(f);

(5) The Supreme Court of North Carolina denied the capital defendant's petition for writ of certiorari pursuant to N.C.R. App. P. 21(f), or, if certiorari was granted, upheld the capital defendant's death ~~sentence, but the capital defendant failed to file a timely petition for writ of certiorari to the United States Supreme Court~~ sentence; or

(6) Following State postconviction proceedings, if any, the capital defendant failed to file a ~~timely~~ petition for writ of habeas corpus in the appropriate federal district court, within 60 days of the denial of the capital defendant's petition for writ of certiorari by the Supreme Court of North Carolina pursuant to N.C.R. App. P. 21(f), or, if certiorari was granted, the decision by the Supreme Court of North Carolina upholding the capital defendant's death sentence, or failed to timely appeal ~~or petition~~ an adverse habeas corpus decision to the United States Court of Appeals for the Fourth ~~Circuit or the United States Supreme Court.~~ Circuit.

The warden shall send a certified copy of the document fixing the date to the clerk of superior court of the county in which the case was tried or, if venue was changed, in which the defendant was indicted. The certified copy shall be recorded in the minutes of the court. The warden shall also send certified copies to the capital defendant, the capital defendant's attorney, the district attorney who prosecuted the case, and the Attorney General of North Carolina.

(b) Nothing shall prohibit a superior court from setting an execution date under circumstances other than those specified in subsection (a) of this section."

Section 2. G.S. 15A-1415 is amended to insert a new subsection to read as follows:

"(a1) For capital cases in which the death sentence was entered on or before October 1, 1996, the superior court of the county in which the defendant was indicted shall be authorized to set a time limitation for the filing of a postconviction motion for appropriate relief."

Section 3. G.S. 15A-1419 reads as rewritten:

"**§ 15A-1419. When motion for appropriate relief denied.**

(a) The following are grounds for the denial of a motion for appropriate relief, including motions filed in capital cases:

(1) Upon a previous motion made pursuant to this Article, the defendant was in a position to adequately raise the ground or issue underlying the present motion but did not do so. This subdivision does not apply when the previous motion was made within 10 days

after entry of judgment or the previous motion was made during the pendency of the direct appeal.

(2) The ground or issue underlying the motion was previously determined on the merits upon an appeal from the judgment or upon a previous motion or proceeding in the courts of this State or a federal court, unless since the time of such previous determination there has been a retroactively effective change in the law controlling such issue.

(3) Upon a previous appeal the defendant was in a position to adequately raise the ground or issue underlying the present motion but did not do so.

(4) The defendant failed to file a timely motion for appropriate relief as required by G.S. ~~15A-1415(a).~~ 15A-1415(a) or G.S. 15A-1415(a1)."

Section 4. G.S. 15-187 reads as rewritten:

"**§ 15-187. Death by administration of lethal ~~gas or~~ drugs.**

Death by electrocution and death by the administration of lethal gas under sentence of law ~~is~~ are hereby abolished and death by the administration of lethal ~~gas~~ drugs substituted ~~therefor,~~ therefor. ~~except that if any person sentenced to death so chooses, he may at least five days prior to his execution date, elect in writing to be executed by the administration of a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent.~~ Death by the administration of lethal drugs shall be accomplished by the injection or administration of a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 885
Proposed Committee Substitute S885-PCS2751

Short Title: Notice of Execution. (Public)

Sponsors:

Referred to:

April 15, 1997

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE LAW REGARDING THE TIME FOR EXECUTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15-194 reads as rewritten:

"**§ 15-194. Time for execution.**

In sentencing a capital defendant to a death sentence pursuant to G.S. 15A-2000(b), the sentencing judge need not specify the date and time the execution is to be carried out by the Department of Correction. The warden of the State penitentiary at Raleigh shall immediately schedule a date for the execution of the original death sentence not less than 30 days nor more than 45 days from the date of receiving written notification from the Attorney General of North Carolina or the district attorney who prosecuted the case of any one of the following:

(1) The United States Supreme Court has filed an opinion upholding the sentence of death following completion of the initial State and federal postconviction proceedings, if any;

(2) The mandate issued by the Supreme Court of North Carolina on direct appeal pursuant to N.C.R. App. P. 32(b) affirming the capital defendant's death sentence and the time for filing a petition for writ of certiorari to the United States Supreme Court has expired without a petition being filed;

(3) The capital defendant, if indigent, failed to timely seek the appointment of counsel pursuant to G.S. 7A-451(c), or failed to file

a timely motion for appropriate relief as required by G.S. 15A-1415(a);

(4) The superior court denied the capital defendant's motion for appropriate relief, but the capital defendant failed to file a timely petition for writ of certiorari to the Supreme Court of North Carolina pursuant to N.C.R. App. P. 21(f);

(5) The Supreme Court of North Carolina denied the capital defendant's petition for writ of certiorari pursuant to N.C.R. App. P. 21(f), or, if certiorari was granted, upheld the capital defendant's death sentence, but the capital defendant failed to file a timely petition for writ of certiorari to the United States Supreme Court; or

(6) Following State postconviction proceedings, if any, the capital defendant failed to file a timely petition for writ of habeas corpus in the appropriate federal district court, or failed to timely appeal or petition an adverse habeas corpus decision to the United States Court of Appeals for the Fourth Circuit or the United States Supreme Court.

The warden shall send a certified copy of the document fixing the date to the clerk of superior court of the county in which the case was tried or, if venue was changed, in which the defendant was indicted. The certified copy shall be recorded in the minutes of the court. The warden shall also send certified copies to the capital defendant, the capital defendant's attorney, the district attorney who prosecuted the case, and the Attorney General of North Carolina."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 1053

Short Title: Computerized Voter Reg. (Public)

Sponsors: Senators Page; Blust and Kinnaird.

Referred to: State Government, Local Government, and Personnel.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH DEADLINES FOR THE STATE BOARD OF ELECTIONS TO PROMULGATE RULES FOR A COMPUTERIZED VOTER REGISTRATION SYSTEM AND FOR THE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH THOSE RULES.

The General Assembly of North Carolina enacts:

Section 1. The State Board of Elections shall promulgate rules by January 1, 1998, for the development and administration of a statewide computerized voter registration system as provided in Section 13.2(a) and (b) of Chapter 507 of the 1995 Session Laws. Those rules shall include standards with which counties shall comply. All county boards of elections shall comply with those rules by July 1, 1998.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S D

SENATE BILL 1053
Proposed Committee Substitute S1053-PCS1806

Short Title: Computerized Voter Reg. (Public)

Sponsors:

Referred to:

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH DEADLINES FOR THE STATE BOARD OF ELECTIONS TO PROMULGATE RULES FOR A COMPUTERIZED VOTER REGISTRATION SYSTEM AND FOR THE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH THOSE RULES.

The General Assembly of North Carolina enacts:

Section 1. The State Board of Elections shall promulgate rules by August 1, 1998, for the development and administration of a statewide computerized voter registration system as provided in Section 13.2(a) and (b) of Chapter 507 of the 1995 Session Laws. Those rules shall include standards with which counties shall comply. All county boards of elections shall comply with those rules by February 1, 1999.

Section 2. The provisions of this act shall be carried out within available funds.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 1053 (S1053-CSRF-01) Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

Rep.)
) _____
Sen.)

moves to amend the bill on page 1, line 5 13 14

( ) WHICH CHANGES THE TITLE

by adding between the lines a new Section 2 to read:

"Section 2. The provisions of this act shall be carried out within available funds."

and by renumbering the remaining Section accordingly.

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S 1

SENATE BILL 1076

Short Title: Campus Voter Registration. (Public)

Sponsors: Senator Kinnaird.

Referred to: State Government, Local Government, and Personnel.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A COMPREHENSIVE CAMPUS VOTER REGISTRATION PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. The 16 constituent institutions of The University of North Carolina and the community colleges of North Carolina shall undertake a comprehensive voter registration and participation effort. The following principles are central to maximizing the efficiency of this effort:

(1) A voter registration form shall be provided to each eligible student before the registration deadline;

(2) Opportunities for voter registration shall be integrated into already existing administrative procedures which directly contact students. For example, providing forms for student use which attach voter registration materials and forms to all class registration and financial aid office forms;

(3) Staff shall be trained to assist students in the completion of the voter registration form;

(4) A system for the collection of completed forms shall be introduced at each site offering voter registration opportunities. Collection information shall be analyzed and shared; and

(5) Involvement by student governments and groups shall be encouraged to maximize success.

Section 2. This act becomes effective July 1, 1998.

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March 11, 1997

MEMORANDUM

TO: Senator Brad Miller, Chair, Senate Committee on State Government

FROM: Brenda J. Carter, Staff Attorney, Research Division

RE: **SENATE BILL 30 - SPEEDING IN A WORK ZONE**
Proposed Committee Substitute
Senator Jordan; Gulley

Under current law, exceeding the posted speed limit is generally an infraction, subject to a penalty of not more than $100; a person who exceeds the posted speed limit *in a highway work zone* is required to pay a penalty of $100.

Section 1 of the bill increases the penalty for speeding in a highway work zone from $100 to $250. It makes it clear that a person may also be charged with any other offense that occurs within the highway work zone.

Section 2 of the bill adds speeding in a highway work zone as an exception to the general provision that a violation of speeding 10 miles per hour or less over the posted limit will not result in a premium surcharge or an assessment of points if the driver's record has been clear for at least three years. Speeding in a school zone is already exempt from that provision.

The bill would become effective October 1, 1997 and apply to offenses occurring on or after that date.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 30, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: Senate Bill 644: High Point Council Disclosure

Senate Bill 664, introduced by Senator Shaw of Guilford, requires each member of the High Point City Council to disclose any interest the member of member's spouse may have in real property within the zoning jurisdiction of the city. Each member of the High Point City Council shall also disclose any interest had in any business doing business with the city pursuant to contracts which have been awarded by the city or in business which is attempting to secure a bid award from the city prior to the award of any contract. The disclosure must be made within 30 days of the effective date of this act or within 30 days of assuming office and shall be filed with the clerk of superior court of the county in which a majority of the population of High Point lives.

Members of the Council shall also be required to disclose the acquisition of any such interest in real property or business within 30 days of the acquisition of the interest. Members of the city council having such interests shall disqualify themselves from voting on any matter involving any such ownership interest. Violation of any provision of the act is a Class 1 misdemeanor and the person convicted of a violation shall forfeit his office.

The act becomes effective January 1, 1998.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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Memorandum

Date: April 30, 1997

To: Senator Gulley

From: Emily P. Johnson, Staff Attorney, Bill Drafting Division
Fax: (919) 715-5459; Emilyj@ms.ncga.state.nc.us

Subject: PCS for Senate Bill 885/Time for Execution

Attached is the explanation for the proposed committee substitute to Senate Bill 885.

The proposed committee substitute makes two changes G.S. 15-194:

- Provides that notification that an execution is to be carried must be in writing .
- Provides that the written notice of execution must be provided by either the Attorney General or the district attorney who prosecuted the case.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 30, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: **Proposed Committee Substitute**
Senate Bill 1053: Computerized Voter Registration

Senate Bill 1053, introduced by Senator Page, requires the State Board of Elections to promulgate rules for the development and administration of a statewide computerized voter registration system by August 1, 1998. These rules shall contain standards for the counties and the counties shall comply with these standards by February 1, 1999. Provisions for the promulgation of rules for a statewide computerized voter registration system were initially made by the 1995 General Assembly in Section 13.2 of Chapter 507 of the 1995 Session Laws. Under the 1995 provision, the rules were to have been in place no later than July 1, 1996 and implemented by the counties by July 1, 1997.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 30, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: **Proposed Committee Substitute**
Senate Bill 1076: Campus Voter Registration

Senate Bill 1076, introduced by Senator Kinniard, directs the Board of Governors of the University of North Carolina and the State Board of Community Colleges to undertake a campus voter registration program.

The proposed committee substitute would add a new section G.S. 163-82.23A to Chapter 163 of the General Statutes. Subsection (a) directs the Board of Governors and the State Board to undertake the program. Each institution must designate a coordinator to coordinate efforts, act as a liaison to the State Board of Elections, and train campus voter registration personnel according to rules adopted by the State Board of Elections. Locations and offices are to be identified that are appropriate for the distribution of voter registration application forms and at least one location shall have employees available to assist student with the forms.

Subsection (b) of proposed G.S. 163-82.23A requires that the institution make a voter registration form available to each student. To comply with the principles of the section (1) each selected voter registration office shall designate at least one employee to assist registration applicants; (2) each application completed in a campus voter registration office shall be accepted in that office and transmitted to the appropriate board of elections not later than 5 days after acceptance: and (3) the State Board of Elections shall gather data specific to campus voter registration and make it available to the public.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION

April 23, 1997

State & Local Gov 30 4.23.97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ron Atkins	Good Neighbors Guide
Ed Packard	State Board of Elections
Michelle Wyatt	State Board of Elections
John Dorman	Univ of NC Assoc of Student Govts.
[illegible]	[illegible]
Cam Cain	RPMHL
Andy Romont	N.C.L.M.
Baker [illegible]	GNA
Bernard Allen	Secy of State
Lisa Pierce	CJR
Ruth Sappie	NCDOT
Jeff McClure	Govt Network

VISITOR REGISTRATION SHEET

~~SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION~~

April 23, 1997

Std & Loan Sys 5-7-97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ted Harris	GAC-T
Chris Gray	DOJ
Tim Minton	NC Assoc of REALTORS

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, MAY 7, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, May 7, 1997 at 11:00 a.m. in room 414 of the Legislative Office Building. Eight members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

HB 65, Canton Deannexation, was explained by Rep. Beall. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 100, Hertford School Election Date, was explained by Senator Ballance. Senator Hartsell moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 122, State Building Evacuation, was explained by Rep. Kiser. Senator Ballance moved to amend the bill and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Ballance moved a favorable report of the committee substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate committee substitute.**

HB 309, Charlotte On-street Parking, was explained by Rep. Alexander. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 314, Abolish Robeson Coroner, was explained by Senator Miller. Senator Hartsell moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 342, Mecklenburg Bid Limit Increased, was explained by Rep. Alexander. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 367, Northeast Counties Inspection Liens, was explained by Senator Ballance. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 531, Pitt County ABC Board, was explained by Rep. Mercer. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 583, Kings Mountain ABC Board, was explained by Rep. Weatherly. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 636, Manteo Ordinances, was explained by Rep. Culpepper. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 649, Abolish Cherokee Coroner, was explained by Rep. Carpenter. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 851, Cape Carteret No-Wake Zone, was explained by Rep. Smith. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

Senator Brad Miller, Chair

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Wednesday, May 07, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. 65 Canton Deannexation.
Sequential Referral: None
Recommended Referral: Finance

H.B. 100 Hertford School Election Date.
Sequential Referral: None
Recommended Referral: None

H.B. 309 Charlotte On-street Parking.
Sequential Referral: None
Recommended Referral: None

H.B. 342 Mecklenburg Bid Limit Increased.
Sequential Referral: None
Recommended Referral: Finance

H.B. 367 Northeast Counties Inspection Liens.
Sequential Referral: None
Recommended Referral: Finance

H.B. 531 Pitt County ABC Board.
Sequential Referral: None
Recommended Referral: None

H.B. 583 Kings Mountain ABC Board.
Sequential Referral: None
Recommended Referral: None

H.B. 636 Manteo Ordinances.
Sequential Referral: None
Recommended Referral: None

H.B. **649** Abolish Cherokee Coroner.
Sequential Referral: None
Recommended Referral: None

H.B. **851** Cape Carteret No-Wake Zone.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 10

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Thursday, May 08, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. 314 Abolish Robeson Coroner.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. 122 State Building Evacuation.
Draft Number: PCSA383
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, MAY 7, 1997

ROOM 414

Bills

HB 65	Canton Deannexation	Rep. Beall
HB 100	Hertford School Election Date	Rep. Hunter
HB 122	State Building Evacuation	Rep. Kiser
HB 309	Charlotte On-street Parking	Rep. Alexander
HB 342	Mecklenburg Bid Limit Increased	Rep. Alexander
HB 367	Northeast Counties Inspection Liens	Rep. Hunter
HB 531	Pitt County ABC Board	Rep. Mercer
HB 583	Kings Mountain ABC Board	Rep. Weatherly
HB 636	Manteo Ordinances	Rep. Culpepper
HB 649	Abolish Cherokee Coroner	Rep. Carpenter
HB 851	Cape Carteret No-Wake Zone	Rep. Smith

Adjournment

HOUSE BILL 65

Short Title: Canton Deannexation. (Local)

Sponsors: Representatives Beall and Ramsey.

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

February 6, 1997

A BILL TO BE ENTITLED

AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CANTON.

The General Assembly of North Carolina enacts:

Section 1. The following described property is removed from the corporate limits of the Town of Canton:

Beginning at a point in the Eastern right-of-way of S.R. 1833 (Wells Town Road), the Southwest corner of the 3.358-Acre tract annexed by Ordinance dated September 8th, 1992 (Food Lion, Inc., Property), thence North 58° 31' 24" West, 60.62' to an iron bar, the Southeast corner of the Ingles Markets, Inc., Property, thence the following three courses and distances with the Northern margin of the right-of-way of S.R. 1834 (DB 273, Pg 26): South 67° 38' 37" West, 190.27' to an iron bar, South 60° 38' 37" West, 341.83' to an iron bar, South 60° 38' 37" West, 369.89' to an iron bar, the Southwest corner of Ingles Markets, Inc., Property, thence leaving said right-of way, and with the Easterly line of Jimmie Wells King, North 07° 36' 00" East a distance of 404.97' an iron pin at the Southeasterly corner of the property of Raymond C. Stamey, thence with the Easterly line of Raymond C. Stamey and the Easterly line of Virginia Trostel James, North 06° 57' 00" East a distance of 595.48' to a point in the present Town Limits thence with said Town Limits along the arc of a curve to the right having a radius of 5,429.58' and an arc length of 356.05' (said arc being subtended by a chord bearing South 78° 54' 16" East, 355.99') to a point; thence continuing with said Town Limits along the arc of a curve to the right having a radius of 11,159.16' and an arc length of 434.78' (said arc being subtended by a chord bearing South 75° 38' 17" East, 60.62') to a point in the Eastern right-of-way

of S.R. 1833 and the Westerly line of Food Lion, Inc., (DB 429, Pg 34); thence with said right-of-way and property line, along the Present Town Limits the following three calls: South 07° 08' 48" West, 96.00'; South 11° 58' 31" West, 193.99'; and South 23° 18' 08" West, 138.77' to the Point of Beginning, containing 0.58 Acre within the right-of-way of S.R. 1833 and 12.19 Acres of the 15.73-Acre Ingles Markets, Inc., Tract, all as shown on a map prepared by Roger M. Lyda, R.L.S., dated April 25th, 1995.

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 100

Short Title: Hertford School Election Date. (Local)

Sponsors: Representative H. Hunter.

Referred to: Local and Regional Government I.

February 11, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE HERTFORD COUNTY BOARD OF EDUCATION IN NOVEMBER OF EVEN-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

Section 1. Beginning with the 1998 election, members of the Hertford County Board of Education shall be elected in November of even-numbered years at the same time as the general election for State and county officers. Elections shall continue to be conducted by the nonpartisan plurality method.

Section 2. Unless the General Assembly by general State law provides a different period for the filing of notices of candidacy for nonpartisan plurality elections held in November of even-numbered years, the filing period for the Hertford County Board of Education shall commence at noon on the first Friday in July and close at noon on the first Friday in August preceding the election.

Section 3. Except as otherwise provided in this act, elections for the Hertford County Board of Education shall be conducted according to general State law for county school boards.

Section 4. This act shall not be implemented until it has been precleared pursuant to section 5 of the Voting Rights Act of 1965.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 122*
Second Edition Engrossed 3/19/97

Short Title: State Building Evacuation. (Public)

Sponsors: Representatives Kiser; Barbee, Bonner, Bowie, Cansler, Carpenter, Clary, Crawford, Culp, Esposito, Goodwin, Gulley, Hardy, Justus, McComas, McCombs, McMahan, Mitchell, Nichols, Rayfield, Reynolds, Saunders, Sexton, Starnes, Thompson, Watson, and G. Wilson.

Referred to: State Government.

February 12, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE TO PROVIDE FOR THE EVACUATION OF STATE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 36 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-341.1. Evacuation of State buildings and grounds.

The Director of the State Capitol Police, appointed by the Secretary pursuant to G.S. 143-340(22), or the Director's designee, shall exercise at all times those means that, in the opinion of the Director or the designee, may be effective in protecting all State buildings and grounds and the persons within those buildings and grounds from fire, bombs, bomb threats, or any other emergency or potentially hazardous conditions, including both the ordering and control of the evacuation of those buildings and grounds. The Director or the Director's designee may employ the assistance of other available law enforcement agencies and emergency agencies to aid and assist in evacuations of those buildings and grounds. For purposes of this section, the term 'State buildings and grounds' means all buildings and grounds located in the City of Raleigh or Wake County that are owned or leased by the State of North Carolina, including the Legislative Building and the Legislative Office Building."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 122*
Second Edition Engrossed 3/19/97
Proposed Senate Committee Substitute H122-PCSA383

Short Title: State Building Evacuation. (Public)

Sponsors:

Referred to:

February 12, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE AND THE CHIEF OF THE GENERAL ASSEMBLY POLICE TO PROVIDE FOR THE EVACUATION OF STATE AND LEGISLATIVE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 36 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-341.1. Evacuation of State buildings and grounds.**

The Director of the State Capitol Police, appointed by the Secretary pursuant to G.S. 143-340(22), or the Director's designee, shall exercise at all times those means that, in the opinion of the Director or the designee, may be effective in protecting all State buildings and grounds, except for the State legislative buildings and grounds as defined in G.S. 120-32.1(d), and the persons within those buildings and grounds from fire, bombs, bomb threats, or any other emergency or potentially hazardous conditions, including both the ordering and control of the evacuation of those buildings and grounds. The Director or the Director's designee may employ the assistance of other available law enforcement agencies and emergency agencies to aid and assist in evacuations of those buildings and grounds."

Section 2. Article 7 of Chapter 120 of the General Statutes is amended by adding a new section to read:

"**§ 120-32.1A. Evacuation of legislative buildings and grounds.**

The Chief of the General Assembly Police, or the Chief's designee, shall exercise at all times those means that, in the opinion of the Chief, or the Chief's designee, may be effective in protecting the State legislative buildings and grounds and the persons within those buildings and grounds from fire, bombs, bomb threats, or any other emergency or potentially hazardous conditions, including both the ordering and control of the evacuation of those buildings and grounds. The Chief, or the Chief's designee, may employ the assistance of other available law enforcement agencies and emergency agencies to aid and assist in evacuations of the legislative buildings and grounds."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 309
Second Edition Engrossed 3/10/97

Short Title: Charlotte On-street Parking. (Local)

Sponsors: Representatives Alexander; Black, Cunningham, Dickson, Earle, Easterling, Gulley, McMahan, and Saunders.

Referred to: Local & Regional Government II, if favorable, Judiciary I.

February 24, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CHARLOTTE TO ISSUE TICKETS FOR OVERTIME PARKING ON CITY STREETS.

The General Assembly of North Carolina enacts:

Section 1. Chapter VI, Subchapter A, Article II of the Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws, is amended by adding a new section:

"Section 6.25. Overtime Parking. The City Council may adopt ordinances which provide that each hour a vehicle remains illegally parked in an on-street parking space is a separate offense and the violator may be given a ticket for each offense."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 314

Short Title: Abolish Robeson Coroner. (Local)

Sponsors: Representatives Sutton, Yongue, Bonner; Blue, Boyd-McIntyre, Hightower, Hill, Hurley, Redwine, and Warner.

Referred to: Local and Regional Government I.

February 25, 1997

A BILL TO BE ENTITLED

AN ACT ABOLISHING THE VACANT OFFICE OF CORONER IN ROBESON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The office of coroner in Robeson County is abolished.

Section 2. Chapter 152 of the General Statutes is not applicable to Robeson County.

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:

Referred to:

February 26, 1997

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.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 367
Committee Substitute Favorable 3/26/97

Short Title: Northeast Counties Inspection Liens. (Local)

Sponsors:

Referred to:

March 3, 1997

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE COUNTIES OF CRAVEN, GATES, HERTFORD, NORTHAMPTON, AND PAMLICO TO TAKE A LIEN ON REAL PROPERTY FOR DELINQUENT FEES FOR CERTAIN INSPECTIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 577 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies to the Counties of Camden, Chowan, Craven, Currituck, Gates, Hertford, Northampton, Pamlico, Pasquotank, Perquimans, Tyrrell, and Washington only."

Section 2. This act becomes effective July 1, 1997, and applies to fees imposed for inspections performed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 531

Short Title: Pitt County ABC Board. (Local)

Sponsors: Representative Mercer.

Referred to: Ways and Means.

March 18, 1997

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE SIZE OF THE PITT COUNTY ABC BOARD FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, the local alcoholic beverage control board regulating the sale of alcoholic beverages in Pitt County is increased from three members to five members. To provide for the transition from three to five members, the Pitt County Board of Commissioners shall appoint two new members with terms to coincide with the terms of the two present members whose terms expire on June 30, 1998, and June 30, 1999.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 583

Short Title: Kings Mountain ABC Board. (Local)

Sponsors: Representatives Weatherly, Clary, and Dedmon.

Referred to: Local and Regional Government II.

March 24, 1997

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF KINGS MOUNTAIN LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-700(a) reads as rewritten:

"(a) Membership. -- A local ABC board shall consist of ~~three~~ five members appointed for three-year terms, unless a different membership or term is provided by a local act enacted before the effective date of this Chapter, or unless the board is a board for a merged ABC system under G.S. 18B-703 and a different size membership has been provided for as part of the negotiated merger. One member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. As the terms of initial board members expire, their successors shall each be appointed for ~~three~~-year terms. The appointing authority shall designate one member of the local board as chairman."

Section 2. Of the two members added pursuant to Section 1 of this act, one member shall be appointed for a term to expire on March 31, 1998, and one member shall be appointed for a term to expire on March 31, 1999, thereafter ~~terms~~ shall be for ~~three~~ years.

Section 3. This act applies to the City of Kings Mountain only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

HOUSE BILL 636

Short Title: Manteo Ordinances. (Local)

Sponsors: Representative Culpepper.

Referred to: Ways and Means.

March 26, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF MANTEO TO REGULATE CERTAIN ACTIVITIES IN WATERWAYS ADJACENT TO THE TOWN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-176.2 reads as rewritten:

"**§ 160A-176.2. Ordinances effective in Atlantic Ocean.**

(a) A city may adopt ordinances to regulate and control swimming, personal watercraft operation, surfing and littering in the Atlantic Ocean and other waterways adjacent to that portion of the city within its boundaries or within its extraterritorial jurisdiction; provided, however, nothing contained herein shall be construed to permit any city to prohibit altogether swimming or surfing or to make these activities unlawful.

(b) Subsection (a) of this section applies to the Towns of Atlantic Beach, Cape Carteret, Carolina Beach, Caswell Beach, Emerald Isle, Holden Beach, Kill Devil Hills, Kitty Hawk, Long Beach, Manteo, Nags Head, Ocean Isle Beach, Southern Shores, Sunset Beach, Topsail Beach, Wrightsville Beach, and Yaupon Beach, and the City of Southport only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 649
Committee Substitute Favorable 4/24/97

Short Title: Abolish Cherokee Coroner. (Local)

Sponsors:

Referred to:

March 27, 1997

A BILL TO BE ENTITLED

AN ACT ABOLISHING THE OFFICE OF CORONER IN CHEROKEE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The office of Coroner in Cherokee County is abolished.

Section 2. Chapter 152 of the General Statutes is not applicable in Cherokee County.

Section 3. This act shall become effective upon the expiration of the term of the current coroner in Cherokee County.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 851
Committee Substitute Favorable 4/22/97

Short Title: Cape Carteret No-Wake Zone. (Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CAPE CARTERET AND AREAS WITHIN THE TOWN'S EXTRATERRITORIAL PLANNING JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to operate a vessel at greater than a no-wake speed in the waters east of the Route 58 bridge within the corporate limits of the Town of Cape Carteret and the Town's extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes. No-wake speed is idle speed or a slow speed creating no appreciable wake.

Section 2. With regard to marking the no-wake speed zone established in Section 1 of this act, the Town of Cape Carteret or its designee may place and maintain the markers in accordance with the Uniform Waterway Marking System and any supplementary standards for that system adopted by the Wildlife Resources Commission. All markers of the no-wake speed zone must be buoys or floating signs placed in the water and must be sufficient in number and size so as to give adequate warning of the no-wake speed zone to vessels approaching from various directions.

Section 3. This act is enforceable under G.S. 75A-17 as if it were a provision of Chapter 75A of the General Statutes.

Section 4. Violation of this act is a Class 3 misdemeanor.

Section 5. This act is effective when it becomes law and is enforceable after markers complying with Section 2 of this act are placed in the water.

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May 6, 1997

TO: Senate Committee on State Government, Local Government, and Personnel.

FROM: Barbara Riley, Committee Counsel

RE: House Bill 65 - Canton Deannexation

House Bill 65, introduced by Representative Beall removes certain described property from the corporate limits of the Town of Canton. Any liens by the town or ad valorem taxes or special assessments that are outstanding before the effective date are unaffected by this bill.

This bill is effective June 30, 1997.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 6 1997

To: Senate Committee on State Government, Local Government, and Personnel

From: Giles S. Perry, Committee Counsel

Re: House Bill 100 Hertford School Election Date

House Bill 100 provides that beginning in 1998, members of the Hertford County School Board would be elected in November of even numbered years. Elections would continue to be held under the nonpartisan plurality method.

House Bill 100 would become effective when it becomes law, subject to preclearance under section 5 of the Voting Rights Act of 1965.

H100-SMRW-001S

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 6, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 122: State Building Evacuation.

House Bill 122 is the House companion bill to Senator Ballance's Senate Bill 78 which was favorably reported as a committe substitute by this committee in March.

The House Bill adds a new section to Article 36 of Chapter 143 of the General Statutes, Department of Administration, that permits the Director of the State Capitol Police, or his designee, to order the evacuation of state buildings and grounds in the event of fire, bomb threats, or other emergencies. The assistance of other law enforcement agencies and personnel may be employed to assist in such evacuations.

Unlike the Senate Committee Substitute, which set out separate provisions placing responsibility for the the Legislative buildings and grounds with the General Assembly police, the House version places responsibility for evacuations for the legislative complex with the Director of the State Capitol Police.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 7, 1997

MEMORANDUM

TO: The Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 309: Charlotte On Street Parking.

House Bill 309, introduced by Representative Alexander, is identical to Senate Bill 227 by Senator Winner. The bill would amend the charter of the City of Charlotte to allow the City Council to adopt ordinances which provide that each hour a car is parked illegally on the street is a separate offense for which a ticket may be issued.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 6, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: **House Bill 314:** Abolish Robeson Coroner
House Bill 649: Abolish Cherokee Coroner

House Bills 314 amd 649 abolish the office of coroner in Robeson and Cherokee counties respectively. Chapter 152 of the General Statutes, Coroners, will not apply in those counties.

The acts are effective when they become law.

North Carolina General Assembly
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ıaıne W. Robinson, Director dministrative Division :oom 5, Legislative Building 5 W. Jones Street :aleigh, NC 27603-5925)19) 733-7500	Gerry F. Cohen, Director Bill Drafting Division Suite 401, LOB 300 N. Salisbury St. Raleigh, NC 27603-5925 (919) 733-6660	Thomas L. Covington, Director Fiscal Research Division Suite 619, LOB 300 N. Salisbury St. Raleigh, NC 27603-5925 (919) 733-4910	Donald W. Fulford, Director Information Systems Division Suite 400, LOB 300 N. Salisbury St. Raleigh, NC 27603-5925 (919) 733-6834	Terrence D. Sullivan, Director Research Division Suite 545, LOB 300 N. Salisbury St. Raleigh, NC 27603-5925 (919) 733-2578

May 7, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: HB342 - Mecklenburg Bid Limit Increased

This bill increases the threshold for which Mecklenburg County can use informal bidding procedures in contracting for construction or repair work and in purchasing apparatus, supplies, materials, or equipment to $100,000. Mecklenburg County's threshold for the purchase of supplies under the informal bidding procedures is currently at $50,000. Section 1, Chapter 712 of the 1993 Session Laws, which set the $50,000 threshold, is repealed.

The act only applies to Mecklenburg County and is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 5, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 367: Local Inspection Fee/Lien
Introduced by Representative H. Hunter

House Bill 367 adds Gates, Hertford, and Northampton Counties to those counties who may file a lien on real property for certain unpaid county septic tank inspection fees. Last Session, House Bill 1130 (Chapter 577 of the 1995 Session Laws) authorized seven northeastern counties (Camden, Chowan, Currituck, Pasquotank, Perquimans, Tyrrell, and Washington) to file such liens.

House Bill 367 becomes effective July 1, 1997, and applies to fees imposed for inspection occurring on or after that date.

NOTE: The authority granted to the seven counties in this bill is similar to the authority granted to all counties in G.S. 153A-293 to file liens on real property for unpaid solid waste collection and disposal fees, and the authority granted to Durham County in Chapter 768 of the 1993 Session Laws to file liens on real property for unpaid water and sewer fees.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 6, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 531: Pitt County ABC Board

House Bill 531, introduced by Representative Mercer, would increase the membership on the Pitt County ABC Board from three to five persons. The County Commissioners are to appoint the two new members with terms to coincide with those members whose terms expire on June 30, 1998 and June 30, 1999.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 6, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 583: Kings Mountain ABC Board

House Bill 583, introduced by Representative Weatherlly, would increase the membership on the Kings Mountain ABC Board from three to five persons. One of the new members shall be appointed for a term to expire March 31, 1998 and one shall be appointed for a term to expire March 31, 1999. Terms thereafter shall be for three years.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 5, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Terrence D. Sullivan, Committee Counsel

RE: **House Bill 636, TO ALLOW THE TOWN OF MANTEO TO REGULATE CERTAIN ACTIVITIES IN WATERWAYS ADJACENT TO THE TOWN,** introduced by Representative Culpepper.

The bill would specifically add Manteo to those coastal municipalities which are authorized by **G.S. 160A-176.2, Ordinances effective in the Atlantic Ocean,** to regulate operation of personal watercraft, swimming, surfing and littering in the Atlantic Ocean and other waterways adjacent to the portion of the jurisdiction within its boundaries or within its extraterritorial jurisdiction. Note that **G.S. 160A-176.1, Ordinances effective in the Atlantic Ocean**, already permits municipalities, of which Manteo is one, in Dare County to regulate the latter three activities: swimming, surfing and littering, in the above-designated areas.

A violation of an ordinance adopted pursuant to this authority is a class 3 misdemeanor, punishable by not more than a $500 fine, however no fine shall exceed $50 unless the ordinance provides expressly that the maximum fine is greater than that sum.(G.S. 160A-175 (b) and G.S. 14-4 (a)).

The bill would be effective when it becomes law.

STATUTES REFERENCED

§ 160A-176.1. Ordinances effective in Atlantic Ocean.

(a) A city may adopt ordinances to regulate and control swimming, surfing and littering in the Atlantic Ocean adjacent to that portion of the city within its boundaries or within its extraterritorial jurisdiction; provided, however, nothing contained herein shall be construed to permit any city to prohibit altogether swimming and surfing or to make these activities unlawful.
(b) This section shall apply only to cities in the counties of Brunswick, Carteret, Currituck, Dare, Hyde, New Hanover, Onslow, and Pender.

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May 6, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 851: Cape Carteret No Wake Zone

House Bill 851, introduced by Representative Smith, establishes a no-wake zone in the waters east of Route 58 within the corporate limits of the Town of Cape Carteret and within Cape Carteret's ETJ under Article 19 of Chapter 160A of the General Statutes.

The Town or its designee may place and maintain markers in accordance with the Uniform Waterway Marking System and such markers must be of sufficient size and number to give adequate warning of the no-wake zone to vessels approaching from different directions.

Violation of the act is Class 3 Misdemeanor.

The act is effective when it becomes law and is enforceable after markers are placed in the water.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

State & Local Gov. — 5/7/97

Name of Committee — Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Helen Lowman	Nash County
Kathie Austin Pruett	OSPL
Andy Romeny	NCLM
Michael Caldwell	Raleigh
Charles Heiser	Halifax County
Quinton Dumas	Halifax County
Kathleen Taylor	[illegible]
Paul S Smith	PEFNC
Richard O'Brien	PEFNC
Peter Nielsen	[illegible]

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, APRIL 14, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, April 14, 1997 at 11:00 a.m. in room 414 of the Legislative Office Building. Twelve members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

HB 70, Roanoke Rapids Structure, was explained by Rep. Crawford. Senator Jordan moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Jordan moved to give the Proposed Committee Substitute a favorable report. **Unfavorable as to bill, but favorable as to Senate committee substitute.**

HB 340, Kannapolis Property Acquisitions, was explained by Senator Hartsell. Senator Hartsell moved a favorable report of the bill. The motion carried unanimously. The bill was referred to Finance. **Favorable report.**

HB 516, Columbus Road Hunting, was explained by Rep. Hill. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 532, Henderson Charter Update, was explained by Rep. Crawford. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 559, Sunset Beach Roofing Permits, was explained by Rep. Redwine. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 629, Harnett Road Hunting, was explained by Rep. Davis. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 643, Belmont Annexation Agreement, was explained by Senator Ledbetter. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. The bill was referred to Finance. **Favorable report.**

HB 771, Sanitary District Staggered Terms, was explained by Rep. Redwine. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 773, Bald Head Island Charter, was explained by Rep. Redwine. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 791, Durham School Conveyance, was explained by Rep. Michaux. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 792, Durham Charter, was explained by Rep. Michaux. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 828, Wilson Charter, was explained by Rep. Fitch. Senator Soles moved to amend the bill and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Soles moved a favorable report for the committee substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate committee substitute.**

HB 845, Gaston Road Hunting, was explained by Senator Ledbetter. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

Senator Brad Miller, Chair

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Wednesday, May 14, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. 340 Kannapolis Property Acquisitions.
Sequential Referral: None
Recommended Referral: Finance

H.B. 516 Columbus Road Hunting.
Sequential Referral: None
Recommended Referral: None

H.B. 532 Henderson Charter Update.
Sequential Referral: None
Recommended Referral: None

H.B. 559 Sunset Beach Roofing Permits.
Sequential Referral: None
Recommended Referral: None

H.B. 629 Harnett Road Hunting.
Sequential Referral: None
Recommended Referral: None

H.B. 643 Belmont Annexation Agreement.
Sequential Referral: Finance
Recommended Referral: None

H.B. 771 Sanitary District Staggered Terms.
Sequential Referral: None
Recommended Referral: None

H.B. 773 Bald Head Island Charter.
Sequential Referral: Finance
Recommended Referral: None

H.B. **791** Durham School Conveyance.
Sequential Referral: None
Recommended Referral: None

H.B. **792** Durham Charter.
Sequential Referral: None
Recommended Referral: None

H.B. **845** Gaston Road Hunting.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 11

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Thursday, May 15, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. **70** Roanoke Rapids Structures.

Draft Number:	PCS7312
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

H.B. **828** Wilson Charter.

Draft Number:	PCS7311
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, MAY 14, 1997

ROOM 414

Bills

HB 70, Roanoke Rapids Structure	Rep. Crawford
HB 532, Henderson Charter Update	Rep. Crawford
HB 112, Camden Safety Zone	Rep. Owens
HB 340, Kannapolis Property Acquisitions	Rep. Moore
HB 786, Concord Charter	Rep. Moore
HB 516, Columbus Road Hunting	Rep. Hill
HB 559, Sunset Beach Roofing Permits	Rep. Redwine
HB 771, Sanitary District Staggered Terms	Rep. Redwine
HB 772, Shallotte Charter	Rep. Redwine
HB 773, Bald Head Island Charter	Rep. Redwine
HB 629, Harnett Road Hunting	Rep. Davis
HB 643, Belmont Annexation Agreement	Rep. Rayfield
HB 845, Gaston Road Hunting	Rep. Rayfield
HB 791, Durham School Conveyance	Rep. Michaux
HB 792, Durham Charter	Rep. Michaux
HB 828, Wilson Charter	Rep. Fitch
HB 833, Wilmington Charter	Rep. Wright
HB 834, Wilmington Wheel Locks	Rep. Wright

GENERAL ASSEMBLY OF NORTH CAROLINA.

SESSION 1997

H 1

HOUSE BILL 70

Short Title: Roanoke Rapids Structures. (Local)

Sponsors: Representatives Crawford; Wilkins and Hardaway.

Referred to: Local and Regional Government I.

February 6, 1997

A BILL TO BE ENTITLED

AN ACT TO GRANT AUTHORITY TO THE CITY OF ROANOKE RAPIDS TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 733 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies to the ~~City of Lumberton~~ Cities of Lumberton and Roanoke Rapids only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 112
Committee Substitute Favorable 4/23/97

Short Title: Camden Safety Zone. (Local)

Sponsors:

Referred to:

February 12, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE A SAFETY ZONE AROUND PUBLIC AND PRIVATE SCHOOLS IN CAMDEN COUNTY BY PROHIBITING HUNTING OR THE DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY OF PUBLIC ROADS WITHIN ONE-HALF MILE OF A SCHOOL.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt or otherwise discharge a firearm from the right-of-way of public roads within one-half mile of any public or private school located in Camden County.

Section 2. It is unlawful for any person to discharge or cause to be discharged any firearm within one-half mile of any public or private school, toward any public or private school, or to cause any projectile discharged from a firearm to enter any public or private school grounds for any reason.

Section 3. This act does not apply to a person transporting a firearm on a State-maintained road or highway within or on any motor vehicle or to any person who is actively engaged in retrieving dogs on a State-maintained road or highway.

Section 4. Violation of this act is a Class 3 misdemeanor.

Section 5. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Section 6. This act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 340
Committee Substitute Favorable 4/10/97

Short Title: Kannapolis Property Acquisitions. (Local)

Sponsors:

Referred to:

February 26, 1997

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT THE CITY OF KANNAPOLIS MAY CONDEMN OR ACQUIRE PROPERTY IN ROWAN COUNTY WITHOUT THE CONSENT OF THE ROWAN COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S. 153A-15, the City of Kannapolis may condemn or acquire real property or an interest in real property located in Rowan County without the consent or approval of the Rowan County Board of Commissioners.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 516

Short Title: Columbus Road Hunting. (Local)

Sponsors: Representative Hill.

Referred to: Local and Regional Government II.

March 13, 1997

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN COLUMBUS COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt, take, or kill any wild animal or wild bird with a firearm on, from, or across the right-of-way of any public road or highway in Columbus County without first obtaining the written permission of the owner or lessee of the land abutting the road or the land across which the weapon is being discharged.

Section 2. Section 1 of this act does not apply to the owner or lessee of the real property. A hunter recovering dogs shall not be in violation of Section 1 of this act so long as all of the hunter's weapons remain in a motor vehicle.

Section 3. Violation of this act is a Class 3 misdemeanor.

Section 4. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Section 5. This act applies only to Columbus County.

Section 6. This act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 532
Committee Substitute Favorable 4/3/97

Short Title: Henderson Charter Update. (Local)

Sponsors:

Referred to:

March 18, 1997

A BILL TO BE ENTITLED

AN ACT TO DELETE CERTAIN OBSOLETE PROVISIONS AND MAKE CERTAIN TECHNICAL AMENDMENTS IN THE CHARTER OF THE CITY OF HENDERSON AND TO AUTHORIZE ENTRY INTO AGREEMENTS.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967 as amended on June 22, 1981, by ordinance under G.S. 160A-101, reads as rewritten:

"Section 4. Elective Officers - Enumerated; Conduct of Elections; Terms of Office, Vacancies. The elective officers of the city shall consist of a mayor, who shall be elected ~~on the first Tuesday in May~~ at the time prescribed by the General Statutes and biennially thereafter, by the qualified voters of the whole city, and two aldermen from each ward, whose term of office shall be two years. The City shall be divided into four (4) electoral districts or wards and the seats of the eight (8) City Aldermen shall be divided equally into four (4) 'ward seats' and four (4) 'at large seats', one each of which shall be apportioned to each of the electoral districts or wards (so that each Alderman with a 'ward seat' shall represent approximately the same number of persons); the qualified voters of each electoral district or ward shall vote for and elect candidates to the respective 'ward seats'; candidates for the 'at large seats' shall reside in and represent the districts according to the apportionment plan, but all candidates for 'at large seats' shall be voted for and elected by all of the qualified voters of the entire City. Except as otherwise herein provided, such elections shall be in conformity with the general law of the State governing municipal elections; and

the term of office of such mayor and aldermen shall commence ~~at 4:00 o'clock in the afternoon on the first Monday in June following their election.~~ at the time prescribed by the General Statutes. A vacancy shall exist when an elective officer shall fail, without good cause, to qualify within 60 days after his election; shall die, resign, remove from the city, absent himself without just cause continuously for 60 days from the city; is convicted or submits to the charge of a felony, is judicially declared a lunatic, or is removed for cause."

Section 2. Section 5 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 5. ~~Same - Majority Vote Required for Election; Effect of Failure to Get Majority Vote. Except as otherwise provided, in all city elections, the candidate for each office receiving a majority of all votes cast for such office shall be declared elected. In the event no candidate for any particular office shall receive a majority of the votes cast for such office, the candidate receiving the second highest number of votes cast for such office shall be entitled to require that a second election for such office be held between the two candidates receiving the highest numbers of the votes cast for such office. If the second high candidate desires a second election for such office, he shall file, in writing with the city clerk not later than 12:00 noon on the first Friday following the regular city election, a notice requesting that a second election be held.~~

~~If the city clerk shall receive a notice requesting a second election for any office, and the candidate filing such notice is entitled to a second election under the provisions of this Section, then the city clerk shall call such election to be held on the third Tuesday in May, and shall cause notice of such second election to be published at least once in a newspaper having general circulation in the city.~~

~~In all second elections held under authority of this section, the registration books used for the regular city election shall be used, and no new or additional registration shall be necessary; and, the election officials who conducted the regular city election shall conduct any second election, unless otherwise provided by action of the city council.~~

~~In the event a candidate for any office is entitled, under the provisions of this section to request a second election, and does not file the required notice in proper time as herein provided, then the candidate who received the highest number of votes cast for such office in the regular city election shall be declared elected.~~ City Elections. - Municipal elections in the City of Henderson shall continue to be conducted pursuant to the 'nonpartisan election and runoff election' method as described in the General Statutes, and the General Statutes shall continue to govern the registration of potential voters, the filing dates for candidates, the dates of the election and runoff election, the procedures to be followed in municipal elections, and the number of votes required before a candidate can call for a runoff or be declared elected."

Section 3. Section 6 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, is repealed.

Section 4. Section 10 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 10. City Council - Power Generally; Organization; Mayor Pro Tempore; Oath of Office. All legislative powers of the city shall be vested in the city council and mayor. At the ~~meeting held on the first Monday in June,~~ organizational meeting of the council following each municipal election, or as soon thereafter as is practicable, the city council shall elect from its members a mayor pro tempore who shall hold his office during the pleasure of the city council.

The organization of the city council shall take place as provided in this Section notwithstanding the absence, death or refusal of one or more members to serve; provided, that at least a majority of the persons entitled to be members of the city council are present and take the prescribed oath of office. Any number entitled to take such oath who were not present at the time fixed therefor may take the oath at any time. The council shall be judge of the election and qualification of its members."

Section 5. Section 11 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 11. Duty to Elect Certain City Officers, etc. The city council shall also elect at the meeting held pursuant to Section 10, or as soon thereafter as is practicable, a city clerk, a city ~~collector of revenue,~~ director of finance, ~~a city treasurer,~~ and a city attorney, ~~whose terms of office shall be provided for by ordinance,~~ who shall be subject to such regulations and receive such compensation as the city council may determine, and shall hold their respective offices during the pleasure of the city council. ~~The city council shall have power to appoint or remove department heads in conformity with Section 9(j).~~"

Section 6. Section 17 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, is repealed.

Section 7. Section 19 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 19. Salaries of Mayor and Councilmen. The salary of the mayor ~~shall be fixed by the city council at the meeting held the first Monday in June, or as soon thereafter as is practical. The~~ and the salary of the city council shall be fixed by the city council ~~to be payable monthly.~~ at the time it adopts the annual budget for the city."

Section 8. Section 22 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 22. ~~City Collector of Revenue.~~ Director of Finance. At the first meeting of the city council ~~held on the first Monday in June,~~ after its qualification, or as soon thereafter as is practicable, the city council shall elect a city ~~collector of revenue~~ Director of Finance who shall serve at the pleasure of the city council and give bond in the amount in the amount of not less than twenty-five thousand dollars ($25,000), as may be fixed by the city council for the faithful performance of his duties and for a proper accounting of all funds coming into his hands by virtue of his office, or coming into his possession in connection therewith, for which he may be responsible,

such bond to be renewed annually by a new bond for such sum as may be determined by the city council, and shall receive such compensation for his services as is fixed by the city council.

The city council may combine the office of ~~collector of revenue~~ Director of Finance with any other office or offices that it sees fit, vesting in the person holding such combined offices the powers and duties of each position."

Section 9. Section 23 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, is repealed.

Section 10. Section 27 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, as amended by Chapter 809 of the 1969 Session Laws, reads as rewritten:

"Section 27. City Council-Powers ~~Enumerated.~~ Enumerated Generally. The city council shall continue under existing laws to have power to make and provide for the execution of such ordinances for the city as they may deem proper not inconsistent with the laws of the land , and the city shall have all the powers granted to municipalities by the general laws of the State as the same may now be or as hereafter enacted. In addition to the powers now or hereafter granted to municipalities under the general laws of the State, the city is specifically granted the following powers.

(a) To adopt an ordinance requiring the owners of property abutting sidewalks to keep the sidewalks clear at all times of ice, snow, dirt and debris.

~~(b) To require all railroad companies to maintain gates or watchmen at street crossings when deemed necessary unless such railroad has installed proper and fully approved automatic warning devices at such crossings as approved by the city council.~~

~~(c) To regulate and control the location of railroad tracks and to require railway companies of all kinds to construct at their own expense such bridges, underpasses, turnouts, culverts, crossings and other things as the city council may find necessary; to require by ordinance any railroad company to repair grade crossings in such manner as deemed by the city council to be necessary to the safety and convenience of the traveling public, and any ordinance adopted hereunder shall contain provisions establishing adequate notice and hearing procedures in accordance with due process of law.~~

~~(d)~~ (b) To require that all property owners provide adequate drainage facilities to the end that their premises be kept free from standing water and permit the natural flow of water thereon to be taken care of, and that in case of failure on the part of such owner or owners, to provide the same, after due notice, to go upon their premises and construct the necessary facilities and charge the cost thereof against such premises so improved, such cost to constitute a lien upon such premises and be collected as in the case of taxes.

~~(e)~~ (c) To compromise suits for street and sidewalk assessments when the validity or collectibility of any such assessment is doubtful; provided, however, that no compromise settlement shall be made unless it is recommended by the city attorney,

and unless such compromise settlement is approved by three-fourths vote of those present at the council meeting that passes on the proposal.

~~(f)~~ (d) The city council shall have the power to adopt an ordinance designating the officers of the city who shall be empowered to sign and countersign checks, drafts, warrants and vouchers for payment on behalf of the city.

~~(g)~~ (e) To discontinue water service for non-payment of either water charges or sewer charges or any other sanitation charge.

~~(h)~~ (f) To appropriate funds annually in its discretion, from any source of revenue other than funds derived from ad valorem property taxation, for the purpose of obtaining or aiding and encouraging the locating in or near the City of manufacturing, industrial, business, and commercial plants and enterprises, the advertising of the suitability of the City and the surrounding area and the advantages it has to offer, and for such other purposes as will, in the opinion of the city council, increase the population, taxable property values, and the general and material welfare of the City and the surrounding area. Expenditures for the ~~purpose~~ purposes herein authorized are hereby declared to be for a lawful public purpose. Provided, however, that nothing herein shall prevent the appropriation of funds derived from ad valorem property taxation for any purpose so authorized by law.

(g) Upon receipt of a voluntary petition by any entity whose property is not subject to ad valorem property taxation under Part 1 or 4 of Article 4A of Chapter 160A of the General Statutes or any successor statutory provision, the city council may contract with that entity for that entity to pay for city utilities at different rates from those rates paid by other citizens or entities located within the city limits, provided that the different rates shall not become payable before the effective date of the annexation and shall not extend for more than five years from the effective date of the annexation.

~~(i)~~ (h) The enumeration of particular powers by this Charter shall not be deemed or held to be exclusive, but in addition to the powers herein enumerated or ~~implied,~~ implied; the city, either through the city council, or through such other officers as may by law be provided, shall have and may exercise all other powers which under the Constitution and laws of the State, may be granted to cities.

~~(j)~~ (i) No liability shall accrue to the city for the failure of the city or its officers and employees to perform any duty or exercise any power above enumerated."

Section 11. Section 31 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 31. Power to Convey Real and Personal Property, etc. The city council shall have the power at all times to sell any and all personal property of the city at private sale, without resorting to public sale. The city shall have the power at all times to sell any real property belonging to the city after having advertised the same once a week for four consecutive weeks in a newspaper published in the county; provided that before any bid shall be deemed accepted or any sale made, or title passed by virtue of such sale, such sale shall be confirmed by the city council and the council may in its discretion, refuse confirmation, and when so authorized, a deed for such real estate may be executed by the mayor and attested by the city clerk, with the

corporate seal of the city attached; provided, however, this shall not apply to plots in the cemetery except as to the manner of execution of the deed. In the sale of real estate the city is authorized to execute deeds in the usual form and containing full covenants of warranty. Provided, however, nothing in this section prevents the city from selling real or personal property in any manner authorized by the General Statutes."

Section 12. Section 37 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 37. Assessment Procedure. In ordering street improvements without a petition and assessing the cost thereof, unless otherwise provided by this Charter, the city council shall comply with the procedure provided by ~~Article 9, Chapter 160 of~~ the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof."

Section 13. Section 38 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 38. Effect. The effect of the act of levying assessments under authority of Sections 35 through 37 shall for all purposes be the same as if the assessments were levied under authority of ~~Article 9, Chapter 160 of~~ the General Statutes."

Section 14. Section 40 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 40. Enactment of Regulations. The city is authorized to adopt a building code, plumbing code, electrical code, zoning ordinance, subdivision ordinance, minimum housing code, laws authorizing abatement of nuisances under G.S. 160A-193 or any successor statute, condemnation of dilapidated structures ordinance, weeded lots ordinance, abandoned and junked motor vehicles ordinances, and mapped streets ordinance in accordance with Sections 45 through 50, and other similar regulatory codes not only for the area within the corporate limits as may be provided for in the General Statutes, but for any area within the city extraterritorial planning area as defined by Section 39."

Section 15. Section 42 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 42. Authority of Zoning Board of Adjustment. The board of adjustment of the city, appointed pursuant to ~~Section 160-178 of~~ the General Statutes shall have the same power and authority within the city extraterritorial planning area as defined by Section 39 outside the corporate limits of the city as may now or hereafter be vested with such board for the area inside the corporate limits, and such board shall be constituted in accordance with the provisions of ~~Section 160-181.2 of~~ the General Statutes."

Section 16. Section 43 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 43. Recording Subdivision Plat, Etc. (a) Platting Authority. The ~~board of aldermen~~ city council is hereby authorized to enact an ordinance regulating the subdivision of land as defined by this Article within the city or within the extraterritorial planning area and not located in any other municipality. In the event

of land lying outside the city within the extraterritorial planning area and lying also within the subdivision control jurisdiction of another municipality, the jurisdiction of the city shall terminate at a boundary line equidistant from the corporate limits of the city and the corporate limits of the other municipality, unless such municipalities shall agree to writing upon a different boundary line based upon geographical features and existing or projected patterns of development within the area. The ~~legislative body~~ city council may, if it deems wise, decline to exercise its regulatory powers over any part of its extraterritorial jurisdiction which lies in another county, or which is separated from the municipality or from the remainder of the area subject to municipal jurisdiction by a river, inlet, sound, or other major physical barrier to urban growth; such decision shall not affect the validity of any subdivision regulations enacted for the remainder of the area over which the municipality has extraterritorial jurisdiction.

(b) Adoption of Ordinance; Procedure. Before the ~~board~~ city council shall adopt a subdivision control ordinance or any amendment thereto, it shall hold a public hearing, notice of which shall be given once a week for two successive calendar weeks in a newspaper published within ~~the city~~ Vance County, or if no newspaper is so published, by posting such notice at four public places in the city. The notice shall be published the first time, or posted, not less than 15 nor more than 25 days prior to the date fixed for the hearing.

(c) Approval of Subdivision Plats. If the ~~board~~ city council adopts an ordinance regulating the subdivision of land, no subdivision plat shall be filed or recorded until it shall have been submitted to and approved by the appropriate board designated for that ordinance and such approval entered in writing on the plat by the city clerk, provided a copy of such ordinance shall be filed with the Register of Deeds of Vance County. The register of deeds upon receipt of such ordinance shall not thereafter file or record a plat of a subdivision of land located within the territorial jurisdiction of the city as herein defined without the approval of such plat by the board. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of the city as herein defined. ~~The Clerk of Superior Court of Vance County shall not order or direct the recording of a plat where such recording would be in conflict with this Section.~~

(d) Subdivision Regulations. Prior to exercising the powers granted by this Article, the ~~board~~ city council shall by ordinance adopted pursuant to this Article adopt regulations governing the subdivision of land within its platting jurisdiction as defined in paragraph (a) of this Section. The ordinance shall require that at least a preliminary plan of every proposed subdivision shall be submitted for a study, recommendation, and tentative approval to the appropriate board ~~or to the planning board or commission.~~ designated in the ordinance.

The ordinance may provide for the orderly development of the city and its environs; for the coordination of streets within proposed subdivision with existing or planned streets or with other public facilities; for the dedication or reservations of rights of way or easements for street and utility purposes; and for the distribution of

population and traffic which shall avoid congestion and overcrowding, and which shall create conditions essential to public health, safety, and general welfare.

The ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

The ordinance may provide for the orderly development of subdivisions by regulating the construction of community service facilities, including water lines; sewer lines; street paving, curbing and guttering; and street drainage facilities in accordance with policies and standards established by the ~~board~~ city council under authority granted in Section 44 of this Charter and, to assure compliance with such requirements, the ordinance may require the posting of bond or other such method as shall offer guarantee of compliance.

Such ordinance may require that a plat be prepared, approved, and recorded pursuant to its provisions whenever land is subdivided within its jurisdiction, within the definition of 'subdivision' in ~~G.S. 160-226.6.~~ the applicable provisions of the General Statutes.

(e) Effect of Plat Approval on Status of Dedications. The approval of a plat by the ~~board of aldermen~~ city council shall not be deemed to constitute or effect the acceptance by the city or the public of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat.

However, ~~any municipal legislative body~~ the city council may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines or other public purposes, where such lands or facilities are located within its subdivision-regulation jurisdiction.

(f) Penalties for Transferring Lots in Unapproved Subdivisions. If the ~~board~~ city council adopts an ordinance regulating the subdivision of land as authorized by this Section, any person who, being the owner or agent of the owner of any land located within the platting jurisdiction of the city as defined by paragraph (a) of this Section, thereafter subdivides his land in violation of such ordinance or transfers or sells such land by reference to or by exhibition of or by other use of a plat showing a subdivision of such land before such plat has been approved by the appropriate board and recorded in the register of deeds' office, shall be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The city, through the city attorney or other official designated by the ~~board~~ city council, may enjoin such transfer or sale by action for ~~injunction.~~ injunction or seek to rescind the same.

(g) Definitions. For purposes of this Section, a 'subdivision' shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not

be included within this definition nor be subject to the regulations authorized by this Section:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the city as shown in its subdivision regulations;

(2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;

(4) The division of a tract in single ownership whose entire area is no greater than two areas into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the city, as shown in its subdivision regulations."

Section 17. Section 44 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 44. Authority to Require Improvements to Comply With City Specifications. In addition to the authority granted by ~~G.S. 160-226.3,~~ the applicable provisions of the General Statutes, the city council is hereby authorized to provide for the more orderly development of subdivisions in the extraterritorial area by including in its subdivision regulation ordinance provisions requiring the following:

(a) that any streets proposed to be opened shall be graded and stabilized and adequate storm drainage facilities installed, all in accordance with city standards and specifications;

(b) that any streets proposed to be paved, and any curbs and gutters proposed to be constructed, shall be paved and constructed in accordance with city standards and specifications; and

(c) that any water or sewer lines proposed to be installed shall be installed and constructed in accordance with city standards and specifications."

Section 18. Section 47 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Section 47. Adoption of Official Map, Etc. Following the preparation of plats as required by Section 46, the city council may officially adopt a map or maps of planned new streets and highways, extensions, widenings, narrowings, or variations of streets within the city and the extraterritorial area outside of its corporate boundaries. Before taking any such action, the council shall hold a public hearing thereon, notice of the time and place of which shall have been given once a week for two successive weeks in a newspaper published in ~~the city~~ Vance County, or if there be no newspaper published in the city, by posting such notice at four public places in the city and at four public places within the affected area outside of the corporate boundaries. Said notice shall be published or posted for the first time not less than 15 days prior to the date fixed for said hearing. Following adoption of such a map or maps, the council shall certify a copy to the Register of Deeds of Vance County,

which copy shall be duly filed. The placing of any street or street line upon any official map or maps shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking ~~of~~ or acceptance of any land for street purposes."

Section 19. Section 52 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, is repealed.

Section 20. Section 53 of the Charter of the City of Henderson, being Chapter 780 of the Session Laws of 1967, reads as rewritten:

"Sec. 53. Procedure for Letting Contracts, etc. All purchases and contracts made by the city council shall be made, let, and executed according to the general laws of the State applicable thereto, as the same may be ~~now or hereafter~~ be enacted; provide, however, that contracts of the city involving more than ~~one thousand dollars ($1000.00)~~ twenty thousand dollars ($20,000) shall be in writing and ~~G.S. 160-279~~ the applicable provisions of the General Statutes requiring contracts to be in writing shall control and govern only contracts of the city in excess of ~~one thousand dollars ($1,000.00).~~ twenty thousand dollars ($20,000)."

Section 21. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 559

Short Title: Sunset Beach Roofing Permits. (Local)

Sponsors: Representatives Redwine; and Hill.

Referred to: Ways and Means.

May 20, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE TOWN OF SUNSET BEACH MAY REQUIRE ISSUANCE OF A BUILDING PERMIT FOR THE REPLACEMENT AND DISPOSAL OF ROOFING.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 381 of the 1993 Session Laws, as amended by Chapter 124 of the 1995 Session Laws and Chapter 732 of the 1995 Session Laws, reads as rewritten:

"Sec. 3. This act applies only to the Town of Sunset Beach and to Alamance, Cumberland, and Scotland Counties and the cities located in those counties."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 629
Committee Substitute Favorable 4/3/97

Short Title: Harnett Road Hunting. (Local)

Sponsors:

Referred to:

March 26, 1997

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY AND TO MODIFY THE LAW LIMITING THE USE OF CENTER-FIRE RIFLES IN HARNETT COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt, take, or kill, with a firearm or other deadly weapon, or to attempt to hunt, take, or kill, with a firearm or other deadly weapon, any wild animal or wild bird on, from, or across the right-of-way of any public road, street, highway, or thoroughfare.

Section 2. It is unlawful to discharge a firearm from, onto, across, or down the right-of-way of any public road, street, highway, or thoroughfare.

Section 3. Section 1 of Chapter 791 of the 1983 Session Laws reads as rewritten:

"Section 1. It is unlawful to use a center-fire rifle in hunting on the land of another ~~or from any road or right-of-way adjoining the land of another~~ without the written permission of the owner or lessee of that land. The written permission shall be dated, it shall be effective for only 12 months after it is granted, it shall not be transferable, and it shall be carried on the person of anyone using a center-fire rifle to hunt."

Section 4. Violation of Section 1 or 2 of this act is a Class 3 misdemeanor.

Section 5. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, by officers of the Highway Patrol, and by other peace officers with general subject matter jurisdiction.

Section 6. This act applies only to Harnett County.

Section 7. This act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 643

Short Title: Belmont Annexation Agreement. (Local)

Sponsors: Representatives Rayfield; Clary, Dedmon, Dickson, Gamble, Kiser, and Weatherly.

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

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF BELMONT TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any applicable provision of the General Statutes or any other public or local law, the City of Belmont is granted certain contract powers as follows:

(1) The City of Belmont may, by agreement, provide that certain property described in the agreement as the "Allen Plant Property" may not be involuntarily annexed by the City prior to December 30, 2009, under the General Statutes as they now exist or may be subsequently amended. The City of Belmont shall not seek to repeal this act upon its approval by the General Assembly. Nothing in this act impairs the right of the General Assembly to annex any such property by special local act.

(2) Any agreement entered into as provided in subdivision (1) of this section is deemed by this section to be proprietary and commercial in nature and is specifically determined to be consistent with the public policy of the State of North Carolina.

(3) Any agreement entered into as provided in subdivision (1) of this section is a continuing agreement and is binding on and enforceable against the current and future members of the City

Council of the City of Belmont during the full term of such agreement and any extension thereof.

(4) The parties to any agreement entered into as provided in subdivision (1) of this section are 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 City of Belmont may accept, as consideration for such agreement, "Payments in lieu of taxes".

Section 3. Payments in lieu of taxes under this act shall be annually computed based upon the tax assessment of the Allen Plant Property as determined by the North Carolina Department of Revenue, Ad Valorem Tax Division, pursuant to Article 23 of Chapter 105 of the General Statutes, with the formula for making the computation being stated in the agreement referenced under Section 1 of this act.

Section 4. The agreement under Section 1 of this act shall apply to the Allen Plant Property described as follows:

Beginning at a point in the center line of Southpoint Road and running from said beginning point N 87-07 E-528.3 ft. to a concrete monument in the southeasterly corner of the property now or formerly of Louise B. Wilson; thence N 01-36 E-750.2 ft. to an iron pipe; thence N 0-46 E-349.4 ft. to an iron pin; thence N 0-27 E-259.8 ft. to a concrete monument; thence S 86-49 E-407.7 ft. to an iron pin; thence S 86-36 E-338.1 ft. to an iron pipe; thence S 86-59 E-230.2 ft. to an iron pin; thence S 87-06 E-374.6 ft. to a concrete monument; thence N 0-39 E-692.3 ft. to an iron pin; thence N 0-52 E-256.2 ft. to an iron pin; thence N 0-17 E-305.8 ft. to an iron pin; thence N 0-25 E-59.4 ft. to an iron pipe; thence S 85-45 E-1584.0 ft. to an iron pipe in the boundary of Duke Power Company's Lake Wylie Hydroelectric Project; thence with the boundary of Lake Wylie Hydroelectric Project approximately 11,822 ft. to an iron pin in the northeasterly corner of the property now or formerly Crescent Resources, Inc.; thence with the northerly line of said property N 89-29 W-2255.3 ft. to an iron pin; thence N 42-56 W-661.1 ft. to a concrete monument; thence S 69-18 W-1019.0 ft. to a concrete monument the southeasterly corner of the property of Vernie Holton (now or formerly); thence with the easterly line of the Vernie Holton property N 5-55 E-929.5 ft. to an iron pipe; thence S 80-42 W-448.3 ft. to a concrete monument; thence N 4-19 W-130.2 ft. to a concrete monument; thence S 85-28 W-10.0 ft. to an iron pin; thence N 2-00 W-169.9 ft. to a iron pin; thence S 85-44 W-252.8 ft. to a point in the center line of Southpoint Road; thence with the center line of Southpoint Road N 2-01 W-168.9 ft. to a point; thence N 82-51 E-248.8 ft. to an iron pin; thence N 7-09 W-124.2 ft to a point; thence S 82-58 W-27.5 ft. to a concrete monument; thence N 10-42 E-206.3 ft. to an iron pin; thence N 81-12 E-149.2 ft. to a concrete monument; thence N 14-03 E-503.5 ft. to a concrete monument; thence N 14-58 W-226.8 ft. to an iron pin; thence N 18-27 E-178.9 ft. to a point in the center line of County Road No. 2703; thence with the center line of said road N 82-39 E-594.1 ft. to a point; thence S 5-29 W-255.7 ft. to an iron pin; thence N 83-25 E-126.8 ft. to an iron pin; thence N 5-29 E-

255.7 ft. to a point in the center line of County Road No. 2703; thence with center line of said road N 82-39 E-216.4 ft. to an iron pin; thence N 5-52 E-230.0 ft. to an iron pin; thence S 82-52 W-101.9 ft. to an iron pin; thence N 5-29 E-448.6 ft. to a concrete monument; thence N 5-52 E-518.3 ft. to a concrete monument; thence N 78-16 W-208.1 ft. to a concrete monument; thence N 15-58 E-100.0 ft. to a concrete monument; thence N 73-08 W-197.5 ft. to a concrete monument; thence S 17-34 W-75.0 ft. to an iron pin; thence N 63-05 W-49.5 ft. to a concrete monument; thence S 82-47 W-158.9 ft. to a concrete monument; thence S 2-03 E-25.0 ft. to an iron pipe; thence S 82-49 W-300.0 ft. to an iron pipe; thence N 2-03 W-25.0 ft. to a concrete monument; thence S 82-49 W-196.9 ft. to a concrete monument; thence N 1-51 W-150.5 ft. to an I beam; thence N 82-58 E-196.4 ft. to an iron pipe; thence N 2-03 W-50.3 ft. to an iron pin; thence S 82-53 W-196.7 ft. to an iron rod; thence N 2-19 W-143.1 ft. to a concrete monument; thence N 37-03 W-179.4 ft. to a concrete monument; thence N 56-22 E-150.2 ft. to an iron pipe; thence N 1-39 E-931.1 ft. to a concrete monument; thence N 60-57 W-316.8 ft. to a concrete monument; thence S 30-03 W-205.4 ft. to an iron pin; thence S 20-28 W-75.9 ft. to a nail and cap in Southpoint Road; thence N 66-10 W-5.8 ft. to a point in the center line of Southpoint Road; thence with the center line of said road N 12-52 E-264.1 ft. to a railroad spike in the center line of said road; thence N 77-08 W-506.1 ft. to an iron pin; thence S 12-51 W-365.9 ft. to a concrete monument; thence N 66-10 W-164.1 ft. to a concrete monument; thence S 15-24 W-301.8 ft. to a concrete monument; thence N 89-41 W-925.1 ft. to a concrete monument; thence S 20-44 W-99.8 ft. to a concrete monument; thence N 62-37 W-490.8 ft. to an angle iron; thence S 24-54 W-767.6 ft. to an angle iron; thence N 47-37 W-158.0 ft. to an iron pipe; thence N 55-37 W-373.3 ft. to an iron pipe in Duke Power Company's Allen Fishing Access Area; thence with the southeasterly line of the Duke Power Company Allen Fishing Access Area, approximately 1,051 to an iron pin; thence N 2-00 W-1612.7 ft. to a concrete monument; thence N 63-51 E-576.1 ft. to a point; thence with the arc of a circular curve to the right having a radius of 950.21 ft. an arc distance of 281.02 ft. to a point; thence N 80-50-30 E 81.95 ft. to a point; thence with the arc of a circular curve to the right, having a radius of 364.64 ft. an arc distance of 211.77 ft. to a point; thence S 65-53-00 E 195.05 ft. to a point; thence with the arc of a circular curve to the left having a radius of 195.28 ft., an arc distance of 162.51 ft.; thence N 66-26-14 E 205.06 ft. to a point; thence with the arc of a circular curve to the right having a radius of 307.75 ft. an arc distance of 108.96 ft. to a concrete monument, thence N 86-43 E-278.8 ft. to a concrete monument; thence N 86-39 E-316.3 ft. to the point of beginning, containing 1003.0 acres more or less. ~

SCHEDULE 1

(1) Certified Value: The parties agree that the tax equivalent payments made by Duke Power to Belmont with respect to its Allen Plant Property shall be based on the annual value of the Allen Plant Property as certified to the Gaston County Tax Department by the North Carolina Department of Revenue, Ad Valorem Tax Division, which value is hereinafter referred to as "Certified Value." The Certified Value for the then current year shall be used in computing the annual tax

equivalent payments to be made by Duke Power to Belmont each year during the term of this Agreement.

(2) Tax Equivalent Payments: The tax equivalent payments shall be made annually for 12 consecutive calendar years. Each annual payment shall be made on or before the thirtieth day of June of each year beginning with the year 1998.

Each year, the dollar amount of the tax equivalent payments shall be determined as follows: (a) - Determination of amount of tax equivalency - Multiply the Certified Value of the Allen Plant Property for the then current year by the tax rate of Belmont which is in effect on January 1 of the then current year; and (b) - Determination of amount of payment in lieu - Multiply the determination of the amount of tax equivalency in (a) above, stated in dollars, by the percentage set out in the following table:

Current Year	Percent
1996	0
1997	0
1998	8.5
1999	17.0
2000	25.5
2001	34.0
2002	42.5
2003	51.0
2004	59.5
2005	68.0
2006	76.5
2007	85.0
2008	92.5
2009	100.00

Subject to any other adjustments required by the Agreement, the product, stated in dollars, shall be the dollar amount of the payment in lieu of taxes which shall be paid by Duke Power to Belmont for the then current year.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 771

Short Title: Sanitary District Staggered Terms. (Public)

Sponsors: Representative Redwine.

Referred to: Environment.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE BOARD OF A SANITARY DISTRICT WITH FOUR-YEAR TERMS THAT ARE NOT STAGGERED TO PROVIDE FOR STAGGERED TERMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-50(b) reads as rewritten:

"(b) The sanitary district board shall be composed of either three or five members as the county commissioners in their discretion shall determine. The members first appointed shall serve as the governing body of the sanitary district until the next regular election for municipal and special district officers as provided in G.S. 163-279, which occurs more than 90 days after their appointment. At that election, their successors shall be elected. The terms of the members shall be for two years or four years and may be staggered as determined by the county board of commissioners so that some members are elected at each biennial election. The members of the sanitary district board shall be residents of the district. The county board of commissioners shall notify the county board of elections of any decision made under this subsection.

If the sanitary district board consists of three members, the county commissioners may at any time increase the sanitary district board to five members. The increase shall become effective with respect to any election where the filing period for candidacy opens at least 30 days after approval of the expansion to five members. The effective date of the expansion is the organizational meeting of the sanitary district board after the election.

The county commissioners may provide for staggering terms of an existing sanitary district board whose members serve two-year terms by providing for some of the

members to be elected at the next election to be for four-year terms. The change shall become effective with respect to any election where the filing period for candidacy opens at least 30 days after approval of the staggering of terms.

The sanitary district board may provide for staggering its terms if its members serve unstaggered four-year terms by providing for some of the members to be elected at the next election for two-year terms. The change shall become effective with respect to any election where the filing period for candidacy opens at least 30 days after approval of the staggering of terms.

The county commissioners may provide for changing a sanitary district board from two-year terms to unstaggered four-year terms. This may be done either by providing that at the next election, all members shall be elected for four-year terms, or by extending the terms of existing members from two years to four years. The change shall become effective with respect to any election where the filing period for candidacy opens at least 30 days after approval of the change of length of terms."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 772

Short Title: Shallotte Charter. (Local)

Sponsors: Representatives Redwine and Hill (Cosponsors).

Referred to: Ways and Means.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SHALLOTTE TO AUTHORIZE THE TOWN TO ENFORCE ORDINANCES AS PROVIDED IN THE GENERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. Section 9 of the Charter of Shallotte, being Chapter 339 of the Public Laws of 1899, reads as rewritten:

"Sec. 9. Violations.

~~Any person violating any ordinance of said town shall be deemed guilty of a misdemeanor, but the punishment thereof upon conviction shall not exceed a fine of $50 or imprisonment for 30 days.~~ The provisions of G.S. 160A-175 govern violations and enforcement of ordinances adopted by the Board of Aldermen."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

HOUSE BILL 773

Short Title: Bald Head Island Charter. (Local)

Sponsors: Representatives Redwine and Hill (Cosponsors).

Referred to: Ways and Means.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND.

Whereas, Bald Head Island is suitably located in a subtropic environment and blessed with temperate climates from the Atlantic Ocean and is conducive to the maintenance of permanent and retirement residences and other buildings and structures with an emphasis on environmental controls and a planned community; and

Whereas, the Village of Bald Head Island, in company with all its residents and property owners and their representatives, is fully aware of the unique nature of Bald Head Island with its combination of structures, land, and vegetation, including the oldest standing lighthouse along the coast of the State and approximately 172 acres of publicly owned prime maritime forest, that exist in a delicate ecological balance requiring careful planning, nurture, and support, as evidenced in the development plan for the island; and

Whereas, Bald Head Island is solely situated between the waters of the Atlantic Ocean and the Cape Fear River and is not connected to the mainland of the State by either natural or man-made structures, necessitating a unique form of transportation unlike any other in the State; and

Whereas, the Village of Bald Head Island recognizes the inordinately large numbers of nonresident property owners and values their past contributions to the orderly and successful development of Bald Head Island; and

Whereas, while there exists no formal arrangement to continue an ongoing obligatory relationship with the nonresident property owners, the Village of

Bald Head Island has long recognized such a relationship to be beneficial to all persons who have an interest in the island and the advisability of continuing to call upon nonresidents for their expertise and counsel; and

Whereas, the Village of Bald Head Island has served and will continue to serve as a model for cooperation between government and property owners and their representatives in efficient service and good planning without duplication in expenditures or unnecessary taxation; and

Whereas, Bald Head Island with its variance in seasonal population has benefited from the advantages of a municipal form of government, with the modifications and limitations as specified herein, in order to achieve its goals as a planned community; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Village of Bald Head Island is revised and consolidated to read as follows:

"THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND.

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

"Section 1.1. **Incorporation.** The Village of Bald Head Island, North Carolina, in Brunswick County, and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'Village of Bald Head Island', hereinafter at times referred to as the 'Village'.

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

"Section 1.3. **Corporate Boundaries.** The corporate boundaries shall be those existing at the time of ratification of this Charter, as set forth on the official map of the Village and as they may be altered from time to time in accordance with law. An official map of the Village, showing the current municipal boundaries, shall be maintained permanently in the office of the Village Clerk and shall be available for public inspection. Upon alteration of the corporate limits pursuant to law, the appropriate changes to the official map shall be made and copies shall be filed in the offices of the Secretary of State, the Brunswick County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

"Section 2.1. **Village Governing Body; Composition.** The Mayor and the Village Council shall be the governing body of the Village.

"Section 2.2. **Village Council; Composition; Terms of Office.** The Council shall be composed of five members to be elected by all the qualified voters of the Village for terms of four years, or until their successors are elected and qualified.

"Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by the Council from among its membership, to serve for a term of two years. The Mayor shall be the official head of the Village government and preside at meetings of the Council, shall have the right to vote on all matters before the Council, but shall not have the power to vote again in instances where there is an equal division on a

question, and shall exercise the powers and duties conferred by law or as directed by the Council.

"Section 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or disability, in accordance with general law.

"Section 2.5. **Meetings.** In accordance with general law, the Council shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

"Section 2.6. Quorum; Voting Requirements. Official actions of the Council and all votes shall be taken in accordance with applicable provisions of general law, particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

"Section 2.7. **Qualifications for Office; Compensation; Vacancies.** The qualifications of the Mayor and Council members shall be in accordance with general law. The Mayor and Council members shall receive no compensation for their services but may be reimbursed for ordinary and necessary expenses. Vacancies shall be filled as provided in G.S. 160A-63.

"ARTICLE III. ELECTIONS.

"Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

"Section 3.2. **Election of Council Members.** The Council members serving on the date of ratification of this Charter shall serve until the expiration of their terms or until their successors are elected and qualified. Except for the filling of vacancies as provided for in G.S. 160A-63, two Council members shall be elected at the regular municipal election in 1997 and every four years thereafter, and three Council members shall be elected at the regular municipal election in 1999 and every four years thereafter.

"Section 3.3. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Section 4.1. **Form of Government.** The Village shall operate under the council-manager form of government, in accordance with G.S. 160A, Article 7, Part 2.

"Section 4.2. **Village Manager; Appointment; Powers and Duties.** The Council shall appoint a Village Manager who shall be responsible for the administration of all departments of the Village government. The Village Manager shall have all the powers and duties conferred by general law, except as expressly limited by the provisions of this Charter, and the additional powers and duties conferred by the Council, so far as authorized by general law.

"Section 4.3. **Manager's Personnel Authority; Role of Elected Officials.** As chief administrator, the Village Manager shall have the power to appoint, suspend, and remove all officers, department heads, and employees in the administrative service of

"ARTICLE X. MOTOR VEHICLE REGULATION.

"Section 10.1. **Motor Vehicle Regulation.** The Village may by ordinance exempt from the provisions of Articles 3, 3A, 11, and 13 of Chapter 20 of the General Statutes, in whole or in part, the registration, licensing, regulation, inspection, or equipping of motor vehicles and may regulate the use, operation, possession, and ownership of motor vehicles within the jurisdiction of the Village of Bald Head Island. Additionally, notwithstanding the provisions of Chapter 20 of the General Statutes or any other statute, and in addition to those powers now or hereafter conferred by law, the Village shall have the authority to regulate motor vehicles and other means of transportation within the jurisdiction of the Village, including the following:

(1) Regulation of the use and operation of all vehicles, as defined in G.S. 20-4.01(49).

(2) Regulation of all electrically powered vehicles or vehicles powered by fossil fuel or internal combustion engines.

(3) Regulation of the size, weight, lighting, safety standards, and engine or motor size or power characteristics of all vehicles or other means of transportation within the jurisdiction of the Village.

"Section 10.2. **Street Regulation.** In order to establish and preserve the unique character and aesthetics of Bald Head Island, the Village may adopt, by ordinance, such standards for the establishment and maintenance of streets and roads within the jurisdiction of the Village as it deems appropriate. The streets and roads within the jurisdiction of the Village shall not be under the authority of the North Carolina Department of Transportation. The provisions of Articles 2 and 2A of Chapter 136 of the General Statutes shall not apply within the jurisdiction of the Village. The Village shall be exempt from the provisions of G.S. 136-66.2.

"ARTICLE XI. SEA TURTLE SANCTUARY.

"Section 11.1. **Sea Turtle Sanctuary.** The Village of Bald Head Island may create and establish a sea turtle sanctuary within the areas of the Village limits above the mean low watermark, to include the foreshore. Any ordinances adopted by the Village to regulate activities within the sea turtle sanctuary that may or will disturb or destroy a sea turtle, a sea turtle nest, or sea turtle eggs, must be consistent with the ordinance powers found in G.S. 160A-174, G.S. 160A-308, and any other law. The ordinances adopted by the Village may by cross-reference incorporate the criminal statutes regarding the taking of sea turtles at G.S. 113-189 and G.S. 113-337. It shall be unlawful for any person within the sea turtle sanctuary to disturb or destroy a sea turtle, a sea turtle nest, or sea turtle eggs in violation of an ordinance adopted by the Village of Bald Head Island."

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

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

Section 4. The provisions of Chapter 156 of the 1985 Session Laws, except for the provisions of Section 4-3(f), (g), and (h), having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed. The provisions of Section 4-3(f), (g), and (h) of Chapter 156 of the 1985 Session Laws are expressly not repealed and shall continue as authorized.

Section 5. The Mayor and Council members serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified. Thereafter those offices shall be filled as provided in Articles II and III of Section 1 of this Charter.

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

Section 7. All existing ordinances, resolutions, and other provisions of the Village of Bald Head Island not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

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

Section 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and that provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute or to the General Statute that most clearly corresponds to the statutory provision that is superseded or recodified.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 786

Short Title: Concord Charter. (Local)

Sponsors: Representatives Moore, Tallent (Cosponsors); and Barbee.

Referred to: Local and Regional Government II.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK.

The General Assembly of North Carolina enacts:

Section 1. Section 4.2 of the Charter of the City of Concord, being Chapter 861 of the 1985 Session Laws, as amended, reads as rewritten:

"Sec. 4.2. City Manager. The Board of Aldermen shall appoint a City Manager who shall be the chief administrator of city government, and who shall be responsible to the Board for the proper administration of the affairs of the city. The Manager shall be appointed on the basis of merit only, and he shall serve at the pleasure of the Board. Although he need not be a resident at the time of his appointment, the Manager shall become a resident of the city after his appointment. In exercising his duties as chief administrator, the Manager shall have the following powers and duties:

(a) He shall appoint, suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the ~~City Attorney, City Finance Director, Tax Collector, and City Clerk,~~ City Attorney and Tax Collector, in accordance with such general personnel rules, regulations, policies, or ordinances as the Board may adopt.

(b) He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the Board, except as otherwise provided by law.

(c) He shall attend all meetings of the Board and recommend any measures that he deems expedient.

(d) He shall see that all laws of the State, the City Charter and the ordinances, resolutions and regulations of the Board are faithfully executed within the city.

(e) He shall prepare and submit the annual budget and capital program to the city.

(f) He shall annually submit to the Board and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.

(g) He shall make any other reports that the Board may require concerning the operations of the city departments, offices, and agencies subject to his direction and control.

(h) He shall perform any other duties that may be required and authorized by the Board."

Section 2. Sections 4.5 and 4.6 of the Charter of the City of Concord, being Chapter 861 of the 1985 Session Laws, as amended, are repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 791

Short Title: Durham School Conveyance. (Local)

Sponsors: Representatives Michaux; and Mosley.

Referred to: Ways and Means.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE DURHAM PUBLIC SCHOOLS TO DISPOSE OF CERTAIN REAL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S. 115C-518, the Board of Education of the Durham Public Schools may convey to North Carolina Central University, with or without monetary consideration, all of its right, title, and interest to the Old Hillside High School school site located at 1900 Concord Street in Durham.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 833
Second Edition Engrossed 5/1/97

Short Title: Wilmington Charter. (Local)

Sponsors: Representative Wright.

Referred to: Ways and Means.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO AUTHORIZE THE CITY TO SERVE COMPLAINTS OR ORDERS IN HOUSING CODE CASES BY REGULAR MAIL IN ADDITION TO CERTIFIED OR REGISTERED MAIL.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended, is amended by adding the following new section to Article XXIII:

"Sec. 23.14. **Service of Complaints and Orders.** Complaints or orders issued by a public officer pursuant to Parts 5 and 6 of Article 19 of Chapter 160A of the General Statutes shall be served upon persons either personally or by registered or certified mail and, in addition thereto, by regular mail. When service is made by registered or certified mail and, in addition thereto, regular mail and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after mailing, service shall be deemed sufficient under Parts 5 and 6 of Article 19 of the General Statutes."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 834

Short Title: Wilmington Wheel Locks. (Local)

Sponsors: Representative Wright.

Referred to: Ways and Means.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 291 of the 1993 Session Laws, as amended by Chapter 381 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. This act applies to the Cities of ~~Durham, Raleigh, Winston-Salem, and Greensboro~~ Durham, Greensboro, Raleigh, Wilmington, and Winston-Salem only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 845

Short Title: Gaston Road Hunting. (Local)

Sponsors: Representatives Rayfield; Berry, Black, Bonner, Brown, Buchanan, Clary, Dickson, Gamble, Gulley, Kiser, McMahan, Oldham, Sexton, Sherrill, Weatherly, and G. Wilson.

Referred to: Local and Regional Government II.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN GASTON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt, take, or kill with a firearm or other deadly weapon, or to attempt to hunt, take, or kill with a firearm or other deadly weapon, any wild animal or wild bird from, onto, or across the right-of-way of any public road, street, or highway.

Section 2. It is unlawful to discharge a firearm from, onto, or across the right-of-way of any public road, street, or highway.

Section 3. Violation of Section 1 or 2 of this act is a Class 3 misdemeanor.

Section 4. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Section 5. This act applies only to Gaston County.

Section 6. This act becomes effective October 1, 1997.

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May 14, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Giles S. Perry, Committee Counsel

RE: House Bill 70 Roanoke Rapids Structures
Introduced by Representatives Crawford; Wilkins and Hardaway

House Bill 70 would authorize the City of Roanoke Rapids to order demolition or repair of dwellings vacated and closed for at least a year pursuant to a housing ordinance order, as is the law now in counties with a population in excess of 163,000.

House Bill 70 would become effective upon ratification.

H70-SMRW-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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April 22, 1997

To: Senate Committee on State Government, Local Government, and Personnel

From: Giles S. Perry, Committee Counsel

Re: House Bill 112 Camden Safety Zone
Introduced by Representative Ownes

House Bill 112 would make it unlawful, in Camden County, to:

--Hunt or otherwise discharge a firearm from the right-or-way of a public road within one-half mile of a public or private school; or

--Discharge a firearm toward a public or private school, or cause a projectile to enter the grounds of a public or private school.

Violation of House Bill 112 would constitute a Class 3 misdemeanor (1-10 days community penalty and/or a fine of up to $200, if no prior convictions).

House Bill 112 would not apply to a person transporting a firearm in or on a vehicle on a State road, or a person actively retrieving dogs on a State road.

House Bill 112 would be enforceable by officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by any other officers with general subject mater jurisdiction.

House Bill 112 would become effective October 1, 1997.

NOTE: Under current general law (G.S. 153A-129), counties may regulate the discharge of firearms by ordinance, but may not regulate hunting by ordinance.

-SMRW-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 13, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 340 (committee substitute) - Kannapolis Property Acquisitions

House Bill 340 would allow the City of Kannapolis, which is located primarily in Cabarrus County but partially in Rowan County, to condemn or acquire property in Rowan County without obtaining the consent of the Rowan County Board of Commissioners as would be required under G.S. 153A-15.

This bill is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 13, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 516 - Columbus Road Hunting

House Bill 516 makes it a Class 3 misdemeanor to hunt wild animals or birds from or across public road rights-of-way in Columbus County without first obtaining the written permission of the owner or lessee of the land abutting the road or land across which the weapon is being discharged. This does not apply to the owner or lessee of the property. A hunter recovering dogs is not in violation of the act as long as all of the hunter's weapons remain in a motor vehicle. A Class 3 misdemeanor is punishable by a maximum of 20 days.

This act applies only to Columbus County and is effective October 1, 1997.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 14, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 532 - Henderson Charter Update

House Bill 532 makes several changes to the charter of the City of Hendersonville. Most of these changes are technical in nature, due to the fact that they have already been adopted by ordinance of the City, or delete provisions that are now obsolete due to pre-emptive existing state law.

Section 10 of the bill does make a substantive change which would allow the City to contract with a property owner of property that has requested voluntary annexation, but is not subject to ad valorem property taxes, for that owner to pay different rates for utilities than other property owners of the City pay. Any contract under this provision may not extend more than five years from the effective date of the annexation.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 14, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 559: Sunset Beach Roofing Permits

House Bill 559, introduced by Representative Redwine, would add Sunset Beach to the local governments that require permits for the removal and replacement of roofing when the cost of such removal and replacement exceeds $1,500. The application for the permit must designate a disposal site and the permit shall set forth the designated site on its face.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 13, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 629: Harnett Road Hunting

House Bill 629, introduced by Representatives Davis and Hall, prohibits hunting animals and birds and the discharge of firearms, on, from, or across a public road. Violation of the act is a class 3 misdemeanor.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 14, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 643 - Belmont Annexation Agreement

House Bill 643 allows the City of Belmont to enter into a written agreement with the owner of the "Allen Plant Property", described in the bill, that the property will not be annexed by the City prior to December 30, 2009. The City may accept payments in lieu of taxes. The bill provides for the method of calculation of any payments in lieu of taxes.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 792

Short Title: Durham Charter. (Local)

Sponsors: Representative Michaux.

Referred to: Ways and Means.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT REPEALING SECTION 116 OF THE CHARTER OF THE CITY OF DURHAM CONCERNING THE INSPECTION OF CITY RECORDS IN THE PRESENCE OF THE CITY MANAGER AND THE CITY CLERK.

The General Assembly of North Carolina enacts:

Section 1. Section 116 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is repealed.

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

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May 14, 1997

MEMORANDUM

To: Senate Committee on State Government, Local Government, and Personnel

From: Mary Beach Shuping, Administrative Assistant

Re: **HB 771 - Sanitary District Staggered Terms**

House Bill 771 authorizes sanitary district boards with four-year terms that are not staggered to establish staggered

Section 1 amends G.S. 130A-50(b) to authorize a sanitary district board to stagger its terms if its members serve unstaggered four-year terms by providing for some of the members to be elected to two-year terms at the next election for municipal and special district officers. This section also makes the change effective for any election where the filing period opens at least 30 days after the approval of the staggering of the terms. Currently, the terms of members of sanitary district boards are either for two years or four years, as determined by the county commissioners. Current law permits the county commissioners to provide for staggered terms for existing boards whose members serve two-year terms.

Section 2 makes the bill effective when it becomes law.

H771-SMSC-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 14, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 773: Bald Head Island Charter.

773. BALD HEAD ISLAND CHARTER. *TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND.* Repeals Ch. 156 of 1985 SL (except sections 4-3(f), (g), and (h)) and enacts new charter for village of Bald Head Island. will be governed under council-manager form of government (currently, mayor-council). Provides for election of council ers by qualified voters in accordance with uniform municipal election laws (currently, appointed by Bald Head Association oard of Directors). Increases terms of council members from three to four years. Requires council to appoint manager, village torney, and village clerk, and authorizes manager to appoint, suspend, and remove all other officers and employees in the dministrative service of the village. Continues authority of village to levy room occupancy taxes and operate a contract post office, nd authorizes village to regulate motorboat operation, establishment and maintenance of streets, beach dress and conduct, and ccess to and across dunes (and to construct or reconstruct dunes). Permits village to regulate motor vehicles and exempt them om specified provisions of GS Ch. 20. Vests in owners of undeveloped portions of Bald Head Island rights in accordance with GS 60A-385.1 and current "Phased Development Plan" through Dec. 31, 1999. Authorizes village to create, and regulate activities ithin, a sea turtle sanctuary within the village limits above the mean low watermark.

ıtro. by Redwine and Hill.

ef. to Ways & Means BRUNSWICK

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May 14, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 786 - Concord Charter

House Bill 786 amends the Charter of the City of Concord to allow the City Manager to appoint the Finance Director and the City Clerk. These positions are currently appointed by the Board of Aldermen.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 14, 1997

TO: **Senate Committee on State Government, Local Government, and Personnel**

FROM: Terrence D. Sullivan, Committee Counsel

RE: **House Bill 791, TO PERMIT THE DURHAM PUBLIC SCHOOLS TO DISPOSE OF CERTAIN REAL PROPERTY,** introduced by Representative Michaux and Mosley.

Notwithstanding the provisions of G.S. 115C-518, the Durham County Board of Education would be authorized to convey, with or without consideration, the Old Hillside High School site in Durham to NCCU. The bill would be effective when it becomes law.

GENERAL STATUTE REFERENCED

§ 115C-518. Disposition of school property; easements and rights-of-way.

(a) When in the opinion of any local board of education the use of any building site or other real property or personal property owned or held by the board is unnecessary or undesirable for public school purposes, the local board of education may dispose of such according to the procedures prescribed in General Statutes, Chapter 160A, Article 12, or any successor provisions thereto. Provided, when any real property to which the board holds title is no longer suitable or necessary for public school purposes, the board of county commissioners for the county in which the property is located shall be afforded the first opportunity to obtain the property. The board of education shall offer the property to the board of commissioners at a fair market price or at a price negotiated between the two boards. If the board of commissioners does not choose to obtain the property as offered, the board of education may dispose of such property according to the procedure as herein provided. Provided that no State or federal regulations would prohibit such action. For the purposes of this section references in Chapter 160A, Article 12, to the "city," the "council," or a specific city official are deemed to refer, respectively, to the school administrative unit, the board of education, and the school administrative official who most nearly performs the same duties performed by the specified city official. A local board of education may also sell any property other than real property through the facilities of the North Carolina Department of Administration. The proceeds of any sale of real property or from any lease for a term of over one year shall be applied to reduce the county's bonded indebtedness for the school administrative unit disposing of such real property or for capital outlay purposes.

(b) In addition to the foregoing, local boards of education are hereby authorized and empowered, in their sound discretion, to grant easements to any public utility, municipality or quasi-municipal corporations to furnish utility services, with or without compensation except the benefits accruing by virtue of the location of the said public utility, and to dedicate portions of any lands owned by such boards as rights-of-way for public streets, roads or sidewalks, with or without compensation except the benefits accruing by virtue of the location or improvement of such public streets, roads or sidewalks.

(c) Any sale, exchange or lease of real or personal property by any local board of education prior to June 18, 1982, and pursuant to the authority of G.S. 115-126 is hereby validated, ratified and confirmed.

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May 14, 1997

TO: **Senate Committee on State Government, Local Government, and Personnel**

FROM: Terrence D. Sullivan, Committee Counsel

RE: **House Bill 792, TO REPEAL THE SECTION OF THE DURHAM CITY CHARTER CONCERNING THE INSPECTION OF THE CITY RECORDS IN THE PRESENCE OF THE CITY MANAGER AND THE CITY CLERK,** introduced by Representative Michaux.

The bill would repeal the requirement that the city manager and city clerk be present when any city records are inspected by a taxpayer or qualified voter. The bill would be effective when it becomes law.

H792-SMRA-001

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May 14, 1997

TO: **Senate Committee on State Government, Local Government, and Personnel**

FROM: Terrence D. Sullivan, Committee Counsel

RE: **House Bill 833, TO AMEND THE WILMINGTON CITY CHARTER TO ALLOW SERVICE OF PROCESS IN HOUSING CASES BY REGULAR MAIL IN ADDITION TO CERTIFIED OR REGISTERED MAIL, ,** introduced by Representative Wright.

The Wilmington City charter would be amended to allow service of process by regular mail in conjunction with that by certified or registered mail in building inspection or minimum housing standards cases. If the certified or registered mail is refused or is unclaimed and the regular mail is not returned within 10 days of mailing, the service would be deemed sufficient in these cases.

The bill would be effective when it becomes law.

H833-SMRA-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 14, 1997

TO: **Senate Committee on State Government, Local Government, and Personnel**

FROM: Terrence D. Sullivan, Committee Counsel

RE: **House Bill 828, TO AMEND THE WILSON CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY,** introduced by Representatives Fitch and Arnold, as cosponsors.

The Wilson City charter presently provides that the city manager with the council's approval may settle claims against the city for personal injury not to exceed $100 and certain takings by eminent domain of small portions of private property not exceed $500. In both cases, the settlement cannot exceed the actual loss sustained. All settlements require the advance approval of the city attorney.

The bill would allow the city manager, with the council's approval, to settle any claim against the city when the settlement amount does not exceed $50,000 and the actual loss sustained. Any settlement exceeding $2,000 would require the city attorney's advance approval.

The bill would be effective when it becomes law.

H828-SMRA-001

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May 14, 1997

TO: **Senate Committee on State Government, Local Government, and Personnel**

FROM: Terrence D. Sullivan, Committee Counsel

RE: **House Bill 834, TO ALLOW THE CITY 0FWILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED CARS,** introduced by Representative Wright.

The bill's title indicates its effect. The bill would be effective when it becomes law.

The Operative Language of Chapter 291 of the 1993 Session Laws, as amended by Chapter 381 of the 1995 Session Laws, reads:

"Section 1. The council of a city may provide, by ordinance, for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets for a period of ninety days. The ordinance shall provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars ($50.00), and charges for towing and storage. The city shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle. "Sec. 2. This act applies to the Cities of Winston-Salem, Durham, Raleigh, Winston-Salem, and Greensboro only."

H834-SMRA-001

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May 14, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 845 - Gaston Road Hunting

House Bill 845 creates a Class 3 misdemeanor for hunting, taking or killing any wild animal or bird, from, onto or across the right-of-way of any public road, street or highway, with a firearm or other deadly weapon. Also creates a Class 3 misdemeanor for discharging a firearm from, onto, or across the right-of-way of any public road, street or highway.

This act applies only to Gaston County and becomes effective October 1, 1997.

H845-SMSA-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

~~Std~~ ~~Energy~~ 5-91

Name of Committee Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
John McAlister	Duke Power
Mandy Smith	
[illegible]	
[illegible]	
David Hawks	
Ronald Bullock	

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, MAY 21, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, May 21, 1997 at 11:00 a.m. in room 414 of the Legislative Office Building. Twelve members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

HB 17, Guilford Conflict Repeal, was explained by Rep. Bowie. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 51, Buncombe Municipal Development, was explained by Rep. Cansler. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 71, Halifax-Roanoke Rapids Airport, was explained by Rep. Crawford. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 75, Person School Board Elections, was explained by Rep. Wilkins. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 112, Camden Safety Zone, was explained by Rep. Owens. Senator Jordan moved to adopt a proposed committee substitute. The motion carried unanimously. Senator Jordan moved to give the proposed committee substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate committee substitute.**

HB 281, Alexander Co. Comm. Vacancies, was explained by Rep. Starnes. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 288, Greensboro Housing Code, was explained by Rep. Adams. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 298, Columbus Airport Auth. Membership, was explained by Rep. Hill. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 508, Upper Catawba/Personal Watercraft, was explained by Rep. Brawley. Senator Soles moved to amend the bill by including Lake Norman and that the bill be put into a committee substitute. The motion carried unanimously. Senator Reeves moved to give the committee substitute a favorable report. **Unfavorable as to bill, but favorable as to Senate committee substitute.**

HB 526, Wrightsville Bch. Turtle Sanctuary, was explained by Rep. McComas. Senator Webster moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 569, Wendell Vacancy Elections, was explained by Senator Reeves. Senator Reeves moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 681, Roxboro Charter, was explained by Rep. Wilkins. Senator Soles moved to adopt a proposed committee substitute. The motion carried unanimously. Senator Webster moved to give the proposed committee substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate committee substitute.**

HB 806, Conover Housing Code, was explained Rep. Berry. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 877, Kure Beach Erosion Control, was explained by Rep. McComas. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 988, Restore Person Indian Recognition, was explained by Rep. Wilkins. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

Senator Brad Miller, Chair

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Wednesday, May 21, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. 17 Guilford Conflict Repeal.
Sequential Referral: None
Recommended Referral: None

H.B. 51 Buncombe Municipal Development.
Sequential Referral: None
Recommended Referral: None

H.B. 71 Halifax-Roanoke Rapids Airport.
Sequential Referral: Finance
Recommended Referral: None

H.B. 75 Person School Board Elections.
Sequential Referral: None
Recommended Referral: None

H.B. 281 Alexander Co. Comm. Vacancies.
Sequential Referral: None
Recommended Referral: None

H.B. 288 Greensboro Housing Code.
Sequential Referral: None
Recommended Referral: None

H.B. 298 Columbus Airport Auth. Membership.
Sequential Referral: None
Recommended Referral: None

H.B. 526 Wrightsville Bch.Turtle Sanctuary.
Sequential Referral: None
Recommended Referral: None

H.B. **569** Wendell Vacancy Elections.
Sequential Referral: None
Recommended Referral: None

H.B. **806** Conover Housing Code.
Sequential Referral: None
Recommended Referral: None

H.B. **877** Kure Beach Erosion Control.
Sequential Referral: None
Recommended Referral: None

H.B. **988** Restore Person Indian Recognition.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 12

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Wednesday, May 21, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. **681** Roxboro Charter.

Draft Number:	PCS7317
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Wednesday, May 21, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. **112** Camden Safety Zone.

Draft Number:	PCS2335
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

H.B. **508** Upper Catawba/Personal Watercraft.

Draft Number:	PCS2336
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, MAY 21, 1997

ROOM 414

HB 17, Guilford Conflict Repeal	Rep. Bowie
HB 51, Buncombe Municipal Development	Rep. Cansler
HB 69, Roanoke Rapids Housing Code	Rep. Crawford
HB 71, Halifax-Roanoke Rapids Airport	Rep. Crawford
HB 75, Person School Board Elections	Rep. Wilkins
HB 681, Roxboro Charter	Rep. Wilkins
HB 988, Restore Person Indian Recognition	Rep. Wilkins
HB 112, Camden Safety Zone	Rep. Owens
HB 281, Alexander Co. Comm. Vacancies	Rep. Starnes
HB 288, Greensboro Housing Code	Rep. Adams
HB 298, Columbus Airport Auth. Membership	Rep. Hill
HB 410, Emergency Management Compact/AB	Rep. Thompson
HB 432, N.C.N.G. Mobilization Lessons/AB	Rep. Baddour
HB 508, Upper Catawba/Personal Watercraft	Rep. Brawley
HB 526, Wrightsville Bch. Turtle Sanctuary	Rep. McComas
HB 877, Kure Beach Erosion Control	Rep. McComas
HB 569, Wendell Vacancy Elections	Rep. Ellis
HB 806, Conover Housing Code	Rep. Berry
HB 833, Wilmington Charter	Rep. Wright
HB 834, Wilmington Wheel Locks	Rep. Wright

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 17

Short Title: Guilford Conflict Repeal. (Local)

Sponsors: Representatives Bowie; and Wood.

Referred to: Rules, Calendar, and Operations of the House.

February 3, 1997

A BILL TO BE ENTITLED

AN ACT TO REPEAL AN ACT RELATING TO DISCLOSURE OF BUSINESS INTEREST IN GUILFORD COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 738 of the 1995 Session Laws is repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 51

Short Title: Buncombe Municipal Development. (Local)

Sponsors: Representatives Cansler; Ives, Nesbitt, and Sherrill.

Referred to: Local and Regional Government II.

February 5, 1997

A BILL TO BE ENTITLED

AN ACT TO GIVE MUNICIPALITIES IN BUNCOMBE COUNTY GENERAL LAW POWERS AS TO DOWNTOWN DEVELOPMENT PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 721 of the Session Laws of 1985, Chapter 569 of the Session Laws of 1989, and Section 2 of Chapter 619 of the Session Laws of 1987 are repealed.

Section 2. Nothing in this act affects any contracts or projects previously entered into or undertaken under the provisions of Chapter 721 of the Session Laws of 1985.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 69

Short Title: Roanoke Rapids Housing Code. (Local)

Sponsors: Representatives Crawford; Wilkins and Hardaway.

Referred to: Local and Regional Government I.

February 6, 1997

A BILL TO BE ENTITLED

AN ACT TO EXTEND TO THE CITY OF ROANOKE RAPIDS PROVISIONS OF A LOCAL ACT WHICH PROVIDES THAT SERVICE OF COMPLAINTS OR ORDERS ISSUED IN HOUSING CODE CASES IS SUFFICIENT WHERE THE COMPLAINTS OR ORDERS ARE SENT BY REGISTERED OR CERTIFIED MAIL IN CONJUNCTION WITH REGULAR MAIL AND THE REGISTERED OR CERTIFIED MAIL IS RETURNED, BUT THE REGULAR MAIL IS NOT RETURNED WITHIN TEN DAYS AFTER MAILING.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 578 of the 1993 Session Laws, as amended by Chapter 29 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. This act applies to the Cities of ~~Greensboro and Lumberton~~ Greensboro, Lumberton, and Roanoke Rapids only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 71

Short Title: Halifax-Roanoke Rapids Airport. (Local)

Sponsors: Representatives Crawford; Wilkins and Hardaway.

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

February 6, 1997

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.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the "Halifax-Roanoke Rapids Airport Authority" (for brevity hereinafter referred to as the "Airport Authority"), which shall be a body both corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by general law and future acts of the General Assembly.

Section 2. The Airport Authority shall consist of seven members, three of whom shall be appointed to staggered three-year terms by the Roanoke Rapids City Council and three of whom shall be appointed to staggered three-year terms by the Halifax County Board of Commissioners and one of whom shall be appointed by the other six members of the Airport Authority. The members appointed by the Roanoke Rapids City Council shall be qualified voters of the City of Roanoke Rapids, and the members appointed by the Halifax County Board of Commissioners and the Airport Authority shall be qualified voters of the County of Halifax. Each member shall take and subscribe before the Clerk of Superior Court of Halifax County an oath of office and file the same with the Halifax County Board of Commissioners and the Roanoke Rapids City Council. Membership on the Halifax County Board of Commissioners or the Roanoke Rapids City Council and the Airport Authority shall not constitute double office holding within the meaning of Article VI, Section 9 of the Constitution of North Carolina.

Section 3. The Airport Authority may adopt suitable bylaws for its management. The members of the Airport Authority shall receive compensation, per diem, or otherwise as the Roanoke Rapids City Council or the Halifax County Board of Commissioners from time to time determines and be paid their actual traveling expenses incurred in transacting the business and at the instance of the Airport Authority. Members of the Airport Authority shall not be personally liable for their acts as members of the Airport Authority, except for acts resulting from misfeasance or malfeasance.

Section 4. (a) The Airport Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

(1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports and landing fields for the use of airplanes and other aircraft within the limits of the County and for this purpose to purchase, improve, own, hold, lease, or operate real or personal property. The Airport Authority may exercise these powers alone or in conjunction with the City of Roanoke Rapids or the County of Halifax.

(2) To sue and be sued in the name of the Airport Authority, to make contracts and hold any personal property necessary for the exercise of the powers of the Airport Authority, and acquire by purchase, lease, or otherwise any existing lease, leasehold right, or other interest in any existing airport located in the County.

(3) To charge and collect reasonable and adequate fees and rents for the use of airport property or for services rendered in the operation of the airport.

(4) To make all reasonable rules and regulations it deems necessary for the proper maintenance, use, operation, and control of the airport and provide penalties for the violation of these rules and regulations; provided, the rules and regulations and schedules of fees not be in conflict with the laws of North Carolina, and the regulations of the Federal Aviation Administration. The Airport Authority may administer and enforce any airport zoning regulations adopted by the City of Roanoke Rapids or the County of Halifax.

(5) To issue bonds pursuant to Article 5 of Chapter 159 of the General Statutes.

(6) To sell, lease, or otherwise dispose of any property, real or personal, belonging to the Airport Authority, according to the procedures described in Article 12 of Chapter 160A of the General Statutes, but no sale of real property shall be made without the approval of the Halifax County Board of Commissioners and the Roanoke Rapids City Council.

(7) To purchase any insurance that the Federal Aviation Administration or the Airport Authority shall deem necessary. The Airport Authority shall be responsible for any and all insurance claims or liabilities.

(8) To deposit or invest and reinvest any of its funds as provided by the Local Government Finance Act, as it may be amended from time to time, for the deposit or investment of unit funds.

(9) To purchase any of its outstanding bonds or notes.

(10) To operate, own, lease, control, regulate, or grant to others, for a period not to exceed 25 years, the right to operate on any airport premises restaurants, snack bars, vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service establishments, and all other types of facilities as may be directly or indirectly related to the maintenance and furnishing to the general public of a complete air terminal installation.

(11) To contract with persons, firms, or corporations for terms not to exceed 25 years, for the operation of airline-scheduled passenger and freight flights, nonscheduled flights, and any other airplane activities not inconsistent with the grant agreements under which the airport property is held.

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

(13) Subject to the limitations set out in this act, to have all the same power and authority granted to cities and counties pursuant to Chapter 63 of the General Statutes, Aeronautics.

(14) To have a corporate seal, which may be altered at will.

(b) The Airport Authority shall possess the same exemptions in respect to payment of taxes and license fees and be eligible for sales and use tax refunds to the same extent as provided for municipal corporations by the laws of the State of North Carolina.

Section 5. The Airport Authority may acquire from the City and the County, by agreement with the City and County, and the City and County may grant and convey, either by gift or for such consideration as the City and County may deem

wise, any real or personal property which it now owns or may hereafter acquire, including nontax monies, and which may be necessary for the construction, operation, and maintenance of any airport located in the County.

Section 6. Any lands acquired, owned, controlled, or occupied by the Airport Authority shall be, and are declared to be acquired, owned, controlled, and occupied for a public purpose.

Section 7. Private property needed by the Airport Authority for any airport, landing field, or as facilities of an airport or landing field may be acquired by gift or devise, or may be acquired by private purchase or by the exercise of eminent domain pursuant to Chapter 40A of the General Statutes.

Section 8. The Airport Authority shall make an annual report to the Halifax County Board of Commissioners and the Roanoke Rapids City Council setting forth in detail the operations and transactions conducted by it pursuant to this act. The Airport Authority shall not have the power to pledge the credit of Halifax County or the City of Roanoke Rapids, or any subdivision thereof, or to impose any obligation on Halifax County or the City of Roanoke Rapids, or any of their subdivisions, except when that power is expressly granted by statute.

Section 9. Subject to the limitations as set out in this act, all rights and powers given and granted to counties or municipalities by general law, which may now be in effect or enacted in the future relating to the development, regulation, and control of municipal airports and the regulation of aircraft are vested in the Airport Authority. The Halifax County Board of Commissioners or the Roanoke Rapids City Council may delegate their powers under these acts to the Airport Authority, and the Airport Authority shall have concurrent rights with Halifax County and the City of Roanoke Rapids to control, regulate, and provide for the development of aviation in Halifax County.

Section 10. The Airport Authority may contract with and accept grants from the Federal Aviation Administration, the State of North Carolina, or any of the agencies or representatives of either of said governmental bodies relating to the purchase of land and air easements and to the grading, constructing, equipping, improving, maintaining, or operating of an airport or its facilities or both.

Section 11. The Airport Authority may employ any agents, engineers, attorneys, and other persons whose services may be deemed by the Airport Authority to be necessary and useful in carrying out the provisions of Sections 1 through 10 of this act.

Section 12. The Halifax County Board of Commissioners or the Roanoke Rapids City Council may appropriate funds derived from any source including ad valorem taxes to carry out the provisions of this act in any proportion or upon any basis as may be determined by the Halifax County Board of Commissioners or the Roanoke Rapids City Council.

Section 13. The Airport Authority may expend the funds that are appropriated by the County and City for joint airport purposes and may pledge the credit of the Airport Authority to the extent of the appropriated funds.

Section 14. The Airport Authority shall elect from among its members a chair and other officers at its initial meeting and then annually thereafter. A majority of the Airport Authority shall control its decisions. Each member of the Airport Authority, including the chair, shall have one vote. The Airport Authority shall meet at the places and times designated by the chair.

Section 15. The powers granted to the Airport Authority shall not be effective until the members of the Airport Authority have been appointed by the Halifax County Board of Commissioners and the Roanoke Rapids City Council, and nothing in this act shall require the Board of Commissioners or City Council to make the initial appointments. It is the intent of this act to enable but not to require the formation of the Halifax-Roanoke Rapids Airport Authority.

Section 16. If any one or more sections, clauses, sentences, or parts of this act shall be adjudged invalid, such judgment shall not affect, impair, or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held invalid, and the inapplicability or invalidity of any section, clause, sentence, or part of this act in one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Section 17. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 75

Short Title: Person School Board Elections. (Local)

Sponsors: Representatives Wilkins; and Crawford.

Referred to: Local and Regional Government I.

February 10, 1997

A BILL TO BE ENTITLED

AN ACT CODIFYING THE METHOD OF ELECTING THE PERSON COUNTY BOARD OF EDUCATION AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. The Person County Board of Education shall consist of five members elected in nonpartisan plurality elections for concurrent four-year terms.

Section 2. Elections for the Board of Education shall be held at the same time as the general election for State and county offices in the year 2000 and every four years thereafter. Board members shall take office at the time specified by general State law for county officers.

Section 3. The period for filing notices of candidacy for the Board of Education shall commence at noon on the first Monday in August preceding the election, and shall close at noon on the last Friday of August. If, however, general State law provides a different filing period for nonpartisan plurality elections held in November of even-numbered years, the filing shall be conducted according to that general State law.

Section 4. This act is intended to codify the method of election ordered by the United States District Court for the Middle District of North Carolina in the Consent Decree entered on 30 November 1995 in Webster, et al., v. Board of Education of Person County, et. al., No. 1:91CV554. Pursuant to the Consent Decree, the method of election may be evaluated following the 2000 election, if the plaintiffs make such request within the time specified in the decree.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 112
Committee Substitute Favorable 4/23/97

Short Title: Camden Safety Zone. (Local)

Sponsors:

Referred to:

February 12, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE A SAFETY ZONE AROUND PUBLIC AND PRIVATE SCHOOLS IN CAMDEN COUNTY BY PROHIBITING HUNTING OR THE DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY OF PUBLIC ROADS WITHIN ONE-HALF MILE OF A SCHOOL.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt or otherwise discharge a firearm from the right-of-way of public roads within one-half mile of any public or private school located in Camden County.

Section 2. It is unlawful for any person to discharge or cause to be discharged any firearm within one-half mile of any public or private school, toward any public or private school, or to cause any projectile discharged from a firearm to enter any public or private school grounds for any reason.

Section 3. This act does not apply to a person transporting a firearm on a State-maintained road or highway within or on any motor vehicle or to any person who is actively engaged in retrieving dogs on a State-maintained road or highway.

Section 4. Violation of this act is a Class 3 misdemeanor.

Section 5. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Section 6. This act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 112
Committee Substitute Favorable 4/23/97
Proposed Senate Committee Substitute H112-PCS2335

Short Title: Camden Safety Zone. (Local)

Sponsors:

Referred to:

February 12, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE A SAFETY ZONE AROUND PUBLIC AND PRIVATE SCHOOLS IN CAMDEN COUNTY BY PROHIBITING HUNTING OR THE DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY OF PUBLIC ROADS WITHIN ONE-HALF MILE OF A SCHOOL.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt or otherwise discharge a firearm from the right-of-way of public roads within one-half mile of any public or private school located in Camden County.

Section 2. It is unlawful for any person to discharge or cause to be discharged any firearm within one-half mile of any public or private school, toward any public or private school, or to cause any projectile discharged from a firearm to enter any public or private school grounds for any reason.

Section 3. This act does not apply to a person transporting a firearm on a State-maintained road or highway within or on any motor vehicle or to any person who is actively engaged in retrieving dogs on a State-maintained road or highway.

Section 4. Violation of this act is a Class 3 misdemeanor.

Section 5. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Section 6. This act shall apply to Camden County only.

Section 7. This act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

H112-CSRF-001
PROPOSED SENATE COMMITTEE SUBSTITUTE
HOUSE BILL 112
THIS IS A DRAFT 13-MAY-97 16:09:12
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Camden Safety Zone. (Local)

Sponsors:

Referred to:

February 12, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE A SAFETY ZONE AROUND PUBLIC AND PRIVATE SCHOOLS IN CAMDEN COUNTY BY PROHIBITING HUNTING OR THE DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY OF PUBLIC ROADS WITHIN ONE-HALF MILE OF A SCHOOL.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt or otherwise discharge a firearm from the right-of-way of public roads within one-half mile of any public or private school located in Camden County.

Section 2. It is unlawful for any person to discharge or cause to be discharged any firearm within one-half mile of any public or private school, toward any public or private school, or to cause any projectile discharged from a firearm to enter any public or private school grounds for any reason.

Section 3. This act does not apply to a person transporting a firearm on a State-maintained road or highway within or on any motor vehicle or to any person who is actively engaged in retrieving dogs on a State-maintained road or highway.

Section 4. Violation of this act is a Class 3 misdemeanor.

Section 5. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Section 6. This act shall apply to Camden County only.

Section 7. This act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 281

Short Title: Alexander Co. Comm. Vacancies. (Local)

Sponsors: Representatives Starnes; Holmes and Brown.

Referred to: Local and Regional Government I.

February 19, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE ALEXANDER COUNTY BOARD OF COMMISSIONERS MUST FILL A VACANCY WITH THE PERSON NOMINATED BY THE APPROPRIATE POLITICAL PARTY IF THE NOMINATION IS MADE ON A TIMELY BASIS.

The General Assembly of North Carolina enacts:

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 288

Short Title: Greensboro Housing Code. (Local)

Sponsors: Representatives Adams; Bonner, Bowie, Boyd-McIntyre, Decker, Fitch, H. Hunter, Jarrell, Jeffus, Michaux, Wainwright, and Wood.

Referred to: Local and Regional Government II.

February 20, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW SERVICE OF COMPLAINTS BY PUBLICATION AND SERVICE OF NOTICES AND ORDERS BY REGULAR MAIL IN HOUSING CODE CASES IN THE CITY OF GREENSBORO.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 578 of the 1993 Session Laws reads as rewritten:

"Section 1. ~~Complaints or orders~~ A complaint issued by a public officer pursuant to Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes shall be served upon persons either personally or by registered or certified mail. ~~mail, and, in conjunction therewith, may be served by regular mail. When the manner of service is by regular mail in conjunction with registered or certified mail, and the registered or certified mail is returned, but the regular mail is not returned by the post office within 10 days after mailing, service shall be deemed sufficient. The person mailing such complaint or order by regular mail shall certify that fact and the date thereof, and such certificate shall be deemed conclusive in the absence of fraud.~~ A person who cannot with due diligence be served by personal delivery or registered or certified mail may be served by publication in the manner provided for service of process in G.S. 1A-1, Rule 4(j1) of the North Carolina Rules of Civil Procedure. All notices and orders subsequent to the complaint may be served in accordance with G.S. 1A-1, Rule 5(b) of the North Carolina Rules of Civil Procedure."

Section 2. This act applies to the City of Greensboro only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 298
Committee Substitute Favorable 3/11/97

Short Title: Columbus Airport Auth. Membership. (Local)

Sponsors:

Referred to:

February 24, 1997

A BILL TO BE ENTITLED

AN ACT INCREASING FROM FIVE TO SEVEN THE MEMBERSHIP OF THE COLUMBUS COUNTY AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 134 of the 1995 Session Laws reads as rewritten:

"Sec. 2. The Airport Authority shall consist of ~~five~~ seven members who shall be appointed to staggered terms of four years by the Columbus County Board of Commissioners. All of the members shall be residents of Columbus County. Of the initial ~~five~~ seven members, ~~two~~ three shall be appointed to a term of four years and ~~three~~ four shall be appointed to a term of two years. Thereafter all terms shall be for four years. Each member shall take and subscribe before the Clerk of the Superior Court of Columbus County an oath of office and file the same with the Columbus County Board of Commissioners. Upon the occurrence of any vacancy on the Airport Authority, the vacancy shall be filled within 60 days after the vacancy occurs at a regular meeting of the Board of County Commissioners. Membership on the Columbus County Board of Commissioners and on the Airport Authority shall not constitute double office holding within the meaning of Article VI, §9 of the Constitution of North Carolina."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 410

Short Title: Emergency Management Compact/AB. (Public)

Sponsors: Representatives Thompson; Justus, Kiser, and Sexton.

Referred to: State Government.

March 6, 1997

A BILL TO BE ENTITLED

AN ACT ENACTING AND ENTERING INTO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 166A of the General Statutes is amended by adding a new Article to read:

"ARTICLE 4.

"Emergency Management Assistance Compact.

"**§ 166A-34. Title of Article; entering into Compact.**

(a) This Article may be cited as the Emergency Management Assistance Compact.

(b) The Emergency Management Assistance Compact, hereinafter 'Compact', is hereby enacted into law and entered into by this State with all other states legally joining therein, in the form substantially as set forth in this Article. This Compact is made and entered into by and between the party states which enact this Compact. For the purposes of this Article, the term 'states' means the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all United States territorial possessions and the term 'party states' means the participating member states which enact and enter into this Compact.

"**§ 166A-35. Purposes and authorities.**

(a) The purpose of this Compact is to provide for mutual assistance between the party states in managing any emergency or disaster that is duly declared by the governor of the affected state or states, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

(b) This Compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this Compact may include the use of the states' national guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

"**§ 166A-36. General implementation.**

(a) Each party state recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this Compact. Each party state further recognizes that there will be emergencies that require immediate access and present procedures to apply outside resources to respond to emergencies effectively and promptly. This is because few, if any, individual states have all the resources that they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

(b) The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this Compact shall be understood.

(c) On behalf of the governor of each party state, the legally designated state official who is assigned responsibility for emergency management shall be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this Compact.

"**§ 166A-37. Party state responsibilities.**

(a) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this Article. In formulating the plans, and in carrying them out, the party states, insofar as practicable, shall:

(1) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party state might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resource shortages, civil disorders, insurgency, or enemy attack.

(2) Review the party states' individual emergency plans and develop a plan that will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.

(3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.

(4) Assist in warning communities adjacent to or crossing the state boundaries.

(5) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment services, and resources, both human and material.

(6) Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.

(7) Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

(b) The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this Compact shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

(1) A description of the emergency service function for which assistance is needed, including fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

(2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.

(3) The specific place and time for staging of the assisting party's response and a point of contact at that location.

(c) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the federal government, with free exchange of information, plans, and resource records relating to emergency capabilities.

"§ 166A-38. Limitations.

(a) Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this Compact in accordance with the terms hereof; provided that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

(b) Each party state shall afford to the emergency forces of any party state while operating within its state limits under the terms and conditions of this Compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent

to a declaration of a state of emergency or disaster by the governor of the party state that is to receive assistance or commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state or states, whichever is longer.

"**§ 166A-39. Licenses and permits.**

Whenever any person holds a license, certificate, or other permit issued by any party state evidencing the meeting of qualifications for professional, mechanical, or other skills, and when assistance is requested by the receiving party state, the person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving skill to meet a declared emergency or disaster, subject to any limitations and conditions the governor of the requesting state may prescribe by executive order or otherwise.

"**§ 166A-40. Liability.**

Officers or employees of a party state rendering aid in another state pursuant to this Compact shall be considered agents of the requesting state for tort liability and immunity purposes; and no party state or its officers or employees rendering aid in another state pursuant to this Compact shall be liable for any act or omission occuring as a result of a good faith attempt to render aid or as a result of the use of any equipment or supplies used in connection with an attempt to render aid. For the purposes of this Article, 'good faith' does not include willful misconduct, gross negligence, or recklessness.

"**§ 166A-41. Supplementary agreements.**

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

"**§ 166A-42. Compensation.**

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of the forces in case the members sustain injuries or are killed while rendering aid pursuant to this Compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

"**§ 166A-43. Reimbursement.**

Any party state rendering aid in another state pursuant to this Compact shall be reimbursed by the party state receiving the aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with the requests; provided, that any aiding party state may assume in whole or in part the loss,

damage, expense, or other cost, or may loan the equipment or donate the services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states.

"**§ 166A-44. Evacuation.**

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant shall be worked out and maintained between the party states and the emergency management or services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting the evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of the evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. The plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. The expenditures shall be reimbursed as agreed by the party state from which the evacuees come and that party state shall assume the responsibility for the ultimate support of repatriation of the evacuees.

"**§ 166A-45. Effective date.**

(a) This Compact shall become operative immediately upon its enactment into law by any two states; thereafter, this Compact shall become effective as to any other state upon its enactment by the state.

(b) Any party state may withdraw from this Compact by enacting a statute repealing the same, but no withdrawal shall take effect until 30 days after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. The action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

(c) Duly authenticated copies of this Compact and of any supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the federal government.

"**§ 166A-46. Validity.**

If any provision of this Compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this act and the applicability thereof to other persons and circumstances shall not be affected thereby.

"**§ 166A-47. Additional provisions.**

Nothing in this Compact shall authorize or permit the use of military force by the national guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for any

purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under section 1385 of Title 18, United States Code."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 432
Committee Substitute Favorable 4/16/97

Short Title: N.C.N.G. Mobilization Lessons/AB. (Public)

Sponsors:

Referred to:

March 10, 1997

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE LESSONS LEARNED FROM HURRICANE FRAN WITH RESPECT TO THE MOBILIZATION OF THE NORTH CAROLINA NATIONAL GUARD.

The General Assembly of North Carolina enacts:

Section 1. Chapter 127A of the General Statutes is amended by adding a new section to read:

"**§ 127A-202.1. Discrimination against persons who serve in the North Carolina National Guard and acts of reprisal prohibited.**

(a) It is the policy of this State that all individuals shall be afforded the right to perform, apply to perform, or have an obligation to perform service in the North Carolina National Guard without fear of discrimination or retaliatory action from their employer or prospective employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

(b) An individual who is a member of the North Carolina National Guard who performs, has performed, applies to perform, or has an obligation to perform service in the North Carolina National Guard shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

(c) A person shall be considered to have denied a member of the North Carolina National Guard initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the member's

membership, application for membership, performance of service, application for service, or obligation for service in the North Carolina National Guard is a motivating factor in that person's action, unless the person can prove by the greater weight of the evidence that the same unfavorable action would have taken place in the absence of the member's membership, application for membership, performance of service, application for service, or obligation.

(d) Nothing in this section shall be construed to require a person to pay salary or wages to a member of the North Carolina National Guard during the member's period of active service.

(e) The Commissioner of Labor shall enforce the provisions of this section according to Article 21 of Chapter 95 of the General Statutes, including the rules and regulations issued pursuant to that Article."

Section 2. G.S. 127A-105 reads as rewritten:

"**§ 127A-105. Rations and pay on State service.**

The militia of the State, both officers and enlisted personnel, when called into the service of the State by the Governor shall receive the same pay as when called or ordered into the service of the United States, and shall be rationed or paid the equivalent thereof, provided that no officer or enlisted personnel shall receive less than ~~12~~ 18 times the minimum hourly wage per day as provided for in ~~G.S. 95-87.~~ G.S. 95-25.3(a)."

Section 3. G.S. 127A-107 reads as rewritten:

"**§ 127A-107. Rate of pay for other service.**

The Governor may, whenever the public service requires it, order upon special or regular duty any officer or enlisted member of the national guard or naval militia, and the expenses and compensation therefor of such officer and enlisted member shall be paid out of the appropriations made to the Department of Crime Control and Public Safety. Such officers and enlisted members shall receive the same rate of pay as officers and enlisted members of the same grade and like service of the regular service, provided that no such officer or enlisted member shall receive less than ~~12~~ 18 times the minimum hourly wage per day as provided for in ~~G.S. 95-87.~~ G.S. 95-25.3(a). Officers and enlisted members when on duty in connection with examining boards, efficiency boards, advisory boards, courts of inquiry or similar duty shall be allowed per diem and subsistence prescribed for lawful State boards and commissions generally for such duty. Officers and enlisted members serving on general or special courts-martial shall receive the base pay of their rank. No staff officer or enlisted member who receives a salary from the State as such shall be entitled to any additional compensation other than actual and necessary expenses incurred while traveling upon orders issued by the proper authority."

Section 4. Chapter 127A of the General Statutes is amended by adding a new section to read:

"**§ 127A-111. Civilian leave option.**

(a) A member of the North Carolina National Guard called into service of the State by the Governor shall have the right to take leave without pay from his or her civilian employment. No member of the North Carolina National Guard shall be

forced to use or exhaust his or her vacation or other accrued leaves from his or her civilian employment for a period of active service. The choice of leave shall be solely within the discretion of the member.

(b) The Commissioner of Labor shall enforce the provisions of this section pursuant to Chapter 95 of the General Statutes."

Section 5. Chapter 127A of the General Statutes is amended by adding a new section to read:

"**§ 127A-41.1. Stay of legal and court proceedings because of State military service.**

At any stage of any legal proceeding in any court in which a person called into service of the State by the Governor is involved, either as plaintiff or defendant, during the period of service or within 60 days after the conclusion of the period of active service, all actions and proceedings:

(1) May be stayed by the court on its own motion; or

(2) Shall be stayed on application by the member or by a person acting on behalf of the member, unless, in the opinion of the court, the ability of the plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of the military service."

Section 6. G.S. 127A-106 reads as rewritten:

"**§ 127A-106. Paid by the State.**

When the militia or any portion thereof shall be ordered by the Governor into State service, the ~~pay,~~ pay (including payment for any leave earned as a result of more than 30 days of continuous service), subsistence, transportation and other necessary expenses incident thereto shall be paid by the State Treasurer, upon the approval of the Governor."

Section 7. G.S. 95-241(a) reads as rewritten:

"(a) No person shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to do any of the following:

(1) File a claim or complaint, initiate any inquiry, investigation, inspection, proceeding or other action, or testify or provide information to any person with respect to any of the following:
   a. Chapter 97 of the General Statutes.
   b. Article 2A or Article 16 of this Chapter.
   c. Article 2A of Chapter 74 of the General Statutes.
   d. G.S. 95-28.1.
   e. Article 16 of Chapter 127A.

(2) Cause any of the activities listed in subdivision (1) of this subsection to be initiated on an employee's behalf.

(3) Exercise any right on behalf of the employee or any other employee afforded by Article 2A or Article 16 of this Chapter or by Article 2A of Chapter 74 of the General Statutes."

Section 8. Sections 1 through 7 of this act become effective December 1, 1997. Section 8 of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 508*

Short Title: Upper Catawba/Personal Watercraft. (Local)

Sponsors: Representatives Brawley; Berry, Buchanan, Church, Kiser, Mitchell, and G. Wilson.

Referred to: Local and Regional Government II.

March 12, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR ADDITIONAL REGULATION OF PERSONAL WATERCRAFT ON THE UPPER CATAWBA RIVER.

The General Assembly of North Carolina enacts:

Section 1. Chapter 75A of the General Statutes is amended by adding a new section to read:

"§ 75A-13.3. Personal watercraft.

(a) No person shall operate a personal watercraft on the waters of this State at any time between the hours from one hour after sunset to one hour before sunrise. For purposes of this section, 'personal watercraft' means a small vessel which uses an outboard or propeller-driven motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vehicle.

(a1) Except as otherwise provided in this subsection, no person under 16 years of age shall operate a personal watercraft on the waters of this State, nor shall the owner of a personal watercraft knowingly allow a person under the age of 16 to operate a personal watercraft. A person of at least 13 years of age but under 16 years of age may operate a personal watercraft on the waters of this State if:

(1) The person is accompanied by a person of at least 16 years of age who physically occupies the watercraft; or

(2) The person possesses a boating safety certificate or a photographic identification card certifying that the person has completed a

boating safety course approved by the United States Coast Guard Auxiliary.

(a2) No livery shall lease, hire, or rent a personal watercraft to or for operation by a person under 16 years of age, except as provided in subsection (a1) of this section.

(b) No person shall operate a personal watercraft on the waters of this State, nor shall the owner of a personal watercraft knowingly allow another person to operate that personal watercraft on the waters of this State, unless:

(1) Each person riding on or being towed behind such vessel is wearing a personal flotation device approved by the United States Coast Guard; and

(2) In the case of a personal watercraft equipped by the manufacturer with a lanyard-type engine cut-off switch, the lanyard is securely attached to the person, clothing, or flotation device of the operator at all times while the personal watercraft is being operated in such a manner to turn off the engine if the operator dismounts while the watercraft is in operation.

(c) A personal watercraft must at all times be operated in a reasonable and prudent manner. Maneuvers that endanger life, limb, or property, including:

(1) Unreasonably or unnecessarily weaving through congested vessel traffic;

(2) Jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed; and

(3) Intentionally approaching another vessel in order to swerve at the last possible moment to avoid collision

shall constitute reckless operation of a vessel as provided in G.S. 75A-10.

(d) The provisions of this section do not apply to a performer engaged in a professional exhibition, a person or persons engaged in an activity authorized under G.S. 75A-14, or a person attempting to rescue another person who is in danger of losing life or limb.

(e) This section applies only to that portion of the waters of the upper Catawba River found within Alexander, Burke, Caldwell, Catawba, Iredell, and McDowell Counties, beginning where the US Highway 221 bridge crosses the Catawba River in McDowell County and extending downstream to the Lake Lookout Shoals Dam. The provisions of G.S. 75A-13.2 shall not apply to the region covered by this section."

Section 2. G.S. 75A-13.2 is amended by adding a new subsection to read:

"(e) The provisions of this section shall not apply to that portion of the upper Catawba River covered by G.S. 75A-13.3."

Section 3. G.S. 75A-18 is amended by adding a new subsection to read:

"(e) A person under 16 years of age who operates a personal watercraft in violation of the provisions of G.S. 75A-13.3 is guilty of an infraction as provided in G.S. 14-3.1."

Section 4. This act becomes effective December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 508*
Proposed Committee Substitute H508-PCS2336

Short Title: Upper Catawba/Personal Watercraft. (Local)

Sponsors:

Referred to:

March 12, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR ADDITIONAL REGULATION OF PERSONAL WATERCRAFT ON THE UPPER CATAWBA RIVER.

The General Assembly of North Carolina enacts:

Section 1. Chapter 75A of the General Statutes is amended by adding a new section to read:

"**§ 75A-13.3. Personal watercraft.**

(a) No person shall operate a personal watercraft on the waters of this State at any time between the hours from one hour after sunset to one hour before sunrise. For purposes of this section, 'personal watercraft' means a small vessel which uses an outboard or propeller-driven motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vehicle.

(a1) Except as otherwise provided in this subsection, no person under 16 years of age shall operate a personal watercraft on the waters of this State, nor shall the owner of a personal watercraft knowingly allow a person under the age of 16 to operate a personal watercraft. A person of at least 13 years of age but under 16 years of age may operate a personal watercraft on the waters of this State if:

(1) The person is accompanied by a person of at least 16 years of age who physically occupies the watercraft; or

(2) The person possesses a boating safety certificate or a photographic identification card certifying that the person has completed a

boating safety course approved by the United States Coast Guard Auxiliary.

(a2) No livery shall lease, hire, or rent a personal watercraft to or for operation by a person under 16 years of age, except as provided in subsection (a1) of this section.

(b) No person shall operate a personal watercraft on the waters of this State, nor shall the owner of a personal watercraft knowingly allow another person to operate that personal watercraft on the waters of this State, unless:

(1) Each person riding on or being towed behind such vessel is wearing a personal flotation device approved by the United States Coast Guard; and

(2) In the case of a personal watercraft equipped by the manufacturer with a lanyard-type engine cut-off switch, the lanyard is securely attached to the person, clothing, or flotation device of the operator at all times while the personal watercraft is being operated in such a manner to turn off the engine if the operator dismounts while the watercraft is in operation.

(c) A personal watercraft must at all times be operated in a reasonable and prudent manner. Maneuvers that endanger life, limb, or property, including:

(1) Unreasonably or unnecessarily weaving through congested vessel traffic;

(2) Jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed; and

(3) Intentionally approaching another vessel in order to swerve at the last possible moment to avoid collision

shall constitute reckless operation of a vessel as provided in G.S. 75A-10.

(d) The provisions of this section do not apply to a performer engaged in a professional exhibition, a person or persons engaged in an activity authorized under G.S. 75A-14, or a person attempting to rescue another person who is in danger of losing life or limb.

(e) This section applies only to that portion of the waters of the upper Catawba River found within Alexander, Burke, Caldwell, Catawba, Iredell, Lincoln, McDowell, and Mecklenburg Counties, beginning where the US Highway 221 bridge crosses the Catawba River in McDowell County and extending downstream to the Cowans Ford Dam. The provisions of G.S. 75A-13.2 shall not apply to the region covered by this section."

Section 2. G.S. 75A-13.2 is amended by adding a new subsection to read:

"(e) The provisions of this section shall not apply to that portion of the upper Catawba River covered by G.S. 75A-13.3."

Section 3. G.S. 75A-18 is amended by adding a new subsection to read:

"(e) A person under 16 years of age who operates a personal watercraft in violation of the provisions of G.S. 75A-13.3 is guilty of an infraction as provided in G.S. 14-3.1."

Section 4. This act becomes effective December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 526

Short Title: Wrightsville Bch. Turtle Sanctuary. (Local)

Sponsors: Representatives McComas; Rayfield and Watson.

Referred to: Ways and Means.

March 18, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO CREATE A SEA TURTLE SANCTUARY.

The General Assembly of North Carolina enacts:

Section 1. The Town of Wrightsville Beach may create and establish a sea turtle sanctuary within the areas of the town limits above the mean low watermark, to include the foreshore. Any ordinance adopted by the town to regulate activities within the sea turtle sanctuary which may or will disturb or destroy a sea turtle, a sea turtle nest, or sea turtle eggs must be consistent with the ordinance powers found in G.S. 160A-174, G.S. 160A-308, and any other law. The ordinance adopted by the town may by cross-reference incorporate the criminal statutes regarding the taking of sea turtles at G.S. 113-189 and G.S. 113-337. It shall be unlawful for any person within the sea turtle sanctuary to disturb or destroy a sea turtle, a sea turtle nest, or sea turtle eggs in violation of an ordinance adopted by the Town of Wrightsville Beach.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 569
Committee Substitute Favorable 4/29/97

Short Title: Wendell Vacancy Elections. (Local)

Sponsors:

Referred to:

March 20, 1997

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT IN ELECTIONS TO FILL VACANCIES ON THE WENDELL TOWN BOARD FOR THE REMAINDER OF THE UNEXPIRED TERM, THE NEXT HIGHEST VOTE GETTER RECEIVES A TWO-YEAR TERM, RATHER THAN HAVING A SEPARATE ELECTION ON THE BALLOT.

The General Assembly of North Carolina enacts:

Section 1. Section 4.2 of the Charter of the Town of Wendell, being Chapter 107 of the 1985 Session Laws, reads as rewritten:

"Sec. 4.2. Conduct and Method of Election. Elections for Mayor and Board of Commissioners shall be by the nonpartisan plurality method set out in the General Statutes. All elections and referendums of the Town of Wendell shall be held and conducted as provided by the applicable General Statutes.

If a vacancy occurs on the Board of Commissioners and under G.S. 160A-63 there is an election to fill the remainder of the unexpired term, then the election to fill the remainder of the unexpired term shall be held on the same ballot, the candidates receiving the highest number of votes equal to the number of persons to be elected to four-year terms receive those terms, and the candidate or candidates receiving the next highest numbers of votes equal to the number of persons to be elected to two-year terms receive those terms. There shall be no separate designation on the ballot for the two-year terms, and each voter shall have as many votes as there are persons to be elected."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 656
Committee Substitute Favorable 4/23/97
Third Edition Engrossed 4/28/97

Short Title: Watershed Exemption/Annexation. (Public)

Sponsors:

Referred to:

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE PROVISIONS OF THE WATERSHED PROTECTION ACT AS THEY APPLY TO SCHOOLS, TO MODIFY THE LAWS RELATING TO SATELLITE ANNEXATION WHICH APPLY TO MOORESVILLE, AND TO LIMIT THE SPEED OF BOATS ON LAKE NORMAN.

The General Assembly of North Carolina enacts:

PART I. WATERSHED PROTECTION ACT MODIFICATION.

Section 1. Notwithstanding any other law, the provisions in G.S. 143-214.5 concerning water supply watershed areas shall not apply to a school administrative unit that is expanding its existing facilities to accommodate rapid school enrollment growth.

Section 2. Section 1 of this act applies only to school administrative units in a county which has two school administrative units, one of which is subject to G.S. 160A-20(h)(6).

PART II. SATELLITE ANNEXATION.

Section 3. Section 2 of Chapter 82 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies only to the ~~Towns~~ Town of Apex ~~and Mooresville~~ and only with respect to annexation ordinances adopted on or before December 31, 2000. The authority this act grants to the Town of Apex does not apply to property in Chatham County; therefore, the Town of Apex may not annex property in Chatham

County by satellite annexation if the area to be annexed, when added to the area within the satellite corporate limits of the Town of Apex, exceeds the limit set by general law in G.S. 160A-58.1(b)(5)."

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

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

"**§ 160A-58.4. Extraterritorial powers.**

Satellite corporate limits for areas annexed prior to January 1, 1997, shall be considered a part of the city's corporate limits for the purposes of extraterritorial land-use regulation pursuant to G.S. 160A-360, but not for purposes of abatement of public health nuisances pursuant to G.S. 160A-193. Satellite corporate limits for areas annexed on or after January 1, 1997, shall not be considered a part of the city's corporate limits for the purposes of extraterritorial land-use regulation pursuant to G.S. 160A-360, or abatement of public health nuisances pursuant to G.S. 160A-193. However, a city's power to regulate land use pursuant to Chapter 160A, Article 19, or to abate public health nuisances pursuant to G.S. 160A-193, shall be the same within satellite corporate limits as within its primary corporate limits."

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

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

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

With regard to marking the no-wake speed zone established in this section, each of the boards of commissioners of Catawba, Iredell, Lincoln, and Mecklenburg Counties may place and maintain navigational aids and regulatory markers of a general nature on the waters of Lake Norman within the boundaries of each respective county. Provided the counties exercise their supervisory responsibility, they may delegate the actual process of placement or maintenance of the markers to some other agency, corporation, group, or individual. With regard to marking the restricted zones, markers may be placed and maintained by the individuals using the protected areas and facilities in accordance with the Uniform Waterway Marking System and any supplementary standards for that system adopted by the Wildlife Resources Commission.

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

PART IV. EFFECTIVE DATE.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 681
Committee Substitute Favorable 4/23/97

Short Title: Roxboro Charter. (Local)

Sponsors:

Referred to:

March 31, 1997

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF ROXBORO.

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

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

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

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

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

"ARTICLE II. GOVERNING BODY.

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

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

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

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

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

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

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

"ARTICLE III. ELECTIONS.

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

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

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

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

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

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

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

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

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

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

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

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

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

"ARTICLE V. STREETS.

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

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

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

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

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

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

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

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

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

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

"ARTICLE VI. SIDEWALKS.

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

"ARTICLE VII. WATER AND SEWER.

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

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

"ARTICLE VIII. TAXATION.

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

"ARTICLE IX. CITY LAKE REGULATION.

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

"ARTICLE X. CLAIMS AGAINST THE CITY.

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

"ARTICLE XI. PROPERTY DISPOSITION.

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

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

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

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

Chapter 253, Private Laws of 1854-55
Chapter 268, Private Laws of 1854-55
Chapter 109, Private Laws of 1879
Chapter 92, Private Laws of 1881
Chapter 168, Private Laws of 1887
Chapter 71, Private Laws of 1899
Chapter 134, Private Laws of 1901
Chapter 303, Private Laws of 1903
Chapter 762, Public Laws of 1905
Chapter 142, Private Laws of 1907
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Chapter 137, Private Laws of 1915
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Chapter 175, Private Laws of 1925
Chapter 84, Private Laws of 1927
Chapter 211, Public-Local Laws of 1941
Chapter 288, Session Laws of 1943, except for Section 3
Chapter 12, Session Laws of 1953
Chapter 502, Session Laws of 1955
Chapter 510, Session Laws of 1955
Chapter 42, Session Laws of 1957
Chapter 425, Session Laws of 1961
Chapter 619, Session Laws of 1963
Chapter 643, Session Laws of 1965, except for Section 5
Chapter 978, Session Laws of 1965.

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

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

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

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

Section 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 681
Committee Substitute Favorable 4/23/97
Proposed Senate Committee Substitute H681-PCS7317

Short Title: Roxboro Charter. (Local)

Sponsors:

Referred to:

March 31, 1997

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF ROXBORO.

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

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

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

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

appropriate changes to the official map shall be made, and copies shall be filed in the office of the Secretary of State, the Person County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

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

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

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

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

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

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

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

"ARTICLE III. ELECTIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"ARTICLE X. CLAIMS AGAINST THE CITY.

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

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

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

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

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

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Chapter 268, Private Laws of 1854-55
Chapter 109, Private Laws of 1879
Chapter 92, Private Laws of 1881
Chapter 168, Private Laws of 1887
Chapter 71, Private Laws of 1899
Chapter 134, Private Laws of 1901
Chapter 303, Private Laws of 1903
Chapter 762, Public Laws of 1905
Chapter 142, Private Laws of 1907
Chapter 909, Public Laws of 1907
Chapter 244, Private Laws of 1913
Chapter 137, Private Laws of 1915
Chapter 125, Private Laws, Extra Session of 1921
Chapter 175, Private Laws of 1925
Chapter 84, Private Laws of 1927
Chapter 211, Public-Local Laws of 1941
Chapter 288, Session Laws of 1943, except for Section 3
Chapter 12, Session Laws of 1953
Chapter 502, Session Laws of 1955
Chapter 510, Session Laws of 1955
Chapter 42, Session Laws of 1957
Chapter 425, Session Laws of 1961
Chapter 619, Session Laws of 1963
Chapter 643, Session Laws of 1965, except for Section 5
Chapter 978, Session Laws of 1965.

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

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

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

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

Section 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 806
Committee Substitute Favorable 4/17/97

Short Title: Conover Housing Code. (Local)

Sponsors:

Referred to:

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-445(b) reads as rewritten:

"(b) (1) Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Part shall be served upon persons either personally or by registered or certified mail. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this Part. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

~~(2) This subsection applies only to municipalities that have a population in excess of 300,000 by the last federal census.~~"

Section 2. This act applies only to the City of Conover.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 833
Second Edition Engrossed 5/1/97

Short Title: Wilmington Charter. (Local)

Sponsors: Representative Wright.

Referred to: Ways and Means.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO AUTHORIZE THE CITY TO SERVE COMPLAINTS OR ORDERS IN HOUSING CODE CASES BY REGULAR MAIL IN ADDITION TO CERTIFIED OR REGISTERED MAIL.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended, is amended by adding the following new section to Article XXIII:

"Sec. 23.14. **Service of Complaints and Orders.** Complaints or orders issued by a public officer pursuant to Parts 5 and 6 of Article 19 of Chapter 160A of the General Statutes shall be served upon persons either personally or by registered or certified mail and, in addition thereto, by regular mail. When service is made by registered or certified mail and, in addition thereto, regular mail and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after mailing, service shall be deemed sufficient under Parts 5 and 6 of Article 19 of the General Statutes."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 834

Short Title: Wilmington Wheel Locks. (Local)

Sponsors: Representative Wright.

Referred to: Ways and Means.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 291 of the 1993 Session Laws, as amended by Chapter 381 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. This act applies to the Cities of ~~Durham, Raleigh, Winston-Salem, and Greensboro~~ Durham, Greensboro, Raleigh, Wilmington, and Winston-Salem only."

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

HOUSE BILL 877

Short Title: Kure Beach Erosion Control. (Local)

Sponsors: Representative McComas.

Referred to: Local and Regional Government I.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO ADD, FOR THE TOWN OF KURE BEACH ONLY, EROSION CONTROL MEASURES TO THE LIST OF PUBLIC ENTERPRISES THAT CITIES HAVE FULL AUTHORITY TO PROTECT AND REGULATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-311 reads as rewritten:

"**§ 160A-311. Public enterprise defined.**

As used in this Article, the term 'public enterprise' includes:

(1) Electric power generation, transmission, and distribution systems;

(2) Water supply and distribution systems;

(3) Wastewater collection, treatment, and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems;

(4) Gas production, storage, transmission, and distribution systems, where systems shall also include the purchase and/or lease of natural gas fields and natural gas reserves, the purchase of natural gas supplies, and the surveying, drilling and any other activities related to the exploration for natural gas, whether within the State or without;

(5) Public transportation systems;

(6) Solid waste collection and disposal systems and facilities;

(7) Cable television systems;

(8) Off-street parking facilities and systems;

(9) Airports;

(10) Structural and natural stormwater and drainage systems of all ~~types.~~ types;

(11) Erosion control works."

Section 2. This act shall not be construed to modify G.S. 113A-56.

Section 3. This act is effective when it becomes law and applies only to the Town of Kure Beach.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 988

Short Title: Restore Person Indian Recognition. (Public)

Sponsors: Representatives Wilkins; Black, Crawford, and Sutton.

Referred to: State Government.

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO RESTORE OFFICIAL RECOGNITION TO THE INDIANS OF PERSON COUNTY AND TO PROVIDE THEM WITH REPRESENTATION ON THE COMMISSION OF INDIAN AFFAIRS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 71A of the General Statutes is amended by adding a new section to read:

"§ 71A-7. Indians of Person County; rights, privileges, immunities, obligations, and duties.

The Indians who are descendants of those Indians living in Person County for whom the High Plains Indian School was established, shall, from and after July 2[illegible], 1971, be designated and officially recognized as the Indians of Person County, North Carolina, and shall continue to enjoy all their rights, privileges, and immunities as citizens of the State as now or hereafter provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law."

Section 2. G.S. 143B-407 reads as rewritten:

"**§ 143B-407. North Carolina State Commission of Indian Affairs -- membership; term of office; chairman; compensation.**

(a) The State Commission of Indian Affairs shall consist of two persons appointed by the General Assembly, the Secretary of Human Resources, the Director of the State Employment Security Commission, the Secretary of Administration, the Secretary of Environment, Health, and Natural Resources, the Commissioner of Labor or their designees and ~~18~~ 19 representatives of the Indian community. These Indian members shall be selected by tribal or community consent from the Indian

groups that are recognized by the State of North Carolina and are principally geographically located as follows: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of Halifax, Warren, and adjoining counties; the Lumbees of Robeson, Hoke and Scotland Counties; the Meherrin of Hertford County; the Waccamaw-Siouan from Columbus and Bladen Counties; the Indians of Person County; and the Native Americans located in Cumberland, Guilford and Mecklenburg Counties. The Coharie shall have two members; the Eastern Band of Cherokees, two; the Haliwa, two; the Lumbees, three; the Meherrin, one; the Waccamaw-Siouan, two; the Indians of Person County, one; the Cumberland County Association for Indian People, two; the Guilford Native Americans, two; the Metrolina Native Americans, two. Of the two appointments made by the General Assembly, one shall be made upon the recommendation of the Speaker, and one shall be made upon recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121 and vacancies shall be filled in accordance with G.S. 120-122.

(b) Members serving by virtue of their office within State government shall serve so long as they hold that office. Members representing Indian tribes and groups shall be elected by the tribe or group concerned and shall serve for three-year terms except that at the first election of Commission members by tribes and groups one member from each tribe or group shall be elected to a one-year term, one member from each tribe or group to a two-year term, and one member from the Lumbees to a three-year term. The initial appointment from the Indians of Person County shall expire on June 30, 1999. Thereafter, all Commission members will be elected to three-year terms. All members shall hold their offices until their successors are appointed and qualified. Vacancies occurring on the Commission shall be filled by the tribal council or governing body concerned. Any member appointed to fill a vacancy shall be appointed for the remainder of the term of the member causing the vacancy. The Governor shall appoint a chairman of the Commission from among the Indian members of the Commission, subject to ratification by the full Commission. The initial appointments by the General Assembly shall expire on June 30, 1983. Thereafter, successors shall serve for terms of two years.

(c) Commission members who are seated by virtue of their office within the State government shall be compensated at the rate specified in G.S. 138-6. Commission members who are members of the General Assembly shall be compensated at the rate specified in G.S. 120-3.1. Indian members of the commission shall be compensated at the rate specified in G.S. 138-5."

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

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May 21, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 17 Guilford Conflict Repeal.

House Bill 17, introduced by Representative Bowie, repeals the local modifications for Guilford County to the laws requiring disclosure of business interests of board members.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 21, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 71 Halifax-Roanoke Rapids Airport.

House Bill 71, introduced by Representative Crawford, would allow the creation of the Halifax-Roanoke Rapids Airport Authority.

Membership on the authority would consist of three members appointed by the Halifax County Commissioners, three persons appointed by Roanoke Rapids City Council, and one person to be appointed by the other 6 members of the authority. Members shall serve 3 year terms and the terms will be staggered. Membership on the airport authority and the Halifax County Commissioners or Roanoke Rapids City Council shall not constitute dual office holding.

The Airport Authority shall have the authority to purchase, lease, construct and regulate airports and landing fields, to sue and be sued, to charge and collect reasonable fees for the use of airport property, to issue bonds, and other powers consistent with the operation of an airport.

The powers of the airport authority do not become effective until the members of the authority have been appointed. The act does not require their appointment.

The act is effective when it becomes law.

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May 16, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 51 - Buncombe Municipal Development

House Bill 51 repeals several portions of the Session Laws from 1985, 1987 and 1989 relating to downtown development projects in Buncombe County.

Chapter 721 of the 1985 Session Laws – allows the City of Asheville to participate in downtown development projects.

Chapter 569 of the 1989 Session Laws – modifies the definition of a downtown area for the City of Asheville created by Chapter 721 of the 1985 Session Laws.

Section 2 of Chapter 619 of the 1987 Session Laws – this chapter created G.S. 160A-458.3 which governs downtown development projects for municipalities in the state. Section 2 of this Chapter exempts municipalities in Buncombe County from this statute.

The effect of the repeal of these Sections and Chapters is to make Asheville and the municipalities in Buncombe County subject to the same laws regarding downtown development projects by which other municipalities are bound. Any contract or project entered into or undertaken under the Chapters being repealed shall remain valid and are not affected in any way.

This bill is effective when it becomes law.

H51-SMSA-001

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April 22, 1997

To: Senate Committee on State Government, Local Government, and Personnel

From: Giles S. Perry, Committee Counsel

Re: House Bill 112 Camden Safety Zone
Introduced by Representative Ownes

House Bill 112 would make it unlawful, in Camden County, to:

--Hunt or otherwise discharge a firearm from the right-or-way of a public road within one-half mile of a public or private school; or

--Discharge a firearm toward a public or private school, or cause a projectile to enter the grounds of a public or private school.

Violation of House Bill 112 would constitute a Class 3 misdemeanor (1-10 days community penalty and/or a fine of up to $200, if no prior convictions).

House Bill 112 would not apply to a person transporting a firearm in or on a vehicle on a State road, or a person actively retrieving dogs on a State road.

House Bill 112 would be enforceable by officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by any other officers with general subject mater jurisdiction.

House Bill 112 would become effective October 1, 1997.

NOTE: Under current general law (G.S. 153A-129), counties may regulate the discharge of firearms by ordinance, but may not regulate hunting by ordinance.

SMRW-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 16, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 288 - Greensboro Housing Code

House Bill 288 would allow a complaint in housing code cases in the City of Greensboro to be served by publication if the person could not be served by personal delivery or registered or certified mail. Any notices and orders subsequent to the complaint could be served by personal delivery or U.S. Mail.

This bill applies only to the City of Greensboro and is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

May 16, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Giles S. Perry, Committee Counsel

RE: House Bill 298 Columbus County Airport Authority Membership
(PROPOSED COMMITTEE SUBSTITUTE)
Introduced by Representative Hill

House Bill 298 (PCS) would increase the membership of the Columbus County Airport Authority from five to seven members.

House Bill 298 would become effective when it becomes law.

H298-SMRW-001

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May 16, 1997

To: Senate Committee on State Government, Local Government, and Personnel

From: Giles S. Perry, Committee Counsel

Re: House Bill 410 Emergency Management Compact/AB
Introduced by Representatives Thompson; Justus, Kiser, and Sexton

House Bill 410 would enact the Emergency Management Assistance Compact, and enter North Carolina into the Compact.

The Emergency Management Assistance Compact would provides a framework for planning among and assistance between states to manage emergencies.

The Compact would require the Emergency Management Director of North Carolina, on behalf of the Governor, to formulate plans and procedures to carry out the Compact.

House Bill 410 would become effective when it becomes law.

H410-SMRW-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 19, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Tim Hovis, Committee Counsel

RE: House Bill 432—N.C.N.G. Mobilization Lessons (Baddour, Justus, Sexton)

Section 1 of House Bill 432 adds a new section to Chapter 127A to provide that an individual who performs, has performed, applies to perform, or has an obligation to perform service in the National Guard may not be denied employment, reemployment, retention in employment, promotion, or any other benefit on the basis of that service or application for service in the National Guard. Discrimination is considered to have taken place if the service or application for service is a motivating factor in the employer's actions, unless the employer can prove by the greater weight of the evidence that the same unfavorable action would have occurred in the absence of service or application for service in the Guard. Section 7 makes conforming changes to the Retaliatory Discrimination Act to provide for enforcement of this section under the Act.

Sections 2 and 3 of the bill increase the minimum pay for Guard members when the Guard is called into service by the Governor from 12 to 18 times the minimum hourly wage per day.

Section 4 of the bill guarantees Guard members the right to take leave without pay from their civilian employment when called into service by the Governor. A member may not be forced to use or exhaust vacation or other accrued leaves for the period of active duty.

Section 5 of the bill places a stay on all proceedings in any court in the State when the plaintiff or the defendant is a Guard member. The proceeding **may** be stayed by the court on its own motion. The proceeding **must** be stayed on application of the Guard member, unless the court determines that the ability of the member to proceed with the action is not materially affected by the military service. A stay may be obtained under this section during the period of active service and up to 60 days following active service.

Section 6 includes in a member's pay payment for leave earned as a result of more than 30 days of continuous service.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 20, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 508 - Upper Catawba/Personal Watercraft

This bill creates a new G.S. 75A-13.3 which applies only to the portions of the upper Catawba River located in certain counties.

Section 1

Subsection (a) defines personal watercraft and restricts their usage to the period beginning at one hour before sunrise and ending at one hour after sunset.

Subsection (a1) requires the operator of a personal watercraft to be at least 16 years of age. However, a person 13 years of age or more may operate a personal watercraft if they are accompanied by a person 16 or older or they possess a boating safety certificate or an ID card certifying completion of a boating safety course.

Subsection (a2) prohibits the lease, hire or rental of a personal watercraft to or for operation by anyone under 16 years of age, except under the exception in (a1).

Subsection (b) requires that anyone riding or operating a personal watercraft wear an approved personal floatation device and, if the watercraft is equipped with a lanyard type cut-off, the lanyard must be attached to the person, clothing or floatation device.

Subsection (c) defines maneuvers that endanger life, limb or property and provides that such maneuvers constitute reckless operation under G.S. 75A-10.

Subsection (d) excludes a performer in a professional exhibition, a regatta or race or other act authorized under G.S. 75A-14, or a person attempting to rescue another from the provisions of this act.

Subsection (e) exempts the are of the upper Catawba River located in these counties from the provisions of G.S. 75A-13.2.

Section 2 amends G.S. 75A-13.2 to provide that this statute shall not apply to the area covered by G.S. 75A-13.3.

Section 3 amends G.S. 75A-18 to provide that a person under 16 years of age that operates a personal watercraft in violation of G.S. 75A-13.3 is guilty of an infraction.

Section 4 makes this act effective December 1, 1997.

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May 16, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 681 - Roxboro Charter

House Bill 681 revises and consolidates the Charter of the City of Roxboro. The provisions of the Charter are standard.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 16, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 806 - Conover Housing Code

House Bill 806 allows the City of Conover to serve complaints and orders for housing code violations by publication upon owners whose identities or whereabouts are known, but who refuse to accept service by registered or certified mail.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 14, 1997

TO: **Senate Committee on State Government, Local Government, and Personnel**

FROM: Terrence D. Sullivan, Committee Counsel

RE: **House Bill 834, TO ALLOW THE CITY 0FWILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED CARS,** introduced by Representative Wright.

The bill's title indicates its effect. The bill would be effective when it becomes law.

The Operative Language of Chapter 291 of the 1993 Session Laws, as amended by Chapter 381 of the 1995 Session Laws, reads:

"Section 1. The council of a city may provide, by ordinance, for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets for a period of ninety days. The ordinance shall provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars ($50.00), and charges for towing and storage. The city shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle.
"Sec. 2. This act applies to the Cities of Winston-Salem, Durham, Raleigh, Winston-Salem, and Greensboro only."

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

North Carolina General Assembly
Legislative Services Office

George R. Hall, Legislative Services Officer
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May 16, 1997

To: Senate Committee on State Government, Local Government, and Personnel

From: Giles S. Perry, Committee Counsel

Re: House Bill 877 Kure Beach Erosion Control
Introduced by Representative McComas

Article 16 of Chapter 160A authorizes cities to operate 10 types of "public enterprises." House Bill 877 would add "erosion control works" to the list of public enterprises that could be operated by the Town of Kure Beach.

Section 2 of the bill provides that it is *not* to be construed to modify the jurisdiction of the North Carolina Sedimentation Control Commission of the North Carolina Department of Environment, Health, and Natural Resources.

House Bill 877 would become effective when it becomes law.

H877-SMRW-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 16, 1997

To: Senate Committee on State Government, Local Government, and Personnel

From: Giles S. Perry, Committee Counsel

Re: House Bill 988 Restore Person Indian Recognition
Introduced by Representatives Wilkins; Black, Crawford, and Sutton

House Bill 988 would amend the General Statutes to add official recognition to the "Indians of Person County." The Bill would also add a representative of the Indians of Person County to the North Carolina State Commission of Indian Affairs.

House Bill 988 would become effective when it becomes law.

H988-SMRW-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

State - Local Gov't — 5/11/77

Name of Committee — Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Alice Garland	Electricities
Katherine Davis	Electricities
Andy Lennert	N.C.L.M.
[illegible]	[illegible]
Edna Taylor	[illegible]
Leighton Clifton	Person County Indians
Linda Martin	Person County Indians
Dorothy Stewart Crave	Person County Indians
Carl T. Martin	Person County Indians
Christine U. Martin	Person County - Indians
Moses R. Shepherd	Person County - Indians
Drew Cook	[illegible]
Buddy Jackson	NC Emergency Mgmt.
COL E. DOUG PHELPS	NC NATIONAL GUARD
Jon Carr	Jordan Price Wall Gray & Jones
[illegible]	CCPS
[illegible]	CCPS
Linda Woodlief	TAC
Kathryn Dilling	TAC
Katherine Schindler	TAC — R. J. Reynolds Tobacco Co
Ed Scott	TAC

State - Local Govt VISITOR REGISTRATION SHEET 5/11/97

~~Industrial Section Committee~~ ~~5-21-97~~

Name of Committee Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Rollie B. McDuffie	R.J. Reynolds Tob. - W-Salem
Shirley N. Staley	R.J. Reynolds Tob. W. Salem
E. Roy Weaver	R.J. Reynolds Tobacco W. Salem
Byron Nelson	RJR
Jeannette Smith	RJR W. Salem
Rosine Smith	RJR
[illegible] E. Richardson	RJR W Salem
[illegible] W. Pendergraft	RJR W-S
Ted Ayden	RJR W. Salem
Carolyn Crutchfield	RJR W-Salem
Kay F. Pearson	RJR W.S RJR Tob. Co.
Michael Carter	RJR W. Salem
Ronald W Dalton	RJR W. Salem
Cheryl Terry	NC DOT Hwy Prod. Mgt. Unit

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, MAY 28, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, May 28, 1997 at 11:00 a.m. in room 414 of the Legislative Office Building. Nine members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

HB 233, No Firearms Discharged Near School, was explained by Rep. Fox. Senator Dalton moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 277, Limit Relatives on Election Boards, was explained by Rep. Buchanan. Senator Ballance moved to amend the bill and that the bill be redone as a committee substitute. The motion carried unanimously. Senator Ledbetter moved to give the committee substitute a favorable report. **Unfavorable as to committee substitute bill # A, but favorable as to Senate committee substitute.**

HB 406, Curfew for Persons Under 18, was explained by Rep. Baddour. Senator Ledbetter moved a favorable report of the bill. The motion carried on a 7-2 vote. **Favorable report.**

HB 410, Emergency Management Compact/AB, was explained by Rep. Thompson. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 432, N.C.N.G. Mobilization Lessons/AB, was explained by Rep. Baddour. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. HB 432 was sequentially referred to Appropriations. **Favorable report.**

HB 548, Elkin Private Sale, was explained by Rep. Hiatt. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 718, Taking of Foxes and Raccoons, was explained by Rep. Hardy. Senator Webster moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 833, Wilmington Charter, was explained by Rep. Wright. Senator Dalton moved to adopt a proposed committee substitute. The motion carried unanimously. Senator Jordan moved to give the proposed committee substitute a favorable report. The

motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate committee substitute.**

HB 1050, Donation of Unclaimed Bicycles, was explained by Senator Miller. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

Senator Brad Miller, Chair

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Wednesday, May 28, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. 233 No Firearms Discharged Near Schools.
Sequential Referral: None
Recommended Referral: None

H.B. 406 Curfew for Persons Under 18.
Sequential Referral: None
Recommended Referral: None

H.B. 410 Emergency Management Compact/AB.
Sequential Referral: None
Recommended Referral: None

H.B. 432 N.C.N.G. Mobilization Lessons/AB.
Sequential Referral: Appropriations
Recommended Referral: None

H.B. 548 Elkin Private Sale.
Sequential Referral: None
Recommended Referral: None

H.B. 718 Taking of Foxes and Raccoons.
Sequential Referral: None
Recommended Referral: None

H.B. 1050 Donation of Unclaimed Bicycles.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 7

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Thursday, May 29, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. **833** Wilmington Charter.

Draft Number:	PCS1388
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1)277 Limit Relatives on Election Bds.

Draft Number:	PCS8246
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, MAY 28, 1997

ROOM 414

HB 233	No Firearms Discharged Near School	Rep. Fox
HB 277	Limit Relatives on Election Boards	Rep. Buchanan
HB 406	Curfew for Persons Under 18	Rep. Baddour
HB 432	Nat. Guard Mobilization Lessons	Rep. Baddour
HB 548	Elkin Private Sale	Rep. Hiatt
HB 670	Lee/Harnett Unclaimed Bicycles	Rep. Hall
HB 718	Taking of Foxes and Raccoons	Rep. Hardy
HB 833	Wilmington Charter	Rep. Wright
HB 834	Wilmington Wheel Locks	Rep. Wright
HB 879	Durham Board of Adjustment Votes	Rep. Miller
HB 881	Durham Board of Adjustment	Rep. Miller
HB 1050	Donation of Unclaimed Bicycles	Rep. Decker

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 233
Committee Substitute Favorable 4/23/97

Short Title: No Firearms Discharged Near Schools. (Local)

Sponsors:

Referred to:

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM NEAR AN ELEMENTARY OR SECONDARY SCHOOL IN VANCE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is a Class 1 misdemeanor to discharge a firearm in the direction of a school within 1,000 feet of an elementary or secondary school except when used in the defense of person or property or when used pursuant to the lawful direction of law enforcement officers.

Section 2. This act applies only to Vance County.

Section 3. This act becomes effective December 1, 1997, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 277
Committee Substitute Favorable 3/27/97

Short Title: Limit Relatives on Election Bds. (Public)

Sponsors:

Referred to:

February 19, 1997

A BILL TO BE ENTITLED

AN ACT PROHIBITING CERTAIN RELATIVES OF A CANDIDATE FOR NOMINATION OR ELECTION FROM SERVING ON THE COUNTY BOARD OF ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-30 reads as rewritten:

"**§ 163-30. County boards of elections; appointments; terms of office; qualifications; vacancies; oath of office; instructional meetings.**

In every county of the State there shall be a county board of elections, to consist of three persons of good moral character who are registered voters in the county in which they are to act. Members of county boards of elections shall be appointed by the State Board of Elections on the last Tuesday in June 1985, and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. Not more than two members of the county board of elections shall belong to the same political party.

No person shall be eligible to serve as a member of a county board of elections who holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.

No person who holds any office in a state, congressional district, county or precinct political party or organization, or who is a campaign manager or treasurer of any candidate or political party in a primary or election, shall be eligible to serve as a member of a county board of elections, provided however that the position of

delegate to a political party convention shall not be considered an office for the purpose of this section.

No person shall be eligible to serve as a member of a county board of elections who is a candidate for nomination or election.

No person shall be eligible to serve as a member of a county board of elections who is the wife, husband, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, sister, sister-in-law, ~~or brother~~ brother, brother-in-law, aunt, uncle, niece, or nephew of any candidate for nomination or election. Upon any member of the board of elections becoming ineligible, that member's seat shall become vacant.

The State chairman of each political party shall have the right to recommend to the State Board of Elections three registered voters in each county for appointment to the board of elections for that county. If such recommendations are received by the Board 15 or more days before the last Tuesday in June 1985, and each two years thereafter, it shall be the duty of the State Board of Elections to appoint the county boards from the names thus recommended.

Whenever a vacancy occurs in the membership of a county board of elections for any cause the State chairman of the political party of the vacating member shall have the right to recommend two registered voters of the affected county for such office, and it shall be the duty of the State Board of Elections to fill the vacancy from the names thus recommended.

At the meeting of the county board of elections required by G.S. 163-31 to be held on Tuesday following the third Monday in July in the year of their appointment the members shall take the following oath of office:

> 'I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of member of the ..... County Board of Elections to the best of my knowledge and ability, according to law; so help me God.'

Each member of the county board of elections shall attend each instructional meeting held pursuant to G.S. 163-46, unless excused for good cause by the chairman of the board, and shall be paid the sum of twenty-five dollars ($25.00) per day for attending each of those meetings."

Section 2. This act is effective when it becomes law and applies to appointments to county boards of elections for terms commencing on or after June 24, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 277
Committee Substitute Favorable 3/27/97
Third Edition Engrossed 4/7/97
Proposed Senate Committee Substitute H277-PCS8246

Short Title: Limit Relatives on Election Bds. (Public)

Sponsors:

Referred to:

February 19, 1997

A BILL TO BE ENTITLED

AN ACT PROHIBITING CERTAIN RELATIVES OF A CANDIDATE FOR NOMINATION OR ELECTION FROM SERVING ON THE COUNTY BOARD OF ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-30 reads as rewritten:

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No person shall be eligible to serve as a member of a county board of elections who holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.

No person who holds any office in a state, congressional district, county or precinct political party or organization, or who is a campaign manager or treasurer of any

candidate or political party in a primary or election, shall be eligible to serve as a member of a county board of elections, provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this section.

No person shall be eligible to serve as a member of a county board of elections who is a candidate for nomination or election.

No person shall be eligible to serve as a member of a county board of elections who is the wife, husband, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, sister, sister-in-law, ~~or brother~~ brother, brother-in-law, aunt, uncle, niece, or nephew of any candidate for nomination or election. Upon any member of the board of elections becoming ineligible, that member's seat shall be declared vacant. This paragraph only applies if the county board of elections is conducting the election for which the relative is a candidate.

The State chairman of each political party shall have the right to recommend to the State Board of Elections three registered voters in each county for appointment to the board of elections for that county. If such recommendations are received by the Board 15 or more days before the last Tuesday in June 1985, and each two years thereafter, it shall be the duty of the State Board of Elections to appoint the county boards from the names thus recommended.

Whenever a vacancy occurs in the membership of a county board of elections for any cause the State chairman of the political party of the vacating member shall have the right to recommend two registered voters of the affected county for such office, and it shall be the duty of the State Board of Elections to fill the vacancy from the names thus recommended.

At the meeting of the county board of elections required by G.S. 163-31 to be held on Tuesday following the third Monday in July in the year of their appointment the members shall take the following oath of office:

> 'I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of member of the ..... County Board of Elections to the best of my knowledge and ability, according to law; so help me God.'

Each member of the county board of elections shall attend each instructional meeting held pursuant to G.S. 163-46, unless excused for good cause by the chairman of the board, and shall be paid the sum of twenty-five dollars ($25.00) per day for attending each of those meetings."

Section 2. This act is effective when it becomes law and applies to appointments to county boards of elections for terms commencing on or after June 24, 1997.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. 277 DATE 5/28/97

S. B. No. 3d Ed. Amendment No. _____

(to be filled in by Principal Clerk)

Rep.) Ballance

~~Sen.~~)

moves to amend the bill on page 2, line 11

by deleting the word "become" and substituting the phrase "~~AS~~ be declared".

SIGNED Frank Ballance

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 406
Committee Substitute Favorable 3/19/97

Short Title: Curfew for Persons Under 18. (Public)

Sponsors:

Referred to:

March 5, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW CITIES AND COUNTIES TO ADOPT ORDINANCES THAT IMPOSE A CURFEW ON PERSONS UNDER THE AGE OF EIGHTEEN.

The General Assembly of North Carolina enacts:

Section 1. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-198. Curfews.**

A city may by ordinance impose a curfew on persons of any age less than 18."

Section 2. Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-142. Curfews.**

A county may by ordinance impose a curfew on persons of any age less than 18."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 432
Committee Substitute Favorable 4/16/97

Short Title: N.C.N.G. Mobilization Lessons/AB. (Public)

Sponsors:

Referred to:

March 10, 1997

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE LESSONS LEARNED FROM HURRICANE FRAN WITH RESPECT TO THE MOBILIZATION OF THE NORTH CAROLINA NATIONAL GUARD.

The General Assembly of North Carolina enacts:

Section 1. Chapter 127A of the General Statutes is amended by adding a new section to read:

"§ 127A-202.1. Discrimination against persons who serve in the North Carolina National Guard and acts of reprisal prohibited.

(a) It is the policy of this State that all individuals shall be afforded the right to perform, apply to perform, or have an obligation to perform service in the North Carolina National Guard without fear of discrimination or retaliatory action from their employer or prospective employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

(b) An individual who is a member of the North Carolina National Guard who performs, has performed, applies to perform, or has an obligation to perform service in the North Carolina National Guard shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

(c) A person shall be considered to have denied a member of the North Carolina National Guard initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the member's

membership, application for membership, performance of service, application for service, or obligation for service in the North Carolina National Guard is a motivating factor in that person's action, unless the person can prove by the greater weight of the evidence that the same unfavorable action would have taken place in the absence of the member's membership, application for membership, performance of service, application for service, or obligation.

(d) Nothing in this section shall be construed to require a person to pay salary or wages to a member of the North Carolina National Guard during the member's period of active service.

(e) The Commissioner of Labor shall enforce the provisions of this section according to Article 21 of Chapter 95 of the General Statutes, including the rules and regulations issued pursuant to that Article."

Section 2. G.S. 127A-105 reads as rewritten:

"**§ 127A-105. Rations and pay on State service.**

The militia of the State, both officers and enlisted personnel, when called into the service of the State by the Governor shall receive the same pay as when called or ordered into the service of the United States, and shall be rationed or paid the equivalent thereof, provided that no officer or enlisted personnel shall receive less than ~~12~~ 18 times the minimum hourly wage per day as provided for in ~~G.S. 95-87.~~ G.S. 95-25.3(a)."

Section 3. G.S. 127A-107 reads as rewritten:

"**§ 127A-107. Rate of pay for other service.**

The Governor may, whenever the public service requires it, order upon special or regular duty any officer or enlisted member of the national guard or naval militia, and the expenses and compensation therefor of such officer and enlisted member shall be paid out of the appropriations made to the Department of Crime Control and Public Safety. Such officers and enlisted members shall receive the same rate of pay as officers and enlisted members of the same grade and like service of the regular service, provided that no such officer or enlisted member shall receive less than ~~12~~ 18 times the minimum hourly wage per day as provided for in ~~G.S. 95-87.~~ G.S. 95-25.3(a). Officers and enlisted members when on duty in connection with examining boards, efficiency boards, advisory boards, courts of inquiry or similar duty shall be allowed per diem and subsistence prescribed for lawful State boards and commissions generally for such duty. Officers and enlisted members serving on general or special courts-martial shall receive the base pay of their rank. No staff officer or enlisted member who receives a salary from the State as such shall be entitled to any additional compensation other than actual and necessary expenses incurred while traveling upon orders issued by the proper authority."

Section 4. Chapter 127A of the General Statutes is amended by adding a new section to read:

"§ 127A-111. Civilian leave option.

(a) A member of the North Carolina National Guard called into service of the State by the Governor shall have the right to take leave without pay from his or her civilian employment. No member of the North Carolina National Guard shall be

forced to use or exhaust his or her vacation or other accrued leaves from his or her civilian employment for a period of active service. The choice of leave shall be solely within the discretion of the member.

(b) The Commissioner of Labor shall enforce the provisions of this section pursuant to Chapter 95 of the General Statutes."

Section 5. Chapter 127A of the General Statutes is amended by adding a new section to read:

"**§ 127A-41.1. Stay of legal and court proceedings because of State military service.**

At any stage of any legal proceeding in any court in which a person called into service of the State by the Governor is involved, either as plaintiff or defendant, during the period of service or within 60 days after the conclusion of the period of active service, all actions and proceedings:

(1) May be stayed by the court on its own motion; or

(2) Shall be stayed on application by the member or by a person acting on behalf of the member, unless, in the opinion of the court, the ability of the plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of the military service."

Section 6. G.S. 127A-106 reads as rewritten:

"**§ 127A-106. Paid by the State.**

When the militia or any portion thereof shall be ordered by the Governor into State service, the ~~pay,~~ pay (including payment for any leave earned as a result of more than 30 days of continuous service), subsistence, transportation and other necessary expenses incident thereto shall be paid by the State Treasurer, upon the approval of the Governor."

Section 7. G.S. 95-241(a) reads as rewritten:

"(a) No person shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to do any of the following:

(1) File a claim or complaint, initiate any inquiry, investigation, inspection, proceeding or other action, or testify or provide information to any person with respect to any of the following:

a. Chapter 97 of the General Statutes.

b. Article 2A or Article 16 of this Chapter.

c. Article 2A of Chapter 74 of the General Statutes.

d. G.S. 95-28.1.

e. Article 16 of Chapter 127A.

(2) Cause any of the activities listed in subdivision (1) of this subsection to be initiated on an employee's behalf.

(3) Exercise any right on behalf of the employee or any other employee afforded by Article 2A or Article 16 of this Chapter or by Article 2A of Chapter 74 of the General Statutes."

Section 8. Sections 1 through 7 of this act become effective December 1, 1997. Section 8 of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 548*

Short Title: Elkin Private Sale. (Local)

Sponsors: Representatives Hiatt; G. Wilson and Baker.

Referred to: Local and Regional Government II.

March 19, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Town of Elkin may convey to the Elkin-Jonesville Chamber of Commerce (also known as the Elkin-Jonesville-Arlington Chamber of Commerce) by private sale, with or without monetary consideration, any or all of its right, title, and interest in the following described property:

Located at 116 East Market Street, Elkin, North Carolina.

Beginning at an iron stake on the corner of Market Street and Court Place and running South with Court Place 90 feet to an alley, thence with said alley West, 50 feet to E.F. McNeers corner, thence with E.F. McNeers line 90 feet North to Market Street, thence with Market Street 50 feet to the beginning, continuing 4,500 square feet more or less.

For a more specific description of this property see Elkin Land Co. map recorded in Book 29 page 600 Surry County Registry.

Said map is now recorded in Plat Book 1 at 204 of the Surry County Registry.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 670

Short Title: Lee/Harnett Unclaimed Bicycles. (Local)

Sponsors: Representatives Hall and Davis.

Referred to: Ways and Means.

March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE COUNTIES OF HARNETT AND LEE AND THE MUNICIPALITIES LOCATED IN THOSE COUNTIES TO DONATE UNCLAIMED BICYCLES TO CHARITY.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 618 of the 1995 Session Laws reads as rewritten:

"Sec. 3. Section 2 of this act applies to the ~~County of Alamance~~ Counties of Alamance, Harnett, and Lee only."

Section 2. Section 2 of Chapter 650 of the 1993 Session Laws, as amended by Chapters 106, 569, 614, and 618 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. This act applies only to the Cities of Asheville, Havelock, New Bern, and Hendersonville and the Town of Mooresville and to the cities located in the ~~County of Alamance.~~ Counties of Alamance, Harnett, and Lee."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 718
Committee Substitute Favorable 4/17/97

Short Title: Taking of Foxes and Raccoons. (Local)

Sponsors:

Referred to:

April 1, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES, AND TO ALLOW THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, there is an open season for the trapping of foxes from the day after the close of gun deer season until February 28 of each year.

Section 2. Section 1 of Chapter 630 of the 1995 Session Laws reads as rewritten:

"Section 1. Notwithstanding the provisions of G.S. 113-291.2, there shall be no bag limits on the hunting or trapping of foxes or raccoons."

Section 3. Section 3 of Chapter 630 of the 1995 Session Laws reads as rewritten:

"Sec. 3. This act is effective upon ~~ratification and expires June 30, 1998.~~ ratification."

Section 4. Notwithstanding any other provision of law, connibear traps set during any trapping season established by the Wildlife Resources Commission and by the provisions of this act shall be visited every 72 hours and any animal caught in the trap removed.

Section 5. Notwithstanding any other provision of law, it is lawful to transport, buy, sell, barter, trade, or otherwise transfer possession or ownership of the

carcass or pelt of foxes taken during any trapping season established by the Wildlife Resources Commission or by the provisions of this act without obtaining tags provided by the Wildlife Resources Commission.

Section 6. Notwithstanding any other provision of law, foxes and raccoons may be taken during any trapping season established by the Wildlife Resources Commission or by the provisions of this act with steel-jaw or leghold traps with trap chains of up to 18 inches in length.

Section 7. Notwithstanding G.S. 113-291.1(b)(2) or any other law, it is lawful to use snares when trapping fur-bearing animals during seasons for trapping fur-bearing animals as established by the Wildlife Resources Commission and by the provisions of this act.

Section 8. This act applies only to Beaufort and Hyde Counties.

Section 9. This act becomes effective October 1, 1997, and expires June 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 833
Second Edition Engrossed 5/1/97

Short Title: Wilmington Charter. (Local)

Sponsors: Representative Wright.

Referred to: Ways and Means.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO AUTHORIZE THE CITY TO SERVE COMPLAINTS OR ORDERS IN HOUSING CODE CASES BY REGULAR MAIL IN ADDITION TO CERTIFIED OR REGISTERED MAIL.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended, is amended by adding the following new section to Article XXIII:

"Sec. 23.14. **Service of Complaints and Orders.** Complaints or orders issued by a public officer pursuant to Parts 5 and 6 of Article 19 of Chapter 160A of the General Statutes shall be served upon persons either personally or by registered or certified mail and, in addition thereto, by regular mail. When service is made by registered or certified mail and, in addition thereto, regular mail and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after mailing, service shall be deemed sufficient under Parts 5 and 6 of Article 19 of the General Statutes."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 833
Second Edition Engrossed 5/1/97
Proposed Senate Committee Substitute H833-PCS1388

Short Title: Service in Housing Code Cases. (Public)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE MUNICIPALITIES WITH ADDITIONAL OPTIONS FOR SERVICE OF PROCESS IN HOUSING CODE CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-445 reads as rewritten:

"**§ 160A-445. Service of complaints and orders.**

(a) Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Part shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(a1) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the ~~unknown~~ owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the

provisions of this Part. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

~~(b) (1) Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Part shall be served upon persons either personally or by registered or certified mail. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this Part. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.~~

~~(2) This subsection applies only to municipalities that have a population in excess of 300,000 by the last federal census.~~ "

Section 2. This act is effective when it becomes law and applies to complaints or orders served on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

H833-CSRF-02
SENATE PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 833
THIS IS A DRAFT 27-MAY-97 15:50:15
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Service in Housing Code Cases. (Public)

Sponsors:

Referred to: Ways and Means

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE MUNICIPALITIES WITH ADDITIONAL OPTIONS FOR SERVICE OF PROCESS IN HOUSING CODE CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-445 reads as rewritten:

"§ 160A-445. Service of complaints and orders.

(a) Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Part shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(a1) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered

or certified mail, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the ~~unknown~~ owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this Part. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

~~(b) (1) Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Part shall be served upon persons either personally or by registered or certified mail. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this Part. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.~~

~~(2) This subsection applies only to municipalities that have a population in excess of 300,000 by the last federal census.~~ "

Section 2. This act is effective upon ratification and appliess to complaints or orders served on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 834

Short Title: Wilmington Wheel Locks. (Local)

Sponsors: Representative Wright.

Referred to: Ways and Means.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 291 of the 1993 Session Laws, as amended by Chapter 381 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. This act applies to the Cities of ~~Durham, Raleigh, Winston-Salem, and Greensboro~~ Durham, Greensboro, Raleigh, Wilmington, and Winston-Salem only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 834
Proposed Senate Committee Substitute H834-CSLB-1

Short Title: Wilmington/Lenoir Wheel Locks. (Local)

Sponsors:

Referred to: Ways and Means.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITIES OF LENOIR AND WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 291 of the 1993 Session Laws, as amended by Chapter 381 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. This act applies to the Cities of ~~Durham, Raleigh, Winston-Salem, and Greensboro~~ Durham, Greensboro, Lenoir, Raleigh, Wilmington, and Winston-Salem only."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 834

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

H834-ALB-1

Page 1 of 1

Date_____,1997

Comm. Sub. [ ]
Amends Title [YES]

moves to amend the bill on page 1, line 2, by deleting "CITY OF WILMINGTON" and inserting "CITIES OF LENOIR AND WILMINGTON"

further moves to amend the bill on page 1, line 8, by inserting immediately after the word "Greensboro," the word "Lenoir,"

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 879

Short Title: Durham Board of Adjustment Votes. (Local)

Sponsors: Representatives Miller; Capps and Mosley.

Referred to: Local and Regional Government I.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW CERTAIN DECISIONS OF THE DURHAM COUNTY BOARD OF ADJUSTMENT TO BE MADE BY THREE-FIFTHS VOTE RATHER THAN FOUR-FIFTHS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-345(e) reads as rewritten:

"(e) The board of adjustment, by a vote of ~~four-fifths~~ three-fifths of its members, may reverse any order, requirement, decision, or determination of an administrative officer charged with enforcing an ordinance adopted pursuant to this Part, or may decide in favor of the applicant a matter upon which the board is required to pass under the ordinance, or may grant a variance from the provisions of the ordinance. Each decision of the board is subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested."

Section 2. This act applies to Durham County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 881

Short Title: Durham Board of Adjustment. (Local)

Sponsors: Representatives Miller; Capps and Mosley.

Referred to: Ways and Means.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DURHAM CITY CHARTER TO PERMIT THE APPOINTMENT OF A BOARD OF ADJUSTMENT WITH MORE THAN FIVE MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Section 93 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, is rewritten to read:

"Sec. 93. Board of adjustment.

(1) The city council is authorized to provide for the appointment and compensation of a board of adjustment consisting of five or more members (exclusive of additional members appointed to represent residents of the extraterritorial area pursuant to G.S. 160A-362) each to be appointed for three years.

(2) The concurring vote of three-fifths of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of the city zoning ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under the city zoning ordinance, or to grant a variance from the provisions of the city zoning ordinance."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 1050

Short Title: Donation of Unclaimed Bicycles. (Public)

Sponsors: House Local and Regional Government II Committee.

Referred to:

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES TO DONATE UNCLAIMED BICYCLES TO CHARITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15-12 reads as rewritten:

"**§ 15-12. Publication of notice of unclaimed property; advertisement and sale or donation of unclaimed bicycles.**

(a) Unless otherwise provided herein, whenever such articles in the possession of any sheriff or police department have remained unclaimed by the person who may be entitled thereto for a period of 180 days after such seizure, confiscation, or receipt thereof in any other manner, by such sheriff or police department, the said sheriff or police department in whose possession said articles are may cause to be published one time in some newspaper published in said county a notice to the effect that such articles are in the custody of such officer or department, and requiring all persons who may have or claim any interest therein to make and establish such claim or interest not later than 30 days from the date of the publication of such notice or in default thereof, such articles will be sold and disposed of. Such notice shall contain a brief description of the said articles and such other information as the said officer or department may consider necessary or advisable to reasonably inform the public as to the kind and nature of the article about which the notice relates.

(b) ~~Provided, however,~~ Notwithstanding subsection (a) of this section or Article 12 of Chapter 160A of the General Statutes, when bicycles which are in the possession of any sheriff or police department, as provided for in this Article, have remained unclaimed by the person who may be entitled thereto for a period of ~~30~~ 60 days after

such seizure, confiscation or ~~receipt~~ thereof, the said sheriff or police department who has possession of any such bicycle may proceed to advertise and sell such bicycles as provided by this ~~Article.~~ Article, or may donate such bicycles to a charitable organization exempt under section 501(c)(3) of the Internal Revenue Code. If the bicycles are to be donated, the notice shall state that as the intended disposition if they are not claimed."

Section 2. The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are hereby repealed:

Chapter 650 of the 1993 Session Laws;

Chapter 106 of the 1995 Session Laws;

Chapter 569 of the 1995 Session Laws;

Chapter 614 of the 1995 Session Laws;

Chapter 618 of the 1995 Session Laws.

Section 3. Any law, public or local, in conflict with this act is repealed.

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

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May 23 1997

To: Senate Committee on State Government, Local Government, and Personnel

From: Giles S. Perry, Committee Counsel

Re: House Bill 233 No Firearms Discharged Near Schools
Introduced by Representatives Fox; and others

House Bill 233 would make it unlawful to discharge a firearm within 1,000 ft. of an elementary or secondary school in Vance County, unless the firearm is used in the defense of person or property, or when used under the lawful direction of law enforcement officers.

Violation of House Bill 233 would constitute an Class 1 misdemeanor (1-45 days community penalty and/or fine in discretion of the court if no prior convictions).

House Bill 233 would become effective December 1, 1997, and apply to offenses committed on or after that date.

NOTE: Under current general law (G.S. 153A-129), counties may regulate the discharge of firearms by ordinance, but may not regulate hunting by ordinance.

H233-SMRW-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 27, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 277: Limit Relatives on Election Boards.

House Bill 277, third edition engrossed, would add a number of relatives of a candidate for nomination that may not serve on a county board of elections. Currently G.S. 163-30 prohibits such service by a wife, husband, son, daughter, mother, father, sister, or brother. The amendment would add son-in law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, uncle, niece, or nephew.

When a member of the board of elections becomes ineligible, the seat becomes vacant. These limitations apply only if the county board of elections is conducting the election for which the relative is a candidate.

The act is effective when it becomes law and applies to appointments for terms beginning on or after June 24, 1997.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 23, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: HB406 - Curfew for Persons Under 18

House Bill 406 gives cities and counties the authority to enact ordinances imposing a curfew on persons under the age of 18. This act becomes effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

North Carolina General Assembly
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April 14, 1997

MEMORANDUM

TO: Rep. Charles B. Neely, Jr., Chairman
House Juduciary II Committee

FROM: Tim Hovis, Committee Counsel

RE: House Bill 432—N.C.N.G. Mobilization Lessons (Baddour, Justus, Sexton)

Section 1 of House Bill 432 adds a new section to Chapter 127A to provide that an individual who performs, has performed, applies to perform, or has an obligation to perform service in the National Guard may not be denied employment, reemployment, retention in employment, promotion, or any other benefit on the basis of that service or application for service in the National Guard. Discrimination is considered to have taken place if the service or application for service is a motivating factor in the employer's actions, unless the employer can prove by the greater weight of the evidence that the same unfavorable action would have occurred in the absence of service or application for service in the Guard. Section 7 makes conforming changes to the Retaliatory Discrimination Act to provide for enforcement of this section under the Act.

Sections 2 and 3 of the bill increase the minimum pay for Guard members when the Guard is called into service by the Governor from 12 to 18 times the minimum hourly wage per day.

Section 4 of the bill guarantees Guard members the right to take leave without pay from their civilian employment when called into service by the Governor. A member may not be forced to use or exhaust vacation or other accrued leaves for the period of active duty.

Section 5 of the bill places a stay on all proceedings in any court in the State when the plaintiff or the defendant is a Guard member. The proceeding **may** be stayed by the court on its own motion. The proceeding **must** be stayed on application of the Guard member, unless the court determines that the ability of the member to proceed with the action is not materially affected by the military service. A stay may be obtained under this section during the period of active service and up to 60 days following active service.

Section 6 includes in a member's pay payment for leave earned as a result of more than 30 days of continuous service.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 23, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 548 - Elkin Private Sale

House Bill 548 authorizes the Town of Elkin to convey certain described property at private sale, with or without monetary compensation.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 27, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 718: Taking of Foxes and Raccoons

House Bill 718, introduced by Representative Hardy, amends the wildlife laws and regulations regarding the trapping of foxes and raccoons in Beaufort and Hyde counties.

Section 1 provides that there is an open season for trapping foxes from the close of the gun deer season until February 28 of each year.

Section 2 adds foxes to the provisions of Section 1 of Chapter 630 of the 1995 session laws removing the bag limit on the trapping of raccoons.

Section 3 requires that trappers visit each connibear trap set every 72 hours and remove any animals caught.

Section 4 provides that persons may buy and sell carcasses and pelts of foxes taken during the trapping season without obtaining tags from the Wildlife Resources Commission.

Section 5 allows the use of traps up to 18 inches in length for the taking of foxes and raccoons.

Section 6 allows the use of snares for trapping fur-bearing animals during the trapping season.

The act becomes effective October 1, 1997.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 23, 1997

To: Senate Committee on State Government, Local Government, and Personnel

From: Giles S. Perry, Committee Counsel

Re: House Bill 879 Durham Board of Adjustment Votes
Introduced by Representatives Miller; Capps and Mosley

House Bill 879 would authorize Board of Adjustment decisions specified in G.S. 153-345(e) to be made by a 3/5 vote (4/5 under general law), if made by the Durham County Board of Adjustment.

House Bill 879 would become effective when it becomes law.

H879-SMRW-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 27, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 1050: Donation of Unclaimed Bicycles

House Bill 1050 amends G.S. 15-12 to allow counties and municipalities to donate unclaimed bicycles in the possession of the police department or sheriff's department to charity as an alternative to selling the bicycles as currently provided by law. The police must hold the bicycles at least 60 days after publication of notice and the notice must state the intended disposition of the bicycles if not claimed.

The act is effective when it becomes law.

Sen State & Loc Govt
Wed 5/28/97

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
BILLY H MANNING	MAYOR TOWN OF SPRING LAKE
R. Hunt Williams	NCMBA
Kirsten Mitchell	Hydrilog
Tom Bloom	City of Wilmington
FRANK CONLOY	WILMINGTON CITY COUNCIL
DON BAER Mayor	City of WILMINGTON
MARY GORNTO	CITY OF WILMINGTON
[illegible]	[illegible]
Joe Stewart	CCPS
Col F. Douglas Phifer	National Guard (CCPS)
[illegible]	ACLU
Phoebe Dell	ACLU
Ed Regan	N.C.A.C.C.
[illegible]	[illegible]
[illegible]	[illegible]

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

MONDAY, JUNE 2, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Monday, June 2, 1997 at 8:05 p.m. in the Senate Chamber. Nine members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

HB 604, Morehead-Newport ETJ Authority, was explained by Senator Miller. Senator Reeves moved a favorable report of the bill. The motion carried unanimously. The bill was referred to Finance. **Favorable report.**

HB 698, Morehead-Newport Annexations, was explained by Senator Miller. Senator Reeves moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Reeves moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. The bill was referred to Finance. **Unfavorable as to committee substitute bill # A, but favorable as to Senate committee substitute.**

Brad Miller
Senator Brad Miller, Chair

Cornelia McMillan
Cornelia McMillan, Clerk

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

MONDAY, JUNE 2, 1997

SENATE CHAMBER

HB 604	Morehead-Newport ETJ Authority	Rep. Smith
HB 698	Morehead-Newport Annexations	Rep. Smith

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 604
Committee Substitute Favorable 4/29/97

Short Title: Morehead-Newport ETJ Authority. (Local)

Sponsors:

Referred to:

March 25, 1997

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 CORPORATE LIMITS.

The General Assembly of North Carolina enacts:

Section 1. The Towns of Morehead City and Newport may exercise extraterritorial planning jurisdiction as provided in Article 19 of Chapter 160A of the General Statutes within an area extending not more than two miles beyond their respective corporate limits. In the area where the Towns' extraterritorial planning jurisdiction overlaps, the dividing line shall begin where the run of Hull Swamp Creek empties into the Newport River, and then runs with the run of Hull Swamp Creek to the northwest corner of the property of Merritt-Williams Ford in the southern right-of-way margin of U.S. Highway 70, thence northwestwardly with the southern margin of U.S. Highway 70 to the northwesternmost corner of the property of Paul Wysocki (tax parcel number 634608990762), and thence with the Wysocki northwest line in a southwestern direction to the North property line of Mamie Murdoch (tax parcel number 634704708233), and thence westwardly and southwardly with the north and West lines of the Murdoch property back to the run of Hull Swamp Creek.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 698
Committee Substitute Favorable 4/29/97

Short Title: Morehead-Newport Annexations. (Local)

Sponsors:

Referred to:

March 31, 1997

A BILL TO BE ENTITLED

AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS.

The General Assembly of North Carolina enacts:

Section 1. The Towns of Morehead City and Newport may not annex noncontiguous areas as provided in Part 4 of Article 4A of Chapter 160A of the General Statutes if the area to be annexed is less than three miles from the other Town's corporate limits. However, either Town may annex such an area if it lies within an area where the Town is exercising its extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

H698-CSRF-02
PROPOSED SENATE COMMITTEE SUBSTITUTE
HOUSE BILL 698
THIS IS A DRAFT 2-JUN-97 15:44:51
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Morehead-Newport Annexations. (Local)

Sponsors:

Referred to:

March 31, 1997

A BILL TO BE ENTITLED

AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS AND MODIFYING THE LAWS RELATING TO SATELLITE ANNEXATIONS WHICH APPLY TO MOORESVILLE.

The General Assembly of North Carolina enacts:

Section 1. The Towns of Morehead City and Newport may not annex noncontiguous areas as provided in Part 4 of Article 4A of Chapter 160A of the General Statutes if the area to be annexed is closer to the other Town's corporate limits than it is to the corporate limits of the Town desiring to annex the area. However, either Town may annex such an area if it lies within an area where the Town is exercising its extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

Section 2. Section 2 of Chapter 82 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies only to the ~~Towns~~ Town of Apex ~~and Mooresville~~ and only with respect to annexation ordinances adopted on or before December 31, 2000. The authority this act grants to the Town of Apex does not apply to property in Chatham County; therefore, the Town of Apex may not annex

property in Chatham County by satellite annexation if the area to be annexed, when added to the area within the satellite corporate limits of the Town of Apex, exceeds the limit set by general law in G.S. 160A-58.1(b)(5)."

Section 3. G.S. 160A-58.1(b)(5) does not apply to the Town of Mooresville.

Section 4. G.S. 160A-58.4, as amended by Chapter 289 of the 1991 Session Laws, reads as rewritten:

"**§ 160A-58.4. Extraterritorial powers.**

Satellite corporate limits for areas annexed prior to January 1, 1997, shall be considered a part of the city's corporate limits for the purposes of extraterritorial land-use regulation pursuant to G.S. 160A-360, but not for purposes of abatement of public health nuisances pursuant to G.S. 160A-193. Satellite corporate limits for areas annexed on or after January 1, 1997, shall not be considered a part of the city's corporate limits for the purposes of extraterritorial land-use regulation pursuant to G.S. 160A-360. However, a city's power to regulate land use pursuant to Chapter 160A, Article 19, or to abate public health nuisances pursuant to G.S. 160A-193, shall be the same within satellite corporate limits as within its primary corporate limits."

Section 5. Section 4 of this act applies only to the Town of Mooresville.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 698
Committee Substitute Favorable 4/29/97
Proposed Senate Committee Substitute H698-PCS1391

Short Title: Morehead-Newport Annexations. (Local)

Sponsors:

Referred to:

March 31, 1997

A BILL TO BE ENTITLED

AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS AND MODIFYING THE LAWS RELATING TO SATELLITE ANNEXATIONS WHICH APPLY TO MOORESVILLE.

The General Assembly of North Carolina enacts:

Section 1. The Towns of Morehead City and Newport may not annex noncontiguous areas as provided in Part 4 of Article 4A of Chapter 160A of the General Statutes if the area to be annexed is closer to the other Town's corporate limits than it is to the corporate limits of the Town desiring to annex the area. However, either Town may annex such an area if it lies within an area where the Town is exercising its extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

Section 2. Section 2 of Chapter 82 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies only to the ~~Towns~~ Town of Apex ~~and Mooresville~~ and only with respect to annexation ordinances adopted on or before December 31, 2000. The authority this act grants to the Town of Apex does not apply to property in Chatham County; therefore, the Town of Apex may not annex property in Chatham County by satellite annexation if the area to be annexed, when added to the area within the satellite corporate limits of the Town of Apex, exceeds the limit set by general law in G.S. 160A-58.1(b)(5)."

Section 3. G.S. 160A-58.1(b)(5) does not apply to the Town of Mooresville.

Section 4. G.S. 160A-58.4, as amended by Chapter 289 of the 1991 Session Laws, reads as rewritten:

"**§ 160A-58.4. Extraterritorial powers.**

Satellite corporate limits for areas annexed prior to January 1, 1997, shall be considered a part of the city's corporate limits for the purposes of extraterritorial land-use regulation pursuant to G.S. 160A-360, but not for purposes of abatement of public health nuisances pursuant to G.S. 160A-193. Satellite corporate limits for areas annexed on or after January 1, 1997, shall not be considered a part of the city's corporate limits for the purposes of extraterritorial land-use regulation pursuant to G.S. 160A-360. However, a city's power to regulate land use pursuant to Chapter 160A, Article 19, or to abate public health nuisances pursuant to G.S. 160A-193, shall be the same within satellite corporate limits as within its primary corporate limits."

Section 5. Section 4 of this act applies only to the Town of Mooresville.

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

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June 2,1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 604: Morehead/Newport ETJ Authority

House Bill 604, introduced by Representative Smith, would allow the Towns of Morehead City and Newport to exercise their extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes (planning and development) to two miles from their corporate boundaries. Under G.S. 160A-360(a) these towns are currently limited to an ETJ of one mile. In areas where the jurisdiction of the two towns would overlap, the bill provides a description of the dividing line for each town's authority.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 2,1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 698: Morehead/Newport Annexation Authority

The committee substitute for House Bill 698 limits the authority of Morehead City and Newport to annex noncontiguous territory. The towns may not annex noncontiguous areas that lie closer to the other town's corporate limits unless the area lies within its own ETJ.

The committee substitute also contains provisions modifying the laws relating to satellite annexation applicable to the Town of Mooresville. Sections 2 and 3 provide that Mooresville is no longer subject to the limitation of G.S. 160A-58.1(b)(5) which provides that the total area contained within satellite corporate limits may not exceed 10% of the area contained within the primary corporate limits of the annexing town. Mooresville, therefore, would have no limits on the amount of property that it could annex as satellite areas. Section 4 provides that Mooresville may not exercise extraterritorial jursidiction from satellite corporate limits for areas annexed on or after January 1, 1997.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Tuesday, June 03, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. 604 Morehead-Newport ETJ Authority.
Sequential Referral: Finance
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, JUNE 4, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, June 4, 1997 at 11:00 a.m. in the Legislative Office Building. Nine members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

HB 506, Hertford/Northampton School Acquisition, was explained by Senator Ballance. Senator Ballance moved a favorable report of the bill. The motion carried. **Favorable report.**

HB 748, Matthews/Charlotte Boundary, was explained by Rep. Gulley. Senator Soles moved a favorable report of the bill. The motion carried unanimously. The bill was referred to Finance. **Favorable report.**

HB 772, Shallotte Charter, was explained by Senator Soles. Senator Soles moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Soles moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate committee substitute.**

HB 831, Yancey/Consent for Condemnation, was explained by Rep. Robert Hunter. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 867, Matthews Annexation/Zoning, was explained by Rep. Gulley. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. The bill was referred to Finance. **Favorable report.**

HB 879, Durham Board of Adjustment Votes, was explained by Senator Gulley. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 881, Durham Board of Adjustment, was explained by Senator Gulley. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

Senator Brad Miller, Chair

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Wednesday, June 04, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS) **506** Hertford/Northampton School Acquisition.
Sequential Referral: None
Recommended Referral: None

H.B. **748** Matthews/Charlotte Boundary.
Sequential Referral: Finance
Recommended Referral: None

H.B. **831** Yancey/Consent for Condemnation.
Sequential Referral: None
Recommended Referral: None

H.B. **867** Matthews Annexation/Zoning.
Sequential Referral: Finance
Recommended Referral: None

H.B. **879** Durham Board of Adjustment Votes.
Sequential Referral: None
Recommended Referral: None

H.B. **881** Durham Board of Adjustment.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. **772** Shallotte Charter.
Draft Number: PCS8242
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 7

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, JUNE 4, 1997

ROOM 414

HB 506	Hertford/Northampton School Acquisition	Rep. H. Hunter
HB 668	Cumberland County Housing Code	Rep McAllister
HB 748	Matthews/Charlotte Boundary	Rep. Gulley
HB 867	Matthews Annexation/Zoning	Rep. Gulley
HB 772	Shallotte Charter	Rep. Redwine
HB 831	Yancey/Consent for Condemnation	Rep. R. Hunter
HB 879	Durham Board of Adjustment Votes	Rep. Miller
HB 881	Durham Board of Adjustment	Rep. Miller

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 506
Committee Substitute Favorable 4/23/97

Short Title: Hertford/Northampton School Acquisition. (Local)

Sponsors:

Referred to:

March 12, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW HERTFORD AND NORTHAMPTON COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-158.1 reads as rewritten:

"**§ 153A-158.1. Acquisition and improvement of school property in certain counties.**

(a) Acquisition by County. -- A county may acquire, by any lawful method, any interest in real or personal property for use by a school administrative unit within the county. In exercising the power of eminent domain a county shall use the procedures of Chapter 40A. The county shall use its authority under this subsection to acquire property for use by a school administrative unit within the county only upon the request of the board of education of that school administrative unit and after a public hearing.

(b) Construction or Improvement by County. -- A county may construct, equip, expand, improve, renovate, or otherwise make available property for use by a school administrative unit within the county. The local board of education shall be involved in the design, construction, equipping, expansion, improvement, or renovation of the property to the same extent as if the local board owned the property.

(c) Lease or Sale by Board of Education. -- Notwithstanding the provisions of G.S. 115C-518 and G.S. 160A-274, a local board of education may, in connection with additions, improvements, renovations, or repairs to all or part of any of its property,

lease or sell the property to the board of commissioners of the county in which the property is located for any price negotiated between the two boards.

(d) Board of Education May Contract for Construction. -- Notwithstanding the provisions of G.S. 115C-40 and G.S. 115C-521, a local board of education may enter into contracts for the erection or repair of school buildings upon sites owned in fee simple by one or more counties in which the local school administrative unit is located.

(e) Scope. -- This section applies to Alleghany, Ashe, Avery, Bladen, Brunswick, Cabarrus, Carteret, Cherokee, Chowan, Columbus, Currituck, Dare, Duplin, Edgecombe, Forsyth, Franklin, Graham, Greene, Guilford, Halifax, Harnett, Haywood, Hertford, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Macon, Madison, Martin, Moore, Nash, New Hanover, Northampton, Orange, Pasquotank, Pender, Person, Pitt, Randolph, Richmond, Rockingham, Rowan, Sampson, Scotland, Stanly, Surry, Union, Vance, Wake, Wilson, and Watauga Counties."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 668

Short Title: Cumberland County Housing Code. (Local)

Sponsors: Representatives McAllister; Hurley, Kinney, Morris, and Warner.

Referred to: Ways and Means.

March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO REQUIRE OWNERS OF RENTAL PROPERTY IN THE COUNTY TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS IN HOUSING CODE CASES AND CASES INITIATED BY THE LOCAL BOARD OF HEALTH.

The General Assembly of North Carolina enacts:

Section 1. The Board of County Commissioners of Cumberland County may, by ordinance, require that each owner of rental property within the county authorize a person residing in the county to serve as the owner's agent for the purpose of accepting service of process in an action involving a violation of an ordinance adopted pursuant to Part 6 of Article 19 of Chapter 160A of the General Statutes, Part 4 of Article 18 of Chapter 153A of the General Statutes, or Chapter 130A of the General Statutes, or a violation of local board of health rules adopted pursuant to Chapter 130A of the General Statutes. The owner shall provide the county inspections department with the authorized agent's name, address, and phone number on a form supplied by the department. The owner shall notify the inspections department of any changes in the information within 10 days after the changes occur. Nothing in this section shall require an owner to designate an agent to accept service of process if the owner of the rental property resides within Cumberland County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 748

Short Title: Matthews/Charlotte Boundary. (Local)

Sponsors: Representatives Gulley; Earle and C. Wilson.

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

April 2, 1997

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.

The General Assembly of North Carolina enacts:

Section 1. The following described property is removed from the corporate limits of the Town of Matthews and is added to the corporate limits of the City of Charlotte:

The Waters property, Mecklenburg County tax parcels 227-362-97 and 227-362-98, and the Maynard property, Mecklenburg County tax parcel 227-141-08.

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 772

Short Title: Shallotte Charter. (Local)

Sponsors: Representatives Redwine and Hill (Cosponsors).

Referred to: Ways and Means.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SHALLOTTE TO AUTHORIZE THE TOWN TO ENFORCE ORDINANCES AS PROVIDED IN THE GENERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. Section 9 of the Charter of Shallotte, being Chapter 339 of the Public Laws of 1899, reads as rewritten:

"Sec. 9. Violations.

~~Any person violating any ordinance of said town shall be deemed guilty of a misdemeanor, but the punishment thereof upon conviction shall not exceed a fine of $50 or imprisonment for 30 days.~~ The provisions of G.S. 160A-175 govern violations and enforcement of ordinances adopted by the Board of Aldermen."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 772
Proposed Senate Committee Substitute H772-PCS8242

Short Title: Shallotte Charter/ Whiteville Schools. (Local)

Sponsors:

Referred to:

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SHALLOTTE TO AUTHORIZE THE TOWN TO ENFORCE ORDINANCES AS PROVIDED IN THE GENERAL LAW, TO ANNEX PROPERTY TO THE TOWN OF SHALLOTTE, AND TO CORRECT AN ERROR IN THE DESCRIPTION OF DISTRICTS IN THE WHITEVILLE CITY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina enacts:

Section 1. Section 9 of the Charter of Shallotte, being Chapter 339 of the Public Laws of 1899, reads as rewritten:

"Sec. 9. Violations.

~~Any person violating any ordinance of said town shall be deemed guilty of a misdemeanor, but the punishment thereof upon conviction shall not exceed a fine of $50 or imprisonment for 30 days.~~ The provisions of G.S. 160A-175 govern violations and enforcement of ordinances adopted by the Board of Aldermen."

Section 2. The corporate limits of the Town of Shallotte are extended to include the following described area:

Being all of that tract of land containing 35.30 acres, more or less, lying adjacent to Town of Shallotte, Shallotte and Waccamaw Townships, Brunswick County, N.C., and encompassing the 100 foot right-of-way of N.C. Highway 130; and, being more particularly described by courses based on N.C. Grid North per N.C. Department of Transportation highway plans project number 8.1310802 R-97E and distances according to a survey by Jimmy D. Etheridge, R.L.S. No. 3415 and Bobby M. Long and Associates, dated May 16, 1997.

Commencing at an existing N.C. Department of Transportation right-of-way monument located at station number 23+78 Ramp "B" 80 foot left as shown on N.C. Department of Transportation highway plans, project number 8.1310802 R 97-E, and having N.C. Grid coordinates: North = 83078.5066 feet, East = 2179691.659 feet; thence running north 48 degrees 14 minutes 03 seconds west 183.70 feet to a right-of-way monument, thence north 15 degrees 20 minutes 39 seconds west a chord distance of 65.48 feet to a right-of-way monument located on the southern right-of-way line of N.C. Highway 130, 100 foot right-of-way, thence running with the said right-of-way line north 61 degrees 53 minutes 17 seconds west 69.89 feet to an existing iron, thence north 61 degrees 06 minutes 48 seconds west 614.51 feet to an existing iron, thence north 61 degrees 11 minutes 37 seconds west 9233. 92 feet to an existing iron pipe, thence north 59 degrees 49 minutes 31 seconds west 139.84 feet, thence north 58 degrees 07 minutes 51 seconds west 101.41 feet, thence north 55 degrees 55 minutes 20 seconds west 101.74 feet, thence north 53 degrees 20 minutes 34 seconds west 102.04 feet, thence north 50 degrees 16 minutes 48 seconds west 102.22 feet, thence north 47 degrees 11 minutes 49 seconds west 102.07 feet, thence north 44 degrees 38 minutes 56 seconds west 101.91 feet, thence north 41 degrees 50 minutes 55 seconds west 101.82 feet, thence north 39 degrees 43 minutes 43 seconds west 101.34 feet, thence north 38 degrees 04 minutes 37 seconds west 100.92 feet, thence north 37 degrees 13 minutes 04 seconds west 100.61 feet, thence north 36 degrees 48 minutes 43 seconds west 667.13 feet, thence north 37 degrees 19 minutes 48 seconds west 98.95 feet, thence north 38 degrees 19 minutes 12 seconds west 98.93 feet, thence north 39 degrees 42 minutes 23 seconds west 98.18 feet, thence north 41 degrees 46 minutes 42 seconds west 97.92 feet, thence north 43 degrees 49 minutes 52 seconds west 98.42 feet, thence north 45 degrees 55 minutes 02 seconds west 96.61 feet, thence north 49 degrees 00 minutes 41 seconds west 97.30 feet, thence north 51 degrees 42 minutes 11 seconds west 97.13 feet, thence north 54 degrees 29 minutes 46 seconds west 97.19 feet, thence north 57 degrees 05 minutes 12 seconds west 97.63 feet, thence north 59 degrees 05 minutes 18 seconds west 97.83 feet, thence north 61 degrees 17 minutes 53 seconds west 97.52 feet, thence north 63 degrees 58 minutes 54 seconds west 97.28 feet, thence north 66 degrees 36 minutes 45 seconds west 97.21 feet, thence north 69 degrees 20 minutes 20 seconds west 97.63 feet, thence north 72 degrees 19 minutes 20 seconds west 131.62 feet, thence north 74 degrees 37 minutes 15 seconds west 127.95 feet, thence north 79 degrees 28 minutes 37 seconds west 209.37 feet, thence north 84 degrees 06 minutes 41 seconds west 146.43 feet, thence north 87 degrees 41 minutes 46 seconds west 144.65 feet, thence north 89 degrees 56 minutes 01 seconds west 129.38 feet, thence south 88 degrees 29 minutes 50 seconds west 95.35 feet, thence south 88 degrees 36 minutes 59 seconds west 174.91 feet, thence south 88 degrees 06 minutes 13 seconds west 602.36 feet, thence north 01 degrees 51 minutes 25 seconds west 100.00 feet crossing N.C. Highway 130 to an existing iron located on the northern right-of-way line of said highway, thence running along the northern right-of-way line of said highway north 88 degrees 08 minutes 35 seconds east 336.71 feet to an existing iron the southwest corner of Tract A as shown on Map Cabinet W, Page 257, thence north 88 degrees 03 minutes 23

seconds east 265.50 feet to an existing iron, thence north 88 degrees 36 minutes 59 seconds east 175.79 feet to an existing iron, thence north 88 degrees 29 minutes 50 seconds east 96.61 feet to an existing iron, thence south 89 degrees 56 minutes 01 seconds east 132.71 feet to an existing iron, thence south 87 degrees 41 minutes 46 seconds east 149.73 feet, thence south 84 degrees 06 minutes 41 seconds east 153.60 feet, thence south 79 degrees 28 minutes 37 seconds east 217.65 feet, thence south 74 degrees 37 minutes 15 seconds east 134.89 feet, thence south 72 degrees 19 minutes 20 seconds east 136.43 feet, thence south 69 degrees 20 minutes 20 seconds east 101.71 feet, thence south 66 degrees 36 minutes 45 seconds east 101.88 feet, thence south 63 degrees 58 minutes 54 seconds east 101.92 feet, thence south 61 degrees 17 minutes 53 seconds east 101.79 feet, thence south 59 degrees 05 minutes 18 seconds east 101.50 feet, thence south 57 degrees 05 minutes 12 seconds east 101.64 feet, thence south 54 degrees 29 minutes 46 seconds east 101.89 feet, thence south 51 degrees 42 minutes 11 seconds east 102.01 feet, thence south 49 degrees 00 minutes 41 seconds east 101.91 feet, thence south 45 degrees 55 minutes 22 seconds east 102.36 feet, thence south 43 degrees 49 minutes 52 seconds east 101.18 feet, thence south 41 degrees 46 minutes 42 seconds east 101.43 feet, thence south 39 degrees 42 minutes 3 seconds east 101.22 feet, thence south 38 degrees 19 minutes 12 seconds east 100 feet, thence south 37 degrees 19 minutes 48 seconds east 100.72 feet, thence south 36 degrees 48 minutes 43 seconds east 667.13 feet, thence south 37 degrees 15 minutes 04 seconds east 99.16 feet, thence south 38 degrees 04 minutes 37 seconds east 98.72 feet, thence south 39 degrees 43 minutes 43 seconds east 98.05 feet, thence south 41 degrees 50 minutes 55 seconds east 97.52 feet, thence south 44 degrees 38 minutes 56 seconds east 97.24 feet, thence south 47 degrees 11 minutes 49 seconds east 97.15 feet, thence south 50 degrees 16 minutes 49 seconds east 96.86 feet, thence south 53 degrees 20 minutes 34 seconds east 97.11 feet, thence south 55 degrees 55 minutes 20 seconds east 97.57 feet, thence south 58 degrees 07 minutes 51 seconds east 98.00 feet, thence south 59 degrees 49 minutes 31 seconds east 135.98 feet, thence south 61 degrees 10 minutes 52 seconds east 2138.36 feet to an existing iron, thence south 60 degrees 59 minutes 12 seconds east 121.33 feet to an existing iron, thence south 61 degrees 12 minutes 13 seconds east 4259.60 feet to an existing iron, thence south 61 degrees 11 minutes 42 seconds east 209.99 feet to an existing iron pipe, thence south 61 degrees 13 minutes 00 seconds east 1054.37 feet to an existing iron pipe, thence south 61 degrees 11 minutes 52 seconds east 2[illegible]8.88 feet to an existing N.C. Department of Transportation right-of-way monument, thence south 43 degrees 32 minutes 08 seconds west 195.04 feet to an existing right-of-way monument, the point and place of beginning. Said survey having an error of closure of 1 to 7500+.

Section 3. Section 4 of Chapter 661 of the 1995 Session Laws reads as rewritten:

"Sec. 4. District 1 consists of all of Whiteville City Council District #1 as it was bounded for the 1995 municipal election, but excluding any territory not in the city limits as of January 1, 1997."

District 2 consists of all of Whiteville City Council District #2 as it was bounded for the 1995 municipal election, but excluding any territory not in the city limits as of January 1, 1990, and in addition includes the following areas:

Beginning at the point where the centerline of US Highway 74 Business intersected the western corporate limits of the Town of Whiteville on January 1, 1990, thence following the centerline of US Highway 74 Business in a westerly direction to ~~the Whiteville/Chadbourn Township line, thence following the Whiteville/Chadbourn Township line in a southeasterly direction~~ the centerline of State Highway 1435, thence following the centerline of State Highway 1435 in a southerly direction across State Highway 1436 to the centerline of State Highway 1429, thence along State Highway 1429 in an easterly direction to the centerline of State Highway 1437, thence following the boundary between State House Districts 14 and 98 as they existed on June 1, 1996, along: State Highway 1437, Pinelog Swamp and Soules Swamp to the point where Soules Swamp intersected the corporate limits of the Town of Whiteville on January 1, 1990, thence following the corporate limits of the Town of Whiteville as they existed on January 1, 1990, in a generally northerly direction to the point and place of beginning.

Beginning at the point where the centerline of US Highway 701 Bypass intersected the southern corporate limits of the Town of Whiteville on January 1, 1990, thence following the boundary between State House Districts 14 and 98 as they existed on June 1, 1996, along: US Highway 701, State Highway 1166, State Highway ~~1174 (Prison Camp Road),~~ 1174, the corporate limits of the Town of Brunswick as they existed on January 1, 1990, the boundary of Census Blocks 121B/126C and 122B/126C of Census Tract 9910, the corporate limits of the Town of Brunswick as they existed on January 1, 1990, Main Street (State Highway 130), and the Whiteville/Lees Township line easterly to the eastern boundary of the Whiteville City School Administrative Unit; thence in a northerly direction along the boundary of the Whiteville City School Administrative Unit to the centerline of US Highway 74 Business, thence westerly along the centerline of US Highway 74 Business to the intersection with the boundary of District 1, thence following the southern boundary of District 1 to the intersection of the centerline of Maultsby Street and Virgil Street, thence following the eastern and southern boundary of Whiteville City Council District #2 as it was bounded for the 1995 municipal election, (said boundary line excluding any territory not in the city limits as of January 1, 1990) to the point and place of beginning.

District 3 consists of all of the Whiteville City School Administrative Unit located north of US Highway 74 Business not in District 1, and also includes the following described area:

Beginning at the point where the centerline of US Highway 74 Business intersects the ~~Whiteville/Chadbourn Township line, thence following the Township line in a southeasterly direction to the centerline of State Highway 1437, thence following the centerline of State Highway 1437 in a southwesterly direction~~ centerline of State Highway 1435, thence following the centerline of State Highway 1435 in a southerly direction across State Highway 1436 to the intersection with the centerline of State

Highway 1429, thence following the centerline of State Highway 1429 westerly to the boundary of the Whiteville City School Administrative Unit, thence in a northerly direction along the boundary of the Whiteville City School Administrative Unit to the centerline of US Highway 74 Business, thence following the centerline of US Highway 74 Business in an easterly direction to the point and place of beginning.

District 4 consists of all the area of the Whiteville City School Administrative Unit South of US Highway 74 Business which is not in any other district."

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

HOUSE BILL 831

Short Title: Yancey/Consent for Condemnation. (Local)

Sponsors: Representative R. Hunter.

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

April 7, 1997

A BILL TO BE ENTITLED

AN ACT REQUIRING THE CONSENT OF YANCEY COUNTY BEFORE LAND MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-15(c) reads as rewritten:

"(c) This section applies to Alleghany, Anson, Ashe, Bertie, Bladen, Brunswick, Burke, Buncombe, Caldwell, Caswell, Catawba, Cleveland, Columbus, Cumberland, Davidson, Davie, Duplin, Durham, Forsyth, Franklin, Gaston, Graham, Granville, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Lee, Lincoln, Madison, Martin, McDowell, Mecklenburg, Montgomery, New Hanover, Onslow, Pender, Person, Robeson, Rockingham, Rowan, Sampson, Scotland, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, ~~and Wilkes~~ Wilkes, and Yancey counties only. This section does not apply as to any:

(1) Condemnation, or

(2) Acquisition of real property or an interest in real property by a city where the property to be condemned or acquired is within the corporate limits of that city."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 867

Short Title: Matthews Annexation/Zoning. (Local)

Sponsors: Representative Gulley.

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

April 7, 1997

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 JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. Nothing in Chapter 567 of the 1989 Session Laws or any other local act prohibits annexation by the Town of Matthews of Mecklenburg County tax parcels 215-062-01, 215-062-02, 215-063-01, or 215-081-15. Annexation of such parcels is governed by Article 4A of Chapter 160A of the General Statutes, and this section conveys no annexation authority beyond that of Article 4A of Chapter 160A of the General Statutes.

Section 2. Except for tax parcels 215-062-01, 215-062-02, 215-063-01, and 215-081-15 as they exist on the effective date of this act, the authority of Chapter 161 of the 1991 Session Laws is extended to the area previously limited by Section 4 of that act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 879

Short Title: Durham Board of Adjustment Votes. (Local)

Sponsors: Representatives Miller; Capps and Mosley.

Referred to: Local and Regional Government I.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW CERTAIN DECISIONS OF THE DURHAM COUNTY BOARD OF ADJUSTMENT TO BE MADE BY THREE-FIFTHS VOTE RATHER THAN FOUR-FIFTHS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-345(e) reads as rewritten:

"(e) The board of adjustment, by a vote of ~~four-fifths~~ three-fifths of its members, may reverse any order, requirement, decision, or determination of an administrative officer charged with enforcing an ordinance adopted pursuant to this Part, or may decide in favor of the applicant a matter upon which the board is required to pass under the ordinance, or may grant a variance from the provisions of the ordinance. Each decision of the board is subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested."

Section 2. This act applies to Durham County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 881

Short Title: Durham Board of Adjustment. (Local)

Sponsors: Representatives Miller; Capps and Mosley.

Referred to: Ways and Means.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DURHAM CITY CHARTER TO PERMIT THE APPOINTMENT OF A BOARD OF ADJUSTMENT WITH MORE THAN FIVE MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Section 93 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, is rewritten to read:

"Sec. 93. Board of adjustment.

(1) The city council is authorized to provide for the appointment and compensation of a board of adjustment consisting of five or more members (exclusive of additional members appointed to represent residents of the extraterritorial area pursuant to G.S. 160A-362) each to be appointed for three years.

(2) The concurring vote of three-fifths of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of the city zoning ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under the city zoning ordinance, or to grant a variance from the provisions of the city zoning ordinance."

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

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June 4, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 506: Hertford/Northampton School Acquisition.

House Bill 506, adds the Counties of Hertford and Northampton to numerous counties that may acquire property for use by a school administrative unit.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 30, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Terrence D. Sullivan, Committee Counsel

RE: **House Bill 668, TO AUTHORIZE CUMBERLAND COUNTY TO REQUIRE OUT-OF-COUNTY OWNERS OF RENTAL PROPERTY TO AUTHORIZE A COUNTY RESIDENT TO ACCEPT SERVICE OF PROCESS IN HOUSING CODE CASES AND CASES INITIATED BY THE BOARD OF HEALTH,** introduced by Representative McAllister and others.

The bill would authorize Cumberland County Board of Commissioners to require that owners of rental property, who are not residents of the County, appoint a County resident to accept service of process in actions involving violations of ordinances imposing minimum housing standards (Part 6 of Article 19 of G.S. Chapter 160A—Cities and Towns); involving building inspections (Part 4 of Article 18 of G.S. Chapter 153A--Counties); and of local board of health rules adopted under G.S. Chapter 130A—Public Health. The owner would be required to file the agent's name, address and phone number with the county inspections department and would require that the owner notify the inspection department of changes in the information with 10 days of occurrence.

The bill would be effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 30, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 748 - Matthews/Charlotte Boundary

House Bill 748 removes certain described property from the corporate limits of the Town of Matthews and adds it to the corporate limits of the City of Charlotte.

This act becomes effective June 30, 1997.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 4, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 772: Shallote Charter

House Bill 772, introduced by Representative Redwine, would amend the charter for the Town of Shallote by placing the enforcement of ordinances under the general law. G.S. 160A-175 That statute makes violation of a city ordinance a class 3 misdemeanor punishable by a fine not to exceed $50 unless otherwise provided in the ordinance.

The proposed committee substitute also provides for the annexation of described property into the Town of Shallote, and makes corrections in the descriptions of districts in the Whiteville City Schools administrative unit.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 30, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 831 - Yancey/Consent for Condemnation

House Bill 831 requires that a unit of local government located wholly or primarily outside of Yancey County obtain the consent of Yancey County before they may acquire or condemn land located in Yancey County.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 30, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 867 - Matthews Annexation/ Zoning

House Bill 867 clarifies that the general law applies to annexation of the certain parcels indicated in the bill and exempts these same parcels from prior local acts concerning zoning jurisdiction.

This act applies only to the parcels indicated in Mecklenburg County and is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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May 30, 1997

To: Senate Committee on State Government, Local Government, and Personnel

From: Giles S. Perry, Committee Counsel

Re: House Bill 879 Durham Board of Adjustment Votes
Introduced by Representatives Miller; Capps and Mosley

House Bill 879 would authorize Board of Adjustment decisions specified in G.S. 153-345(e) to be made by a 3/5 vote (4/5 under general law), if made by the Durham County Board of Adjustment.

House Bill 879 would become effective when it becomes law.

H879-SMRW-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 4, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 881: Durham Board of Adjustment

House Bill 881, introduced by Representative Miller, would amend the charter of Durham to provide that the Board of Adjustment may have 5 or more members. The current charter provides for a 5 member board.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

State/Local Gov 6/4/97

Name of Committee Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
R. Paul Williams	NCHBA
Andy Romanet	NCLM
Mark Cannella	Mecklenburg County
Ed Regan	N.C.A.C.C.
Ernie Regan	Moore & Van Allen

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, JUNE 11, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, June 11, 1997 at 11:00 a.m. in room 414 of the Legislative Office Building. Eight members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

HB 102, Mitchell Precincts, was explained by Rep. Buchanan. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 103, Avery Precincts, was explained by Rep. Buchanan. Senator Ledbetter moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ledbetter moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate committee substitute.**

HB 549, Asheville/Biltmore Boundary, was explained by Rep. Ives. Senator Soles moved a favorable report of the bill. The motion carried unanimously. The bill was referred to Finance. **Favorable report.**

HB 687, Henderson E & R Board, was explained by Rep. Justus. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 789, Town of Oakboro, was explained by Rep. Barbee. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. The bill was referred to Finance. **Favorable report.**

HB 832, Newland/Spruce Pine Tax Payment, was explained by Rep. Thompson. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. The bill was referred to Finance. **Favorable report.**

HB 834, Wilmington Wheel Locks, was explained by Rep. Wright. Senator Ballance move to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ballance moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate committee substitute.**

HB 852, Stokes 911 Database Confidentiality, was explained by Rep. Baker. Senator Ballance moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ledbetter moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to Committee Substitute bill #A, but favorable as to Senate Committee Substitute.**

The meeting adjourned at 12:00 p.m. to reconvene the same day immediately after session.

The Senate State Government, Local Government and Personnel Committee reconvened June 11, 1997 at approximately 3:20 p.m. in room 423 of the Legislative Office Building. Nine members were present, including Senator Brad Miller, who presided.

The following action was taken:

HB 587, Mecklenburg ABC Law Enforcement, was explained by Rep. C. Wilson. Senator Ballance proposed to amend the bill by adding a sunset. The motion failed. Senator Ballance proposed an amendment stipulating that the law enforcement officers not wear uniforms while under contract with the ABC Board. The motion failed. Senator Soles proposed an amendment whereby the law enforcement officers contracted by the ABC Board would receive the same training as ABC officers. The motion carried unanimously. Senator Blust moved that the bill as amended be put into a committee substitute and given a favorable report. The motion carried. **Unfavorable as to bill, but favorable as to Senate committee substitute.**

Brad Miller

Senator Brad Miller, Chairman

Cornelia McMillan

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Thursday, June 12, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. 102 Mitchell Precincts.
Sequential Referral: None
Recommended Referral: None

H.B. 549 Asheville/Biltmore Boundary.
Sequential Referral: Finance
Recommended Referral: None

H.B. 587 Henderson E & R Board.
Sequential Referral: None
Recommended Referral: None

H.B.(CS) 789 Town of Oakboro.
Sequential Referral: Finance
Recommended Referral: None

H.B. 832 Newland/Spruce Pine Tax Payment.
Sequential Referral: Finance
Recommended Referral: None

TOTAL REPORTED: 5

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Thursday, June 12, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. **103** Avery Precincts.

Draft Number:	PCS6274
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

H.B. **834** Wilmington Wheel Locks.

Draft Number:	PCS1402
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Wednesday, June 18, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1)587 Mecklenburg ABC Law Enforcement.

Draft Number:	PCS6275
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Monday, June 23, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1)852 Stokes 911 Database Confidentiality.

Draft Number:	PCS6234
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, JUNE 11, 1997

ROOM 414

HB 102	Mitchell Precincts	Rep. Buchanan
HB 103	Avery Precincts	Rep. Buchanan
HB 275	Decentralize Some OSP Function	Rep. Sherrill
HB 549	Asheville/Biltmore Boundary	Rep. Ives
HB 587	Mecklenburg ABC Law Enforcement	Rep. C. Wilson
HB 655	Madison Annexation	Rep. Sexton
HB 687	Henderson E&R Board	Rep. Justus
HB 789	Town of Oakboro	Rep. Barbee
HB 832	Newland/Spruce Pine Tax Payment	Rep. Thompson
HB 834	Wilmington Wheel Locks	Rep. Wright
HB 852	Stokes 911 Confidentiality	Rep. Baker
HB 1135	State Employee Incentive Bonus	Rep. Cansler

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 102

Short Title: Mitchell Precincts. (Local)

Sponsors: Representative Buchanan.

Referred to: Judiciary I.

February 11, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT THERE BE AT LEAST ONE VOTING PLACE IN MITCHELL COUNTY WITHIN EVERY TOWNSHIP THAT EXISTED IN 1995.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S.163-128, 163-132.5C, or 163-132.3, the Mitchell County Board of Elections shall provide for at least one voting place within every township in Mitchell County that was in existence on January 1, 1995.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 103*

Short Title: Avery Precincts. (Local)

Sponsors: Representative Buchanan.

Referred to: Judiciary I.

February 11, 1997

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE NINETEEN PRECINCTS IN AVERY COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S.163-128, 163-132.5C, or 163-132.3 or any action by the county or State boards of elections, the voting precincts of Avery County Board of Elections shall be the 19 precincts that were in existence on January 1, 1995.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 103*
Proposed Committee Substitute H103-PCS6274

Short Title: Avery Precincts. (Local)

Sponsors:

Referred to:

February 11, 1997

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE NINETEEN PRECINCTS IN AVERY COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S.163-128, 163-132.5C, or 163-132.3 or any action by the county or State boards of elections, the voting precincts of Avery County shall be the 19 precincts that were in existence on January 1, 1995, provided that Avery County reports in 1997 to the United States Bureau of the Census in the Boundary and Annexation Survey that the county has 19 townships which are coterminous with the 19 precincts that were in existence on January 1, 1995.

Section 2. This act shall become effective when Avery County reports in 1997 to the United States Bureau of the Census in the Boundary and Annexation Survey that the county has 19 townships which are coterminous with the 19 precincts that were in existence on January 1, 1995. If at any subsequent time Avery County reports a different set of township lines to the United States Bureau of the Census in the Boundary and Annexation Survey, then at that time the provisions of Section 1 of this act shall expire. For purposes of this act, the Chair of the Avery County Board of Commissioners or the Avery County Manager is authorized to make reports for the county to the United States Bureau of the Census in the Boundary and Annexation Survey.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 3

HOUSE BILL 275
Committee Substitute Favorable 3/26/97
Third Edition Engrossed 4/2/97

Short Title: Delegation of Some OSP Functions. (Public)

Sponsors:

Referred to:

February 19, 1997

A BILL TO BE ENTITLED

AN ACT TO REDUCE DUPLICATION OF WORK BETWEEN THE OFFICE OF STATE PERSONNEL AND OTHER AGENCIES, DEPARTMENTS, AND INSTITUTIONS BY THE DELEGATION OF AUTHORITY OF CERTAIN FUNCTIONS FROM THE OFFICE OF STATE PERSONNEL TO THOSE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 126-1 reads as rewritten:

"§ 126-1. Purpose of Chapter; application to local employees.

It is the intent and purpose of this Chapter to establish for the government of the State a system of personnel administration under the Governor, based on accepted principles of personnel administration and applying the best methods as evolved in government and industry. It is also the intent of this Chapter that this system of personnel administration shall apply to local employees paid entirely or in part from federal funds, except to the extent that local governing boards are authorized by this Chapter to establish local rules, local pay plans, and local personnel systems. It is also the intent of this Chapter to make provisions for a decentralized system of personnel administration, where appropriate, and without additional cost to the State, with the State Personnel Commission as the policy and rule-making body. The Office of State Personnel shall make recommendations for policies and rules to the Commission based on research and study in the field of personnel management, develop and administer statewide standards and criteria for good personnel

management, provide training and technical assistance to all agencies, departments, and institutions, provide oversight, which includes conducting audits to monitor compliance with established State Personnel Commission policies and rules, administer a system for implementing necessary corrective actions when the rule, standards, or criteria are not met, and serve as the central repository for State Personnel System data. The agency, department, and institution heads shall be responsible and accountable for execution of Commission policies and rules for their employees."

Section 2. G.S. 126-3 reads as rewritten:

"**§ 126-3. Office of State Personnel established and responsibilities outlined; administration and supervision; appointment, compensation and tenure of Director.**

(a) There is hereby established the Office of State Personnel (hereinafter referred to as 'the Office') which shall be placed for organizational purposes within the Department of Administration. Notwithstanding the provisions of North Carolina State government reorganization as of January 1, 1975, and specifically notwithstanding the provisions of Chapter 864 of the 1971 North Carolina Session Laws [Chapter 143A], the Office of State Personnel shall exercise all of its statutory powers in this Chapter independent of control by the Secretary of Administration and shall be under the administration and supervision of a State Personnel Director (hereinafter referred to as 'the Director') appointed by the Governor and subject to the supervision of the Commission for purposes of this Chapter. The salary of the Director shall be fixed by the General Assembly in the Current Operations Appropriations Act. The Director shall serve at the pleasure of the Governor.

(b) The Office shall be responsible for the following activities, and such other activities as specified in this Chapter:

(1) Providing policy and rule development for the Commission and implementing and administering all policies, rules, and procedures established by the Commission;

(2) Providing training in personnel management to agencies, departments, and institutions including train-the-trainer programs for those agencies, departments, and institutions who request such training and where sufficient staff and expertise exist to provide the training within their respective agencies, departments, and institutions;

(3) Providing technical assistance in the management of personnel programs and activities to agencies, departments, and institutions;

(4) Negotiating decentralization agreements with all agencies, departments, and institutions where it is cost-effective to include delegation of authority for certain classification and corresponding salary administration actions and other personnel programs to be specified in the agreements;

(5) Administering such centralized programs and providing services as approved by the Commission which have not been transferred to

agencies, departments, and institutions or where this authority has been rescinded for noncompliance;

(6) Providing approval authority of personnel actions involving classification and compensation where such approval authority has not been transferred by the Commission to agencies, departments, and institutions or where such authority has been rescinded for noncompliance;

(7) Maintaining a computer database of all relevant and necessary information on employees and positions within agencies, departments, and institutions in the State's personnel system;

(8) Developing criteria and standards to measure the level of compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards in agencies, departments, and institutions to which authority has been delegated for classification, salary administration and other decentralized programs, and determining through routine monitoring and periodic review process, that agencies, departments, and institutions are in compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards; and

(9) Implementing corrective actions in cases of noncompliance."

Section 3. G.S. 126-4 reads as rewritten:

"**§ 126-4. Powers and duties of State Personnel Commission.**

Subject to the approval of the Governor, the State Personnel Commission shall establish policies and rules governing each of the following:

(1) Position classification plans which shall provide for the classification and reclassification of all positions subject to this Chapter according to the duties and responsibilities of the positions.

(2) Compensation plans which shall provide for minimum, maximum, and intermediate rates of pay for all employees subject to the provisions of this Chapter.

(3) For each class of positions, reasonable qualifications as to education, experience, specialized training, licenses, certifications, and other job-related requirements pertinent to the work to be performed.

(4) Recruitment programs designed to promote public employment, communicate current hiring activities within State government, and attract a sufficient flow of internal and external applicants; and determine the relative fitness of applicants for the respective positions.

(5) Hours and days of work, holidays, vacation, sick leave, and other matters pertaining to the conditions of employment. The legal public holidays established by the Commission as paid holidays for State employees shall include Martin Luther King, Jr.'s Birthday

and Veterans Day. The Commission shall not provide for more than 11 paid holidays per year except that in those years in which Christmas Day falls on a Tuesday, Wednesday, or Thursday, the Commission shall not provide for more than 12 paid holidays.

(5a) In years in which New Year's Day falls on Saturday, the Commission may designate December 31 of the previous calendar year as the New Year's holiday, provided that the number of holidays for the previous calendar year does not exceed 12 and the number of holidays for the current year does not exceed 10. When New Year's Day falls on either Saturday or Sunday, the constituent institutions of The University of North Carolina that adopt alternative dates to recognize the legal public holidays set forth in subdivision (5) of this section and established by the Commission may designate, in accordance with the rules of the Commission and the requirements of this subdivision, December 31 of the previous calendar year as the New Year's holiday.

(6) The appointment, promotion, transfer, demotion and suspension of employees.

(7) Cooperation with the State Board of Education, the Department of Public Instruction, the University of North Carolina, and the Community Colleges of the State and other appropriate resources in developing programs in, including but not limited to, management and supervisory skills, performance evaluation, specialized employee skills, accident prevention, equal employment opportunity awareness, and customer service; and to maintain an accredited Certified Public Manager program.

(7a) The separation of employees.

(8) A program of meritorious service awards.

(9) The investigation of complaints and the issuing of such binding corrective orders or such other appropriate action concerning employment, promotion, demotion, transfer, discharge, reinstatement, and any other issue defined as a contested case issue by this Chapter in all cases as the Commission shall find justified.

(10) Programs of employee assistance, productivity incentives, equal opportunity, safety and health as required by Part 1 of Article 63 of Chapter 143 of the General Statutes, and such other programs and procedures as may be necessary to promote efficiency of administration and provide for a fair and modern system of personnel administration. This subdivision may not be construed to authorize the establishment of an incentive pay program.

(11) In cases where the Commission finds discrimination or orders reinstatement or back pay whether (i) heard by the Commission or (ii) appealed for limited review after settlement or (iii) resolved at

the agency level, the assessment of reasonable attorneys' fees and witnesses' fees against the State agency involved.

(12) Repealed by Session Laws 1987, c. 320, s. 2.

(13) Repealed by Session Laws 1987, c. 320, s. 3.

(14) The implementation of G.S. 126-5(e).

(15) Recognition of State employees, public personnel management, and management excellence.

(16) The implementation of G.S. 126-7.

(17) An alternative dispute resolution procedure.

(18) a. Delegation of authority for approval of personnel actions through decentralized agreements to the heads of State agencies, departments, and institutions. Any such delegation made to Executive Branch agencies shall require that the position in the agency that is directly responsible for personnel administration have a dual reporting relationship to the agency head, or designee, and to the State Personnel Director for accountability of personnel actions made by the agency. Such joint reporting relationships shall become a part of new and existing decentralization agreements, and the terms of the agreements will establish the rules relating to the joint appointment and to the required standards in the performance of personnel administration.

b. The decentralization process, where appropriate, for State agencies, departments, and institutions, and enforcement of corrective actions including reducing employee salaries and changing employee classifications that do not comply with the policy, criteria, or standards; also includes, but is not limited to, suspension of decentralization agreements in cases of noncompliance.

The policies and rules of the Commission shall not limit the power of any elected or appointed department head, in the department head's discretion and upon the department head's determination that it is in the best interest of the Department, to transfer, demote, or separate a State employee who is not a career State employee as defined by this Chapter."

Section 4. This act becomes effective January 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 549

Short Title: Asheville/Biltmore Boundary. (Local)

Sponsors: Representatives Ives; and Cansler.

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

March 19, 1997

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.

The General Assembly of North Carolina enacts:

Section 1. All of the area included in the following property description is hereby removed from the corporate limits of the Town of Biltmore Forest and added to the corporate limits of the City of Asheville:

That certain tract of land located in Biltmore Forest Township, Buncombe County, North Carolina, and more particularly described as follows:

BEGINNING at an iron pipe set in the Southern margin of the right-of-way of I-40, said iron pipe being located North 77 degrees 31 minutes 5 seconds East 349.07 feet from a right-of-way monument with Grid Coordinates of N=676831.46, E=945825.03 (N.A.D. 1927); thence from said established BEGINNING point along the new municipal line between the City of Asheville and the Town of Biltmore Forest, the following eighteen calls: South 25 degrees 32 minutes 3 seconds East 17 feet to an iron pipe set; South 28 degrees 7 minutes 1 second East 65.72 feet to an iron pipe set; South 28 degrees 27 minutes 55 seconds East 89.48 feet to an iron pipe set; South 21 degrees 54 minutes 35 seconds East 43.19 feet to an iron pipe set; South 18 degrees 56 minutes 21 seconds East 43.05 feet to an iron pipe set; South 21 degrees 33 minutes 58 seconds East 97.71 feet to an iron pipe set; South 25 degrees 19 minutes 59 seconds East 90.57 feet to an iron pipe set; South 23 degrees 41 minutes 33 seconds East 60.32 feet to an iron pipe set; South 27 degrees 46 minutes 19 seconds

East 54.22 feet to an iron pipe set; South 29 degrees 52 minutes 23 seconds East 82.15 feet to an iron pipe set; South 42 degrees 6 minutes 19 seconds East 40.47 feet to an iron pipe set; South 42 degrees 37 minutes 5 seconds East 88.97 feet to an iron pipe set; South 37 degrees 3 minutes 52 seconds East 36.70 feet to an iron pipe set; South 36 degrees 8 minutes 48 seconds East 48.80 feet to an iron pipe set; South 28 degrees 12 minutes 2 seconds East 32.52 feet to an iron pipe set; South 20 degrees 56 minutes 24 seconds East 46.30 feet to an iron pipe set; South 31 degrees 28 minutes 47 seconds East 26.44 feet to an iron pipe set; and on a curve to the right in a Southeasterly direction with a radius of 651.99 feet, a chord of South 51 degrees 22 minutes 50 seconds East 279.94 feet and an arc distance of 282.13 feet to an iron pipe set; thence along the former municipal line between the City of Asheville and the Town of Biltmore Forest, North 5 degrees 0 minutes 48 seconds East 834.86 feet to an existing iron pin in the Southern margin of the right-of-way of I-40; thence along the Southern margin of the right-of-way of I-40 (marked by a right-of-way fence), the following five calls: North 45 degrees 19 minutes 19 seconds West 16.05 feet to a right-of-way monument; North 56 degrees 36 minutes 52 seconds West 394.89 feet to a right-of-way monument; south 89 degrees 10 minutes 19 seconds West 181.75 feet to a right-of-way monument; South 79 degrees 25 minutes 40 seconds West 185.49 feet to a right-of-way monument; and South 77 degrees 31 minutes 5 seconds West 47.71 feet to the point of BEGINNING, containing 10.1638 acres, more or less, and being Tract A on a survey by John B. Young, R.L.S., entitled "Property Exchange Map for the Town of Biltmore Forest and the City of Asheville", dated March 4, 1997, and designated as Job File Number 90086-D-591, reference to said survey being made in aid of description.

Section 2. Section 1 of this act shall have no effect upon the validity of any liens of the Town of Biltmore Forest for ad valorem taxes on special assessments that have attached prior to the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property were still within the corporate limits of the Town of Biltmore Forest.

Section 3. The City of Asheville shall initiate proceedings within 60 days from the date of this act to zone the tract described in Section 1 of this act to an appropriate classification within the City of Asheville's zoning ordinance.

Section 4. All of the area included in the following property description is hereby removed from the corporate limits of the City of Asheville and added to the corporate limits of the Town of Biltmore Forest:

That certain tract or parcel of land located in Asheville Township, Buncombe County, North Carolina, and more particularly described as follows:

BEGINNING at a point with Grid Coordinates of N=674912.28, E=947286.02 (N.A.D. 1927) and marking the Northernmost corner of Lot O as shown on plat recorded in Plat Book 2, at Page 39, of the Buncombe County, NC Register's Office, said point also marking the terminus of the second call known as Boundary Station 1 recorded in Deed Book 244, at Page 56, of the Buncombe County, NC Register's Office; then from said established BEGINNING point and moving along the former

municipal boundary line of Biltmore Forest and the City of Asheville, the following two calls: North 37 degrees 31 minutes 0 seconds West 777.23 feet to an existing concrete marker (City Limit Marker) described in Deed recorded in Deed Book 1642, at Page 252 and also being the terminus of the 16th call of Deed Book 79, at Page 1, both of the Buncombe County, NC Register's Office; and North 5 degrees 0 minutes 48 seconds East 208.16 feet to an iron pipe set; thence along the new municipal line between the Town of Biltmore Forest and the City of Asheville, the following ten calls: South 31 degrees 15 minutes 56 seconds East 253.98 feet to an iron pipe set; South 86 degrees 17 minutes 19 seconds East 238.87 feet to a point; South 3 degrees 42 minutes 41 seconds West 205.98 feet to a point; South 17 degrees 9 minutes 14 seconds East 84.38 feet to a point; South 36 degrees 34 minutes 52 seconds East 37.12 feet to a point; South 37 degrees 32 minutes 25 seconds East 136.55 feet to a point; South 15 degrees 11 minutes 6 seconds East 34.36 feet to a point; South 18 degrees 10 minutes 16 seconds East 44.02 feet to a point; South 23 degrees 57 minutes 48 seconds East 97.46 feet to a point; and South 31 degrees 26 minutes 2 seconds East 2.10 feet to a point; thence South 89 degrees 17 minutes 6 seconds West 95.34 feet to the point of BEGINNING, containing 3.1201 acres, more or less, and being a consolidated description of Tract D and Tract E as shown on a survey by John B. Young, R.L.S., entitled "Property Exchange Map for the Town of Biltmore Forest and the City of Asheville", dated March 4, 1997, and designated as Job File Number 90086-D-591, reference to said survey being made in aid of description.

Section 5. Section 4 of this act shall have no effect upon the validity of any liens of the City of Asheville for ad valorem taxes which have attached prior to the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property were still in the corporate limits of the City of Asheville.

Section 6. The Town of Biltmore Forest shall initiate proceedings within 60 days from the effective date of this act to zone the tract described in Section 4 of this act to an appropriate classification within the Town of Biltmore Forest's zoning ordinance.

Section 7. If any provision of this act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 8. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 587*
Committee Substitute Favorable 4/10/97

Short Title: Mecklenburg ABC Law Enforcement. (Local)

Sponsors:

Referred to:

March 24, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-501(f) reads as rewritten:

"(f) Contracts with Other Agencies. -- Instead ~~of~~ of, or in addition to, hiring local ABC officers, a local board may contract ~~to pay its enforcement funds to~~ with a sheriff's department, city police department, or other local law-enforcement agency for enforcement of the ABC laws within the law-enforcement agency's territorial jurisdiction. Enforcement agreements may be made with more than one agency at the same time. When such a contract for enforcement exists, ~~the~~ those officers of the contracting law-enforcement agency designated in the contract shall have the same authority to inspect under G.S. 18B-502 that an ABC officer employed by that local board would ~~have.~~ once the designated officers of the contracting law enforcement agency have been certified by the chief ABC officer as having been trained in enforcement of the ABC laws. If a city located in two or more counties approves the sale of some type of alcoholic beverage pursuant to the provisions of G.S. 18B-600(e4), and there are no local ABC boards established in the city and one of the counties in which the city is located, the local ABC board of any county in which the city is located may enter into an enforcement agreement with the city's police department for enforcement of the ABC laws within the entire city, ~~including~~ that

portion of the city located in the county of the ABC board entering into the enforcement agreement. Enforcement agreements authorized by this section may be cancelled by the local ABC board upon 20 days' written notice.

Payments, if any, received by a contracting agency for furnishing law enforcement services shall be in addition to any profits allocated to local governments derived from the sale of alcoholic beverages."

Section 2. This act applies to the Mecklenburg County Alcoholic Beverage Control Board only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 587*
Committee Substitute Favorable 4/10/97
Proposed Senate Committee Substitute H587-PCS6275

Short Title: Mecklenburg ABC Law Enforcement. (Local)

Sponsors:

Referred to:

March 24, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-501(f) reads as rewritten:

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ABC board of any county in which the city is located may enter into an enforcement agreement with the city's police department for enforcement of the ABC laws within the entire city, including that portion of the city located in the county of the ABC board entering into the enforcement agreement. Enforcement agreements authorized by this section may be cancelled by the local ABC board upon 20 days' written notice.

Payments, if any, received by a contracting agency for furnishing law enforcement services shall be in addition to any profits allocated to local governments derived from the sale of alcoholic beverages."

Section 2. This act applies to the Mecklenburg County Alcoholic Beverage Control Board only.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 587

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

H587-ARF-001 Page 1 of __

Date_____,1997

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

Senator Soles

moves to amend the bill on page 1, line 18,
by adding after the period a new sentence to read:

"In order to be certified, the designated officers shall receive the same training in the enforcement of the ABC laws as provided to local ABC officers."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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

A BILL TO BE ENTITLED

AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF MADISON.

The General Assembly of North Carolina enacts:

Section 1. Effective as of midnight June 30, 1997, the noncontiguous area described herein which lies within the extraterritorial jurisdiction of the Town of Madison and is delineated on the Official Zoning Map of the Town of Madison is annexed to the Town of Madison:

BEGINNING AT A POINT being the intersection of the centerlines of State Highway 704 and Grogan Lake Road (SR 1178), thence east southeast approximately 1540 feet along the centerline of State Highway 704 to a point being the intersection of the centerline of State Highway 704 and Island Drive (SR 1169), thence south approximately 2420 feet to a point on the centerline of Island Drive parallel to the northernmost point of parcel 7916.16-74-6129, thence west southwest approximately 1910 feet along the northern boundary of said parcel to a point being the northwest boundary corner of said parcel, thence north approximately 1020 feet along the eastern and southeastern property boundaries of parcels 7906-65-3798 and 7906-76-7040, thence east approximately 565 feet to a point in the centerline of Grogan Lake Road (SR 1178), thence north approximately 320 feet to a point on the centerline of Grogan Lake Road (SR 1178) parallel to the southwest property boundary corner of parcel 7906-86-2975, thence east approximately 212 feet to a point being the southeast property corner of said parcel, thence north approximately 546 feet along the eastern property boundary lines of parcels 7906-86-2975, 7906-87-2073 and 7918-84-2298 to a

point being the northeast property boundary corner of parcel 7918-84-2298, thence west approximately 215 feet along the northern boundary of said parcel to the centerline of Grogan Lake Road (SR 1178), thence north approximately 200 feet along the centerline of Grogan Lake Road (SR 1178) to a point parallel to the southwest property boundary corner of parcel 7906.08-87-3727, thence east approximately 215 feet along the southern boundary of said parcel to a point being the southeast property boundary corner of said parcel, thence north approximately 400 feet along the eastern boundaries of parcels 7906.08-87-3727 and 7906.08-87-3937 to a point being the northeast property boundary corner of parcel 7906-87-3937, thence west approximately 215 feet to a point in the centerline of Grogan Lake Road (SR 1178) parallel to the northwest property boundary corner of said parcel, thence north approximately 476 feet along the centerline of Grogan Lake Road (SR 1178) to a point parallel to the southwest boundary corner of parcel 7915.05-28-3666, thence east approximately 211 feet to a point being the southeast boundary corner of said parcel, thence north approximately 221 feet to a point being the northeast boundary corner of said parcel, thence west approximately 208 feet to the centerline of Grogan Lake Road (SR 1178) to a point parallel to the northwest boundary corner of said parcel, thence north approximately 534 feet along the centerline of Grogan Lake Road (SR 1178) to the BEGINNING.

Section 2. G.S. 160A-58.1(b)(2) does not apply to the area set out in Section 1 of this act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 687

Short Title: Henderson E & R Board. (Local)

Sponsors: Representatives Justus; and Ives.

Referred to: Local and Regional Government II.

March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR HENDERSON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-322 reads as rewritten:

"**§ 105-322. Henderson County board of equalization and review.**

(a) ~~Personnel.~~ Board Composed of Commissioners if Special Board Not Appointed. -- ~~Except as otherwise provided herein,~~ If the board of county commissioners does not appoint a special board of equalization and review as provided in this section, the board of equalization and review of ~~each~~ the county shall be composed of the members of the board of county commissioners.

(a1) Appointment of Special Board. -- Upon the adoption of a resolution so providing, the board of commissioners is authorized to appoint a special board of equalization and review to carry out the duties imposed under this section. ~~The resolution shall provide for the membership, qualifications, terms of office and the filling of vacancies on the board.~~ The special board shall be composed of five members and three alternate members. The board of commissioners shall ~~also~~ designate ~~the chairman~~ a chair of the special ~~board.~~ board from the membership of the board. The special board shall elect a vice-chair from its membership. To be eligible for appointment to the special board, a person must have resided in Henderson County for at least three years immediately preceding the appointment and the board of county commissioners must find that the person has satisfactory knowledge of or experience in real estate, fee appraisals, banking, farming, or other business management.

Members of the special board shall serve a term of two years. No member may serve more than three consecutive terms. Vacancies shall be filled by the board of county commissioners; a successor appointed to fill a vacancy shall serve for the remainder of the term. Members of the special board shall serve at the pleasure of the board of county commissioners.

~~The resolution may also authorize a taxpayer to appeal a decision of the special board with respect to the listing or appraisal of his property or the property of others to the board of county commissioners.~~ The resolution creating the special board shall be adopted not later than the first Monday in March of the year for which it is to be effective and shall continue in effect until revised or rescinded. It shall be entered in the minutes of the meeting of the board of commissioners and a copy thereof shall be forwarded to the Department of Revenue within 15 days after its adoption.

~~Nothing in this subsection (a) shall be construed as repealing any law creating a special board of equalization and review or creating any board charged with the duties of a board of equalization and review in any county.~~

(a2) Quorum; Alternates. -- A majority of the members of the special board shall constitute a quorum for the purpose of transacting business. A decision of the special board shall be made by a majority of the members present. An alternate member of the special board shall have all the powers and duties of a regular board member when sitting as a member of the board or of any subcommittee or panel created by the board. The board of county commissioners shall adopt a resolution setting forth any other provisions it deems necessary to govern the proceedings of the special board and any subcommittee or panel created by the special board.

(b) Compensation. -- The board of county commissioners shall fix the compensation and allowances to be paid members of the board of equalization and review for their services and expenses.

(c) Oath. -- Each member of the board of equalization and review shall take the oath required by Article VI, § 7 of the North Carolina Constitution with the following phrase added to it: 'that I will not allow my actions as a member of the board of equalization and review to be influenced by personal or political friendships or obligations,'. The oath must be filed with the clerk of the board of county commissioners.

(d) Clerk and Minutes. -- The assessor or a person designated by the assessor shall serve as clerk to the board of equalization and review, shall be present at all meetings, shall maintain accurate minutes of the actions of the board, shall draft all written decisions of the special board, and shall give to the board such information as ~~he~~ the clerk may have or can obtain with respect to the listing and valuation of taxable property in the county. The chair of the special board shall review all written decisions drafted by the clerk. Only the chair of the special board can execute the decisions of the special board.

(e) Time of Meeting. -- ~~Each~~ Except as otherwise provided in this section, each year the board of equalization and review shall hold its first meeting not earlier than the first Monday in April and not later than the first Monday in May. ~~In years in which a county does not conduct a real property revaluation, the~~ The board shall

complete its duties on or before the ~~third Monday following its first meeting~~ advertised adjournment date unless, in its opinion, a longer period of time is necessary or expedient to a proper execution of its responsibilities. In no event shall the board sit later than ~~July 1~~ December 1 except to hear and determine requests made under the provisions of subdivision (g)(2), below, when such requests are made within the time prescribed by law. ~~In the year in which a county conducts a real property revaluation, the board shall complete its duties on or before December 1, except that it may sit after that date to hear and determine requests made under the provisions of subdivision (g)(2), below, when such requests are made within the time prescribed by law. From the time of its first meeting until its adjournment, the~~ The board shall meet at such times as it deems reasonably necessary to perform its statutory duties and to receive requests and hear the appeals of taxpayers under the provisions of ~~subdivision (g)(2), below.~~ subdivisions (g)(1) and (g)(2) of this section.

(f) Notice of Meetings and Adjournment. -- A notice of the date, hours, place, and purpose of the first meeting of the board of equalization and review shall be published at least three times in some newspaper having general circulation in the county, the first publication to be at least 10 days prior to the first meeting. The notice shall also state the dates and hours on which the board will meet following its first meeting and the date on which it expects to adjourn; it shall also carry a statement that in the event of earlier or later adjournment, notice to that effect will be published in the same newspaper. Should a notice be required on account of earlier adjournment, it shall be published at least once in the newspaper in which the first notice was published, such publication to be at least five days prior to the date fixed for adjournment. Should a notice be required on account of later adjournment, it shall be published at least once in the newspaper in which the first notice was published, such publication to be prior to the date first announced for adjournment.

(g) Powers and Duties. -- The board of equalization and review shall have the following powers and duties:

(1) ~~Powers and Duties. -- It shall be the duty of the board of equalization and review to~~ Duty to Review Tax Lists. -- The board shall examine and review the tax lists of the county for the current year to the end that all taxable property shall be listed on the abstracts and tax records of the county and appraised according to the standard required by G.S. 105-283, and the board shall correct the abstracts and tax records to conform to the provisions of this Subchapter. In carrying out its responsibilities under this subdivision (g)(1), the board, on its own motion or on sufficient cause shown by any person, shall:

a. List, appraise, and assess any taxable real or personal property that has been omitted from the tax lists.

b. Correct all errors in the names of persons and in the description of properties subject to taxation.

c. Increase or reduce the appraised value of any property that, in the board's opinion, shall have been listed and appraised

at a figure that is below or above the appraisal required by G.S. 105-283; however, the board shall not change the appraised value of any real property from that at which it was appraised for the preceding year except in accordance with the terms of G.S. 105-286 and 105-287.

d. Cause to be done whatever else shall be necessary to make the lists and tax records comply with the provisions of this Subchapter.

e. Embody actions taken under the provisions of subdivisions (g)(1)a through (g)(1)d, above, in appropriate orders and have the orders entered in the minutes of the board.

f. Give written notice to the taxpayer at his last-known address in the event the board shall, by appropriate order, increase the appraisal of any property or list for taxation any property omitted from the tax lists under the provisions of this subdivision (g)(1).

(2) Duty to Hear Taxpayer Appeals. -- On request, the board of equalization and review shall hear any taxpayer who owns or controls property taxable in the county with respect to the listing or appraisal of his property or the property of others.

a. A request for a hearing under this subdivision (g)(2) shall be made in writing to or by personal appearance before the board prior to its adjournment. However, if the taxpayer requests review of a decision made by the board under the provisions of subdivision (g)(1), above, notice of which was mailed fewer than 15 days prior to the board's adjournment, the request for a hearing thereon may be made within 15 days after the notice of the board's decision was mailed.

b. Taxpayers may file separate or joint requests for hearings under the provisions of this subdivision (g)(2) at their election.

c. At a hearing under provisions of this subdivision (g)(2), the board, in addition to the powers it may exercise under the provisions of subdivision (g)(3), below, shall hear any evidence offered by the appellant, the assessor, and other county officials that is pertinent to the decision of the appeal. Upon the request of an appellant, the board shall subpoena witnesses or documents if there is a reasonable basis for believing that the witnesses have or the documents contain information pertinent to the decision of the appeal. The board shall render a decision on each appeal within five days of the hearing date.

d. On the basis of its decision after any hearing conducted under this subdivision (g)(2), the board shall adopt and have

entered in its minutes an order reducing, increasing, or confirming the appraisal appealed or listing or removing from the tax lists the property whose omission or listing has been appealed. The board shall notify the appellant by mail as to the action taken on his appeal not later than 30 days after the board's adjournment.

(3) Powers in Carrying Out Duties. -- In the performance of its duties under subdivisions (g)(1) and (g)(2), above, the board of equalization and review may exercise the following powers:

a. It may appoint committees composed of its own members or other persons to assist it in making investigations necessary to its work. It may also employ expert appraisers in its discretion. The expense of the employment of committees or appraisers shall be borne by the county. The board may, in its discretion, require the taxpayer to reimburse the county for the cost of any appraisal by experts demanded by him if the appraisal does not result in material reduction of the valuation of the property appraised and if the appraisal is not subsequently reduced materially by the board or by the Department of Revenue.

b. The board, in its discretion, may examine any witnesses and documents. It may place any witnesses under oath administered by any member of the board. It may subpoena witnesses or documents on its own motion, and it must do so when a request is made under the provisions of subdivision (g)(2)c, above.

A subpoena issued by the board shall be signed by the chairman of the board, directed to the witness or to the person having custody of the document, and served by an officer authorized to serve subpoenas. Any person who willfully fails to appear or to produce documents in response to a subpoena or to testify when appearing in response to a subpoena shall be guilty of a Class 1 misdemeanor.

(4) Power to Submit Reports. -- Upon the completion of its other duties, the board may submit to the Department of Revenue a report outlining the quality of the reappraisal, any problems it encountered in the reappraisal process, the number of appeals submitted to the board and to the Property Tax Commission, the success rate of the appeals submitted, and the name of the firm that conducted the reappraisal. A copy of the report should be sent by the board to the firm that conducted the reappraisal.

(5) Duty to Change Abstracts and Records After Adjournment. -- After adjournment upon completion of its duties under subdivisions (g)(1) and (g)(2) of this section, the board of

equalization and review shall exercise the authority granted to the board of county commissioners under G.S. 105-325. This duty includes hearing appeals of the appraisal, situs, and taxability of classified motor vehicles pursuant to G.S. 105-330.2(b).

(h) Motor Vehicle and Review Subcommittee. -- The chair of the board of equalization and review shall appoint a subcommittee at the board's first meeting of the calendar year. The subcommittee shall hear and decide all appeals relating to the appraisal, situs, and taxability of classified motor vehicles under G.S. 105-330.2(b) and may meet as needed to exercise this authority. The subcommittee shall consist of three board members and three alternate members, which may include the alternate board members. Three members shall constitute a quorum for the purpose of transacting business. A decision of the subcommittee shall be made by a majority of the members.

(i) Reappraisal Year Panels. -- In any reappraisal year, the chair of the board of equalization and review may divide the board into separate panels consisting of three members, which may include the alternate board members. The chair shall designate one member of each panel to serve as its chair and may change the members of the panels during the year. Three members of each panel shall constitute a quorum for the purpose of transacting business. A decision of the panel shall be made by a majority of the members. A decision of a panel constitutes a decision of the board of equalization and review."

Section 2. Two of the initial five appointees to the special board of equalization and review shall be appointed to serve a one-year term.

Section 3. Chapter 155 of the 1975 Session Laws is repealed.

Section 4. This act applies only to Henderson County.

Section 5. This act becomes effective January 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 789
Committee Substitute Favorable 4/29/97

Short Title: Town of Oakboro. (Local)

Sponsors:

Referred to:

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO REVISE THE BOUNDARIES OF THE TOWN OF OAKBORO.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 51 of the Private Laws of 1915, as amended by Chapter 18 of the Private Laws of 1929 and Chapter 254 of the 1993 Session Laws, reads as rewritten:

"Sec. 2 The corporate limits of the town are as follows:

BEGINNING AT A POINT in the centerline of NC 742 marked by a railroad spike in the present south corporate limits of the Town of Oakboro; thence, easterly 1113 feet across NC 742 and along the south property line of Parcels 6510 and 2637 (Map 6503) to the southeast corner of Parcel 2637, 1204 feet, to a corner with Parcel 2036 (Map 6503.02); thence, northeasterly 310 feet along the property line to the most easterly corner of Parcel 2036; thence, northwesterly, 2580 feet along the northeast property line of Parcel 2036 to a corner with Parcel 3130 (Map 6503.02); thence, northeasterly 380 feet along the property line of Parcel 3130 and continuing in the same line across the Norfolk and Southern Railway and NC 138 to a point in the north right-of-way line of NC 138.

Thence, southeasterly, 600 feet, along the north right-of-way line of NC 138 to the southeastern corner of Parcel 8456 (Map 6503); thence, northerly, 600 feet to the northeastern corner of Parcel 8456; thence, westerly 450 feet, to a corner with Lot 3 of the Whitley Estate (within Parcel 7947, Map 6503); thence, northerly, 660 feet along the east lot line of Lot 3 and across Alonzo Road (SR 1974) to the north right-

of-way line of Alonzo Road; thence, southwesterly, 700 feet, along the north right-of-way of Alonzo Road to a corner with Lot 4, Whitley Estate (within Parcel 3643, Map 6503); thence, northerly, 1000 feet, to the northwest corner of Lot 4; thence, westerly along the north lot line of Lot 5, Whitley Estate, and across St. Martin Road (First Street), 450 feet, to a point in the north right-of-way of St. Martin Road at the most southerly corner of Parcel 5215 (Map 6504.04); thence, northeasterly 930 feet along St. Martin Road to the eastern corner of Parcel 0817 (Map 6504.04); thence, northwesterly 770 feet along the eastern property lines of Parcels 0817, 8990, 5994, and the west property line of Parcel 8633 (Map 6504.04) to the southwest corner of Parcel 8633; thence northerly 1195 feet along the west property line of Parcel 8633 to the easternmost corner of Parcel 9086 (Map 6504.04); thence, 880 feet along the eastern property line of Parcels 9086, 7379, 7761, and 7867 (Map 6504.04) to northeastern corner of Parcel 7867; thence, westerly 370 feet to the west right-of-way of East Eighth Street (SR 1976); thence, southwesterly 3020 feet along East Eighth Street to the easternmost corner of Parcel 9226 (Map 6504.03); thence, northwesterly, 400 feet, along the property line of Parcel 5054 (Map 6504.03) to a corner with a new Parcel F09-4-3H (Map 6504.03); thence, meandering northeasterly and northwesterly, 300 feet, along the property line of Parcel F09-4-3H to a point in the south right-of-way line of E. Tenth Street; thence, northeasterly, 1530 feet, along the south right-of-way of E. Tenth Street to intersection with the southernmost corner of Parcel 993 (Map 6504); thence northwesterly along the East Tenth Street right-of-way line, 1020 feet, to the most easterly corner of Parcel 0520 (Map 6504.03); thence, meandering northwesterly, 1335 feet, along the northern property lines of Parcels 0520 and 7624 (Map 6504.03), across Pecan Drive, and along the north property lines of Parcels 4752 and 1797 (Map 6504.03) to the most northerly corner of Parcel 1797; thence, southwesterly, 1570 feet, along the southeast property lines of Parcels 9161 and 0356 (Map 6504) to the most southerly corner of Parcel 0356; thence, northwesterly 1035 feet along the southwest property lines of Parcels 0356, 5588, and 7871 (Map 6504) to a corner of Parcel 7871 which is also the most northerly corner of Parcel 3450 (Map 6504); thence, northerly 150 feet to the most easterly corner of Parcel 1795 (Map 6504); thence, meandering northerly 545 feet along the eastern property lines of Parcels 1795, 1858, and 1949 (Map 6504) to the most northerly corner of Parcel 1949; thence, northwesterly 1471 feet along the northeast property lines of Parcels 0382 and 9496 (Map 6504) and Parcels 9079, 9223, 8371, 6472, 6594, and 5676 (Map 5594) to the most northerly corner of Parcel 5676; thence, northeasterly 210 feet to a point in the southeastern property line of Parcel 7254 (Map 5594); thence, northwesterly 990 feet along the southwestern property line of Parcel 7254, across Parcel 2486 (Map 5594) to a point in the southeast right-of-way line of Big Lick Road (SR 1115).

Thence southwesterly 1450 feet along Big Lick Road to the northernmost corner of Parcel 0001 (Map 594); thence, southeasterly 970 feet along the east and north property lines of Parcels 0001 and 7264 (Map 5594) to the west right-of-way of Swift Road (SR 1110); thence, southerly 2400 feet along Swift Road to a point across from Lynn Road; thence northwesterly 395 feet to a point; thence, northerly 330 feet to a

point; thence, westerly 1586 feet to the westernmost corner of Parcel 5660 (Map 5594); thence southerly and westerly 1453 feet along the west property lines of Parcels 4776 and 0340 (Map 5594) to the southwest corner of Parcel 0340; thence, southeasterly 1778 feet to the southeastern corner of Parcel 0340; thence, northerly 1418 feet along the east property lines of Parcels 0340 and 4776 to a point; thence, northeasterly 774 feet to a point; thence, 920 feet easterly and along the north property line of Parcel 1959 (Map 5594) to the northeast corner of Parcel 1959 in the west right-of-way of Swift Road; thence southerly 200 feet along Swift Road to a point; thence, easterly 2270 feet across Swift Road and along the north property lines of Parcels 8542, 3462, 5359, and 2415 (Map 5594) to the northeast corner of Parcel 2415; thence, meandering 1955 feet along the southwestern property lines of Parcel 8907 (Map 5594) and Parcels 3743, 9938 and 3774 (Map 6504) to the southernmost corner of Parcel 3774; thence, 500 feet, southeasterly along the eastern property lines of Parcels 3640, 4229, and 4177 (Map 6504) to the intersection of W. Eleventh Street and Hurley Road (SR 1112); thence, 760 feet, continuing diagonally across the intersection of W. Eleventh and Hurley Road and along the eastern property lines of Parcel 5749 (Map 6503.01) and Parcel 3808 (Map 5593) to the centerline of the Norfolk & Southern Railroad; thence, 1600 feet, southeasterly, along the Railroad to a point; thence, 1470 feet, southwesterly along the northwestern property line of Parcel 7249 (Map 6503.01) to the most westerly corner of Parcel 7249; thence, easterly, 550 feet, to a point at the northwest corner of Parcel 3991 (Map 6503.01); thence, southerly, 190 feet, to the southwest corner of Parcel 3991 in the north right-of-way of Hamilton Road; thence, easterly, 40 feet, along the north right-of-way of Hamilton Road to a point.

Thence, southerly, 830 feet, across Hamilton Road and along the western property lines of Parcels 4475 and 4965 (Map 6503) to the westernmost corner of Parcel 4965; thence, southeastern, 920 feet, along the southwest property line of Parcel 4965, the northeast property line of Parcel 5584 (Map 6503.01), across NC 205, and along the northeast property line of Parcel 7324 (Map 6503.01) to the easternmost corner of Parcel 7324; thence, northeasterly, 1940 feet, along the southeastern and eastern property lines of Parcels 8456, 9597, 1789, and 3057 (Map 6503.01) and the east right-of-way of NC 205 to the south right-of-way of Coble Mill Road (SR 1152); thence, easterly, 1965 feet, along the Coble Mill Road south right-of-way to intersection with the west right-of-way line of Rocky River Road; thence, southerly 2620 feet, along the west right-of-way of Rocky River Road to a point approximately 250 feet south of James Road; thence, easterly 1975 feet, across Rocky River Road in a line with and following the southern property lines of Parcels 5656, 0712, 4832, 6877, 8961, 9953, 0914, and 1080 (Map 6503), to the west right-of-way line of NC 742; thence, southeasterly 75 feet to the POINT OF BEGINNING."

Section 2. This act becomes effective June 30, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 832

Short Title: Newland/Spruce Pine Tax Payment. (Local)

Sponsors: Representatives Thompson; and Buchanan.

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

April 7, 1997

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.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 305 of the 1963 Session Laws is rewritten to read:

"Section 1. The Register of Deeds of Avery County shall not receive for recordation any deed unless the following conditions are met:

(1) The deed is accompanied by a certificate from the Avery County Tax Collector to the effect that all delinquent county taxes and all delinquent taxes for municipalities for which the county collects taxes have been paid with respect to the property described in the deed.

(2) If the property described in the deed is located in whole or in part in the Town of Newland, the deed is accompanied by a certificate from the tax collector for the town to the effect that all delinquent municipal taxes have been paid with respect to the property."

Section 2. The Register of Deeds of Mitchell County shall not receive for recordation any deed unless the following conditions are met:

(1) The deed is accompanied by a certificate from the Mitchell County Tax Collector to the effect that all delinquent county taxes and all delinquent taxes for municipalities for which the county collects

taxes have been paid with respect to the property described in the deed.

(2) If the property described in the deed is located in whole or in part in the Town of Spruce Pine, the deed is accompanied by a certificate from the tax collector for the town to the effect that all delinquent municipal taxes have been paid with respect to the property.

Section 3. This act becomes effective August 1, 1997, and applies to deeds recorded on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 834

Short Title: Wilmington Wheel Locks. (Local)

Sponsors: Representative Wright.

Referred to: Ways and Means.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 291 of the 1993 Session Laws, as amended by Chapter 381 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. This act applies to the Cities of ~~Durham, Raleigh, Winston-Salem, and Greensboro~~ Durham, Greensboro, Raleigh, Wilmington, and Winston-Salem only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 834
Proposed Committee Substitute H834-PCS1402

Short Title: Wilmington/Lenior Wheel Locks. (Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITIES OF LENOIR AND WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 291 of the 1993 Session Laws, as amended by Chapter 381 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. This act applies to the Cities of ~~Durham, Raleigh, Winston-Salem, and Greensboro~~ Durham, Greensboro, Lenoir, Raleigh, and Winston-Salem ~~only~~. This act shall also apply to the City of Wilmington, but only as to the area in the central business district as defined in that City's zoning ordinance as of June 1, 1997."

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

HOUSE BILL 852
Committee Substitute Favorable 4/16/97

Short Title: Stokes 911 Database Confidentiality. (Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT INFORMATION IN THE STOKES COUNTY 911 DATABASE OBTAINED FROM A TELEPHONE COMPANY IS CONFIDENTIAL IF REQUIRED BY THE AGREEMENT OBTAINING THE INFORMATION.

The General Assembly of North Carolina enacts:

Section 1. Automatic number identification and automatic location identification information that consists of the name, address, and telephone numbers of telephone subscribers which is contained in a county 911 database is confidential and is not a public record as defined by Chapter 132 of the General Statutes if that information is required to be confidential by the agreement with the telephone company by which the information was obtained. Dissemination of the information contained in the 911 automatic number and automatic location database is prohibited except on a call-by-call basis only for the purpose of handling emergency calls or for training, and any permanent record of the information shall be secured by the public safety answering points and disposed of in a manner which will retain that security except as otherwise required by applicable law.

Section 2. This act applies to Stokes County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 852
Committee Substitute Favorable 4/16/97
Proposed Senate Committee Substitute H852-PCS6234

Short Title: 911 Database Confidentiality. (Public)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT INFORMATION IN A 911 DATABASE OBTAINED FROM A TELEPHONE COMPANY IS CONFIDENTIAL IF REQUIRED BY THE AGREEMENT OBTAINING THE INFORMATION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 132 of the General Statutes is amended by adding a new section to read:

"**§ 132-1.5. 911 database.**

Automatic number identification and automatic location identification information that consists of the name, address, and telephone numbers of telephone subscribers which is contained in a county 911 database is confidential and is not a public record as defined by Chapter 132 of the General Statutes if that information is required to be confidential by the agreement with the telephone company by which the information was obtained. Dissemination of the information contained in the 911 automatic number and automatic location database is prohibited except on a call-by-call basis only for the purpose of handling emergency calls or for training, and any permanent record of the information shall be secured by the public safety answering points and disposed of in a manner which will retain that security except as otherwise required by applicable law."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 1135
Committee Substitute Favorable 4/30/97

Short Title: State Employee Incentive Bonus. (Public)

Sponsors:

Referred to:

April 21, 1997

A BILL TO BE ENTITLED

AN ACT AMENDING THE STATE PERSONNEL ACT TO PROVIDE FOR AN INCENTIVE BONUS PROGRAM TO RECOGNIZE AND REWARD THE COST-SAVING INITIATIVE AND INNOVATIONS OF STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 126 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 2A.

"Incentive Bonus Program.

"§ 126-7.3. State employee incentive bonus.

(a) A State employee or team of State employees may receive [redacted] or bonuses in reward for suggestions or innovations resulting in monetary savings to the State, increased revenues to the State, or improved quality of services delivered to the public. The program is restricted to current State employees. Managers and supervisors may participate in the program.

(b) In addition to any bonuses paid directly to individual State employees, a portion of the cost-savings associated with any savings realized from permanent efficiencies implemented pursuant to this section may be contributed to a reserve fund for State employee performance bonuses. Funds for State employee incentive bonuses shall only come from savings including reversions above the baseline reversion of the employing State department, agency, or institution. For the purposes of this section, 'baseline reversion' means the two-year historical average of reversions by a State department, agency, or institution.

(c) Savings generated by suggestions and innovations shall be determined at the end of the fiscal year in which the suggestion or innovation is implemented. Any savings are to be calculated using the actual expenditures for a program, activity, or service compared to the budgeted amount for the same. The savings calculation shall include the amount of any reversions in excess of the baseline reversion. Any savings realized through the State employee incentive bonus shall be weighed against continued service to the public.

"**§ 126-7.4. Allocation of incentive bonus funds; nonmonetary recognition.**

(a) If a State employee's suggestion or innovation results in a monetary savings or increased revenue to the State, the funds saved or increased will be distributed according to the following scale:

(1) Twenty percent (20%) of the savings or fifty percent (50%) of the suggester's annual salary, whichever is less, to constitute gainsharing. If a team of State employee's is the suggester, the bonus provided in this subdivision shall be divided equally among the team members, except that no team member may receive in excess of fifty percent (50%) of the employee's annual salary.

(2) Thirty percent (30%) to a performance bonus reserve for all current State employees, to be distributed according to G.S. 126-7, the Comprehensive Compensation System for State employees.

(3) The remainder to the General Fund for nonrecurring budget items.

(b) The budget of a State agency will not be reduced by a similar amount in the following fiscal year. The agency budget will be reduced only if structural or organizational changes are made that warrant the reductions, including the transfer of responsibility for an activity or service to another agency or the elimination of some function of State government.

(c) If a suggestion or innovation results in improved quality of services to the public, but not in monetary savings to the State, the suggester shall receive a nonmonetary award in the form of a certificate, leave with pay, or other similar recognition.

"**§ 126-7.5. Suggestion and review process; role of agency coordinator and agency evaluator.**

(a) The process for a State employee or team of State employees to submit a cost-saving proposal shall begin by the employee or team of employees submitting the suggestion or innovation to an agency coordinator designated by the employing State department, agency, or institution. The agency coordinator, in conjunction with an agency evaluator, shall review the suggestion or innovation for submission to the Review Committee established in G.S. 126-7.6.

(b) The duties of the agency coordinator shall include:

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

(2) Responsibility for presenting, in conjunction with the agency evaluator, the plan of implementation for a suggestion or innovation to the Review Committee.

(3) Working with an agency evaluator designated by the Review Committee of State employees empaneled pursuant to G.S. 126-7.6.

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

(c) The duties of an agency evaluator shall include:

(1) Reviewing the feasibility and effectiveness of cost-saving measures suggested by State employees.

(2) Being knowledgeable of the subject program, activity, or service.

(3) Determining the budgetary impact of a suggestion or innovation.

(4) Judging impartially both the positive and negative effects of a suggestion or innovation on the current functions of the subject program, activity, or service.

The specific assignments of the agency evaluator shall be determined by the agency coordinator.

(d) The State Coordinator shall be responsible for general oversight and coordination of the State employee incentive bonus program. The State Coordinator shall be a State employee working in the Office of the State Auditor.

"**§ 126-7.6. Incentive Bonus Review Committee.**

(a) The Incentive Bonus Review Committee, hereinafter 'Review Committee', shall consist of nine members, as follows:

(1) The State Coordinator.

(2) A representative of the Fiscal Research Division of the General Assembly.

(3) A representative of the Department of Justice.

(4) A representative of the Department of Labor.

(5) One State employee appointed by the Speaker of the House of Representatives.

(6) One State employee appointed by the President Pro Tempore of the Senate.

(7) Three State employees appointed by the State Employees Association of North Carolina, Inc.

(b) The duties of the Review Committee shall include:

(1) Responsibility for receiving from the various agency coordinators recommendations on suggestion and innovation implementation plans.

(2) Determining the impact of a suggestion or innovation on State government services by judging the monetary savings, increased revenues, or improved quality of services generated by a suggestion or innovation.

(3) Ensure that the State employee incentive bonus process does not result in a negative impact on services provided to taxpayers by State government.

(c) The Fiscal Research Division of the General Assembly shall provide staff and other necessary support to the Review Committee. The Review Committee shall publish an annual report."

Section 2. G.S. 126-4 reads as rewritten:

"**§ 126-4. Powers and duties of State Personnel Commission.**

Subject to the approval of the Governor, the State Personnel Commission shall establish policies and rules governing each of the following:

(1) Position classification plans which shall provide for the classification and reclassification of all positions subject to this Chapter according to the duties and responsibilities of the positions.

(2) Compensation plans which shall provide for minimum, maximum, and intermediate rates of pay for all employees subject to the provisions of this Chapter.

(3) For each class of positions, reasonable qualifications as to education, experience, specialized training, licenses, certifications, and other job-related requirements pertinent to the work to be performed.

(4) Recruitment programs designed to promote public employment, communicate current hiring activities within State government, and attract a sufficient flow of internal and external applicants; and determine the relative fitness of applicants for the respective positions.

(5) Hours and days of work, holidays, vacation, sick leave, and other matters pertaining to the conditions of employment. The legal public holidays established by the Commission as paid holidays for State employees shall include Martin Luther King, Jr.'s Birthday and Veterans Day. The Commission shall not provide for more than 11 paid holidays per year except that in those years in which Christmas Day falls on a Tuesday, Wednesday, or Thursday, the Commission shall not provide for more than 12 paid holidays.

(5a) In years in which New Year's Day falls on Saturday, the Commission may designate December 31 of the previous calendar year as the New Year's holiday, provided that the number of holidays for the previous calendar year does not exceed 12 and the number of holidays for the current year does not exceed 10. When New Year's Day falls on either Saturday or Sunday, the constituent institutions of The University of North Carolina that adopt alternative dates to recognize the legal public holidays set forth in subdivision (5) of this section and established by the Commission may designate, in accordance with the rules of the Commission and the requirements of this subdivision, December 31 of the previous calendar year as the New Year's holiday.

(6) The appointment, promotion, transfer, demotion and suspension of employees.

(7) Cooperation with the State Board of Education, the Department of Public Instruction, the University of North Carolina, and the Community Colleges of the State and other appropriate resources in developing programs in, including but not limited to, management and supervisory skills, performance evaluation, specialized employee skills, accident prevention, equal employment opportunity awareness, and customer service; and to maintain an accredited Certified Public Manager program.

(7a) The separation of employees.

(8) A program of meritorious service awards.

(9) The investigation of complaints and the issuing of appropriate action concerning employment, promotion, demotion, transfer, discharge, reinstatement, and any other issue defined as a contested case issue by this Chapter in all cases as the Commission shall find justified.

(10) Programs of employee assistance, productivity incentives, equal opportunity, safety and health as required by Part 1 of Article 63 of Chapter 143 of the General Statutes, and such other programs and procedures as may be necessary to promote efficiency of administration and provide for a fair and modern system of personnel administration. This subdivision may not be construed to authorize the establishment of an incentive pay program.

(11) In cases where the Commission finds discrimination or orders reinstatement or back pay whether (i) heard by the Commission or (ii) appealed for limited review after settlement or (iii) resolved at the agency level, the assessment of reasonable attorneys' fees and witnesses' fees against the State agency involved.

(12) Repealed by Session Laws 1987, c. 320, s. 2.

(13) Repealed by Session Laws 1987, c. 320, s. 3.

(14) The implementation of G.S. 126-5(e).

(15) Recognition of State employees, public personnel management, and management excellence.

(16) The implementation of G.S. 126-7.

(17) An alternative dispute resolution procedure.

(18) The implementation of G.S. 126-7.3.

The policies and rules of the Commission shall not limit the power of any elected or appointed department head, in the department head's discretion and upon the department head's determination that it is in the best interest of the Department, to transfer, demote, or separate a State employee who is not a career State employee as defined by this Chapter."

Section 3. This act becomes effective July 1, 1997.

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June 10, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: William R. Gilkeson, Staff Attorney.

RE: House Bill 102. – Mitchell County Precincts.

House Bill 102, introduced by Rep. Buchanan, would require that Mitchell County have at least one voting place in every township in the county that existed on January 1, 1995.

The effect of the bill would be to overturn an action of the Mitchell County Board of Elections in February 1995 reducing the number of precincts from 11 to five. Mitchell County had 11 townships in January 1995 — the precincts and townships were coterminous.

The general election law gives a county board of elections the discretion to determine how many precincts that county will have and where the precinct lines will be. G.S. 163-128. That discretion is limited by a statute that says lines must follow 1990 Census blocks, certain visible features, municipal lines, or township lines. G.S. 163-132.3. That statute is designed to give redistricters using Census maps the ability to avoid splitting precincts. It is enforced by the Executive Secretary-Director of the State Board of Elections, with the advice of the Legislative Services Office. Both the 11 old precincts and the five new precincts of Mitchell County have been approved under this program.

After this decade, when the Census Bureau determines its block boundaries for the 2000 Census, State law will require that the county elections boards re-examine their precincts to make sure they follow those block lines. G.S. 163-132.1. County boards have just completed a program using preliminary Census 2000 maps to suggest the lines they will need as 2000 block boundaries to underly their precincts. Mitchell County has completed that program. Unless township lines change, Mitchell County should be able to comply with the 2000 requirement using either the 11 precincts or the five precincts.

The general law gives the county commissioners the authority to decide how many townships their county will have. G.S. 153A-19. That law also requires that the county manager report the location of the townships to the Census Bureau so that they can appear on the official Census maps as block boundaries.

The State Constitution prohibits the General Assembly from changing townships by local act. But there is not such prohibition for changing precinct lines by local act.

Traditionally, especially in non-urban North Carolina, precincts and townships were the same. Until 1992, state law required that be at least one polling place in every township. That requirement was repealed, however, and now county elections boards can draw precincts without regard to townships. Precinct lines often still follow township lines anyway, because a township line is a acceptable to the Census as a block boundary even if it isn't a visible feature.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 10, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 549 - Asheville/ Biltmore Boundary

House Bill 549 exchanges certain described tracts of land between the corporate limits of the City of Asheville and the Town of Biltmore Forest. Neither municipality gives up any right to existing liens for taxes. Both municipalities shall take action within 60 days of this act to zone the exchanged tracts of land.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 10, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 587 - Mecklenburg ABC Law Enforcement

House Bill 587 would allow the Mecklenburg County ABC Board to provide its own law enforcement personnel and to contract for additional law enforcement services.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 10, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 687 - Henderson E & R Board

House Bill 687 permits the Henderson County board of commissioners to appoint a special board of equalization and review, with five members and three alternates. Members serve two-year terms at pleasure of the county commissioners and may not serve more than three consecutive terms. The board is required to complete its business by Dec. 1 of each year. Directs the board to appoint a subcommittee for hearing and deciding appeals regarding motor vehicles and also Permits the board to divide into panels during reappraisal years.

This act is effective January 1, 1998.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 10, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 832 - Newland/Spruce Pine Tax Payment

House Bill 832 requires all deeds recorded in Avery or Mitchell County to be accompanied by a certificate certifying that all delinquent taxes have been paid. Specifically, if the property is located in Newland in Avery County, or Spruce Pine in Mitchell County, the deed must have a certification from the tax collector in that town.

This act becomes effective August 1, 1997 and applies to all deeds recorded on or after that date.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 10, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 852 - Stokes 911 Database Confidentiality

House Bill 852 provides that all 911 database information in Stokes county, including, name, address, and telephone numbers is confidential and may only be released as needed to handle emergency calls.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 11,1997

TO: Senate State Government Committee.

FROM: William R. Gilkeson, Staff Attorney.

RE: PCS for House Bill 103 – Avery Precincts.

The Proposed Committee Substitute for House Bill 103, introduced by Rep. Buchanan, would require that Avery County have the same 19 precincts it had on January 1, 1995, provided that the CountyCommissioners or County Manager reports to the Census Bureau that the county has 19 townships that follow the same lines.

The effect of the bill would be to overturn an action of the Avery County Board of Elections, made final in January 1997, reducing the number of precincts from 19 to 12. That reduction has been part of a long-running dispute between the county elections board and the county commissioners about the number of precincts.

The bill would condition the reversion to 19 precincts on the Avery County commissioners reporting that the county has 19 townships. The county commissioners resolved in 1986 to increase the townships from 8 to 19, but never reported the change to the Census. Telling the Census that the county has 19 townships whose lines are the same as the 19 precinct lines would mean that the Census Bureau would designate the precinct lines as 2000 block boundaries. That in turn would mean that the State would receive accurate 2000 Census data by precinct for Avery County, a useful tool in redistricting and for other purposes.

General election law gives a county board of elections the discretion to determine how many precincts that county will have and where the precinct lines will be. G.S. 163-128. That discretion is limited by a statute that says lines must follow 1990 Census blocks, certain visible features, municipal lines, or township lines. G.S. 163-132.3. That statute is designed to give redistricters using Census maps the ability to avoid splitting precincts. It is enforced by the Executive Secretary-Director of the State Board of Elections, with the advice of the Legislative Services Office. Both the 19 old precincts and the 12 new precincts of Avery County have been approved under this program.

Later this decade, when the Census Bureau determines its block boundaries for the 2000 Census, State law will require that the county elections boards re-examine their precincts to make sure they follow those block lines. G.S. 163-132.1. County boards have just completed a program using preliminary Census 2000 maps to suggest the lines they will need as 2000 block boundaries to underly their precincts. Avery County has completed that program. It appears likely that Avery will be able to comply with the 2000 requirement using the 12 precincts, but the 19 precincts could probably be drawn on block lines only if the eight Avery townships now shown on the 1990 Census maps are subdivided.

General law gives the county commissioners the authority to decide how many townships their county will have. G.S. 153A-19. That law also requires that the county manager report the location of the townships to the Census Bureau so the township lines can appear on the official Census maps as block boundaries. In 1986, during a dispute with the county elections board over precinct lines, the Avery commissioners passed a resolution creating 19 townships, to be coterminous with the 19 precincts. Since that time, however, county officials have repeatedly reported to the Census the eight townships the county traditionally had, sometimes with minor corrections. In 1986, state law required that there be at least one polling place in every township, so the commissioners' resolution would have blocked the precinct mergers. The commissioners alluded to that fact in their resolution, saying that if the

elections board reconsidered merger the precincts, the commissioners would consider rescinding their township change. Since 1986, however, the precinct-in-every-township rule has been repealed, and now county elections boards can draw precincts without regard to townships. Precinct lines often still follow township lines anyway, because a township line is a acceptable to the Census as a block boundary even if it isn't a visible feature.

The State Constitution prohibits the General Assembly from changing townships by local act. But there is no such prohibition for changing precinct lines by local act.

The PCS would put the 19 precincts in effect when the county reports the 19 townships to the Census Bureau. If the county changed the township report to the Census Bureau subsequently, the bill's provision's would expire.

VISITOR REGISTRATION SHEET

Finance Committee June 11, 9

Name of Committee Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Katherine Davis	Electricities of NC
[illegible]	NCEM
[illegible]	FBC Comm
[illegible]	The Capitol Assoc
[illegible]	NC Chamber
[illegible]	SEANC
[illegible]	SEANC
Kathie Austin Peddrett	OSPL
Heather Faile	OSA
Glen Peterson	DOA
Linda Coleman	DOA
MaryAlice Simmons	DOA
[illegible]	[illegible] NCS Children
[illegible]	DCC
[illegible]	NA
[illegible]	NA
Brenda Dougherty	Sprint
[illegible]	[illegible]
[illegible]	NC Beer & Wine
W M H Potter Jr	DISCUS

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
BILL COWARD	CITY OF NEW BERN
ELLIS HANKINS	NCLM

VISITOR REGISTRATION SHEET

Select Senate Com — 6/11/97

Name of Committee — Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Andy Romanet	NCLM
Curtis Wilkins	Davis Assoc.
Ken Bowman	The Capital Group
Jerry Wilkins	NCRA

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

TUESDAY, JUNE 24, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Tuesday, June 24, 1997 at 3:00 p.m. in room 414 of the Legislative Office Building. Ten members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

HB 42, Extend Sunset for Carolina Trace, was explained by Rep. Davis. Senator Webster moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 63, River Bend Zoning/Annexation, was explained by Senator Purdue. Senator Reeves moved a favorable report. The motion carried unanimously. The bill was referred to Finance. **Favorable report.**

HB 265, County Orthophotography Boundaries, was explained by Rep. Sexton. Senator Soles moved to amend the bill to make the act a statewide bill. The motion carried unanimously. Senator Ledbetter moved that the bill as amended be put into a committee substitute and given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate committee substitute bill.**

HB 437, Pilot Mountain Recreation, was explained by Rep. Baker. Senator Reeves moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 545, Williamston Extraterritorial Jurisdiction, was explained by Senator Martin. Senator Reeves moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 651, Interstate Econ. Bill Develop. Zone, was explained by Rep. H. Hunter. Senator Ballance moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Soles moved to give the Proposed Committee Substitute a favorable report. **Unfavorable as to committee substitute bill # A, but favorable as to Senate committee substitute bill.**

HB 655, Madison Annexation, was explained by Rep. Sexton. Senator Soles moved a favorable report of the bill. The motion carried unanimously. The bill was referred to Finance. **Favorable report.**

House Bill 1135

1997-1998 Session

STATE EMPLOYEE AMENDMENTS

Text	Fiscal Note
Edition 1 [PDF]	-
Edition 2 [PDF]	-
Edition 3 [PDF]	-
Edition 4 [PDF]	-
Edition 5 [PDF]	-

Status: [HF] POSTPONED INDEFINITELY on 10/07/1998

Sponsors
Primary: Cansler;
Co: Davis; McComas; Sexton; Thompson;

Attributes: Public; Text has changed;

History RSS

Date	Action
04/21/1997	[H] Referred to Committee on Public Employees
04/30/1997	[HA] REPTD FAV COM SUBSTITUTE
04/30/1997	[H] Re-referred to Committee on Rules, Calendar, and Operations of the House
05/01/1997	[H] REPTD FAV
05/01/1997	[H] CAL PURSUANT RULE 36(A)
05/01/1997	[H] PLACED ON CAL FOR 05-01
05/01/1997	[H] PASSED 2ND & 3RD READING
05/06/1997	[S] REC FROM HOUSE
05/06/1997	[S] Referred to Committee on State Government, Local Government, and Personnel
06/26/1997	[S] REPTD FAV COM SUBSTITUTE
06/26/1997	[SA] COM SUBSTITUTE ADOPTED
06/26/1997	[S] Re-referred to Committee on Appropriations
08/12/1997	[S] REPTD FAV AS AMENDED
08/12/1997	[SA] COM AMEND ADPT & ENGROSS
08/13/1997	[S] AMEND PENDING #1
08/13/1997	[S] WITHDRAWN FROM CAL
08/13/1997	[S] PLACED ON CAL FOR 08-14
08/14/1997	[SA] AMEND ADOPTED #1
08/14/1997	[S] PASSED 3RD READING
08/19/1997	[H] REC TO CONCUR S COM SUB
08/19/1997	[H] Referred to Committee on Rules, Calendar, and Operations of the House
10/07/1998	[HF] POSTPONED INDEFINITELY

NC.GOV
Homework Assistance
Stormwater Collection Project

Aug 12

HB 671, Sanford Charter, was explained by Rep. Hall. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 685, Harnett Subdivision Definition, was explained by Rep. Davis. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 710, Laurinburg Construction, was explained by Rep. Yongue. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 722, Beaufort County Local Act, was explained by Rep. Hardy. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. The bill was referred to Finance. **Favorable report.**

HB 733, Beaufort Vacancies, was explained by Rep. Hardy. Senator Shaw moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 852, Beaufort Initiatives, was explained by Rep. Hardy. Senator Reeves moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Webster moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to committee substitute bill #A, but favorable as to Senate committee substitute bill.**

HB 844, Reidsville Annexation Restricted, was explained by Rep. Cole. Senator Dalton moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 1135, State Employees Incentive Bonus, was explained by Rep. Cansler. Senator Ledbetter moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ledbetter moved to give the Proposed Committee Substitute a favorable report. The bill was referred to Appropriations. **Unfavorable as to committee substitute bill #A, but favorable as to Senate committee substitute bill.**

Senator Brad Miller, Chairman

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Wednesday, June 25, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. 42 — Extend Sunset for Carolina Trace.
Sequential Referral: None
Recommended Referral: None

H.B.(CS) 63 — River Bend Zoning/Annexation.
Sequential Referral: None
Recommended Referral: Finance

H.B.(CS) 437 — Pilot Mountain Recreation.
Sequential Referral: None
Recommended Referral: None

H.B.(CS) 655 — Madison Annexation.
Sequential Referral: Finance
Recommended Referral: None

H.B.(CS) 671 — Sanford Charter.
Sequential Referral: None
Recommended Referral: None

H.B.(CS) 685 — Harnett Subdivision Definition.
Sequential Referral: None
Recommended Referral: None

H.B.(CS) 710 — Laurinburg Construction.
Sequential Referral: None
Recommended Referral: None

H.B.(CS) 722 — Beaufort County Local Act.
Sequential Referral: Finance
Recommended Referral: None

H.B.(CS)733 Beaufort Vacancies.
Sequential Referral: None
Recommended Referral: None

H.B.(CS)844 Reidsville Annexation Restricted.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. 265 County Orthophotography Boundaries.
Draft Number: PCSA397
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1)651 Interstate Econ. Bill Develop. Zone.
Draft Number: PCS7328
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 12

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Wednesday, June 25, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1)**892** Beaufort Initiatives.

Draft Number:	PCS7336
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Thursday, June 26, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1)**1135** State Employee Incentive Bonus.

Draft Number:	PCS6289
Sequential Referral:	Appropriations
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Monday, June 30, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. 545 Williamston Extraterritorial Jurisdiction.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. 708 Charlotte Sprinkler Systems.
Draft Number: PCS2356
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

TUESDAY, JUNE 24, 1997

ROOM 414

HB 42	Extend Sunset for Carolina Trace	Rep. Davis
HB 685	Harnett Subdivision Definition	Rep. Davis
HB 63	River Bend Zoning/Annexation	Rep. Nichols
HB 146	Jacksonville Site Plan Review	Rep. Grady
HB 265	County Orthophotography Boundaries	Rep. Sexton
HB 655	Rockingham County Local Act	Rep. Sexton
HB 269	Burlington Habitat Property	Rep. Allred
HB 437	Surry Local Act-1	Rep. Baker
HB 545	Williamston Extraterritorial Jurisdiction	Rep. Rogers
HB 651	Interstate Econ. Bill Develop. Zone	Rep. H. Hunter
HB 671	Sanford Charter	Rep. Hall
HB 710	Laurinburg Construction	Rep. Yongue
HB 722	Washington Annexation Agreements	Rep. Hardy
HB 733	Beaufort Vacancies	Rep. Hardy
HB 892	Beaufort Initiative	Rep. Hardy
HB 844	Reidsville Annexation Restricted	Rep. Cole
HB 1135	State Employee Incentive Bonus	Rep. Cansler

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 42

Short Title: Extend Sunset for Carolina Trace. (Local)

Sponsors: Representatives Davis, Hall; Hill, Mosley, and Moore.

Referred to: Local and Regional Government I.

February 5, 1997

A BILL TO BE ENTITLED

AN ACT TO EXTEND AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE CAROLINA TRACE COMMUNITY IN LEE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Section 5 of Chapter 96 of the 1995 Session Laws reads as rewritten:

"Sec. 5. This act is effective upon ratification and shall expire ~~July 1, 1997.~~ July 1, 1999."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 3

HOUSE BILL 63
Committee Substitute Favorable 2/18/97
Committee Substitute #2 Favorable 3/19/97

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

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

TRACT TWO

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 146

Short Title: Jacksonville Site Plan Review. (Local)

Sponsors: Representatives Grady, Preston, Smith; and Watson.

Referred to: Local & Regional Government I.

February 13, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF JACKSONVILLE TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE CITY ZONING ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. The city council may require sidewalk improvements for all development that is subject to be reviewed under the site plan review provisions of the city zoning ordinance.

Section 2. This act applies to the City of Jacksonville only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 265
Second Edition Engrossed 3/12/97

Short Title: County Orthophotography Boundaries. (Public)

Sponsors: Representatives Sexton, Reynolds, Allred; Baker and Cole.

Referred to: Local and Regional Government II.

February 18, 1997

A BILL TO BE ENTITLED

AN ACT TO ADD VARIOUS COUNTIES TO THOSE COUNTIES AUTHORIZED TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY.

The General Assembly of North Carolina enacts:

Section 1. Section 5 of Chapter 357 of the 1985 Session Laws, as amended by Chapter 710 of the 1995 Session Laws, reads as rewritten:

"Sec. 5. Section 4 of this act applies to ~~Caswell, Orange, Person, and Chatham~~ Alamance, Beaufort, Cabarrus, Caswell, Chatham, Cherokee, Clay, Cleveland, Craven, Cumberland, Davidson, Davie, Duplin, Forsyth, Gaston, Granville, Guilford, Harnett, Hyde, Jones, Lee, Lenoir, Macon, Mecklenburg, Onslow, Orange, Pamlico, Pender, Person, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes, and Yadkin Counties only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 265
Second Edition Engrossed 3/12/97
Proposed Senate Committee Substitute H265-PCSA397

Short Title: County Orthophotography Boundaries. (Public)

Sponsors:

Referred to:

February 18, 1997

A BILL TO BE ENTITLED

AN ACT TO MAKE STATEWIDE A LOCAL ACT ALLOWING COUNTIES TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY.

The General Assembly of North Carolina enacts:

Section 1. Section 5 of Chapter 357 of the 1985 Session Laws, as amended by Chapter 710 of the 1995 Session Laws, is repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 269

Short Title: Burlington Habitat Property. (Local)

Sponsors: Representatives Allred, Reynolds; and Cole.

Referred to: Local and Regional Government I.

February 18, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF BURLINGTON, NORTH CAROLINA, TO CONVEY CERTAIN SURPLUS PROPERTY BY PRIVATE SALE TO HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., INC.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Burlington, North Carolina, may convey certain real property, now declared surplus real property, at a negotiated private sale to HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., INC., with monetary consideration, any and all of its rights, title, and interest to the following described property:

A certain tract or parcel of land in Burlington Township, Alamance County, adjoining Gunn Street, Richmond Avenue and the lands of Grace M. Jones, Mary Belle Wilson and Lots 25 and 28 and being more particularly described as follows:

BEGINNING at a corner with Mary Belle Wilson and Lot No. 28 in the line of Grace M. Jones and Lot No. 25 and running thence from said beginning point with the line of Mary Belle Wilson and Lot No. 28 south 87 deg. 45' east 185' to a point in the west right-of-way line of Richmond Avenue; thence with the west right-of-way line of Richmond Avenue south 2 deg. 03' west 50.00' to the intersection of the west right-of-way line of Richmond Avenue and the north right-of-way line of Gunn Street; thence with the west right-of-way line of Gunn Street north 87 deg. 45' west 185' to a corner with Grace M. Jones; thence with the line of Grace M. Jones and Lot No. 25 north 2 deg. 03' east 50.00' to the BEGINNING and being part of Lot No. 27, subdivision of the Manly Brooks Property on Richmond Hill recorded in Plat Book 1, Page 53, in the office of the Alamance County Register of Deeds.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 437
Committee Substitute Favorable 4/30/97

Short Title: Pilot Mountain Recreation. (Local)

Sponsors:

Referred to:

March 10, 1997

A BILL TO BE ENTITLED

AN ACT CHANGING THE METHOD FOR APPOINTMENT OF MEMBERS OF THE PILOT MOUNTAIN CIVIC AND RECREATION CENTER AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. (a) Members of the Pilot Mountain Civic and Recreation Center Authority, heretofore appointed by the Board of Commissioners of the Town of Pilot Mountain after receiving nominations from the Pilot Mountain Foundation, Inc., shall henceforth be appointed solely by the Pilot Mountain Foundation, Inc.

(b) In case of a vacancy by resignation or death, the vacancy shall be filled by appointment of the Pilot Mountain Foundation, Inc. If any vacancy shall exist for more than 60 days after written notification of the vacancy has been given to the Pilot Mountain Foundation, Inc., by the Pilot Mountain Civic and Recreation Authority, the remaining members of the Authority may fill the vacancy for the remainder of the unexpired term.

Section 2. The Authority shall have the power to adopt rules, regulations, and bylaws governing its own operation subject only to approval of the Pilot Mountain Foundation, Inc.

Section 3. The Authority shall forward to the Pilot Mountain Foundation, Inc., copies of the minutes of its meetings, and may, but shall not be required to, forward copies of such minutes to the Town of Pilot Mountain.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 545

Short Title: Williamston Extraterritorial Jurisdiction. (Local)

Sponsors: Representative Rogers.

Referred to: Local and Regional Government II.

March 19, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 160A-360(a), the Town of Williamston may exercise the powers granted in Article 19 of Chapter 160A of the General Statutes over an area extending not more than two miles beyond its limits.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 651
Committee Substitute Favorable 4/28/97

Short Title: Interstate Econ. Bill Develop. Zone. (Public)

Sponsors:

Referred to:

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS IN INTERSTATE ECONOMIC DEVELOPMENT ZONES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-1006 is amended by adding a new subsection to read:

"(l) Interstate Interchange Economic Development Zones. -- The Commission may issue permits listed in G.S. 18B-1001(10), without approval at an election, to qualified establishments defined in G.S. 18B-1000(4), (6), and (8) located within one mile of an interstate highway interchange located in a county that:

(1) Has approved the sale of malt beverages, unfortified wine, and fortified wine, but not mixed beverages;

(2) Operates ABC stores;

(3) Borders on another state; and

(4) Lies north and east of the Roanoke River."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 651
Committee Substitute Favorable 4/28/97
Proposed Senate Committee Substitute H651-PCS7328

Short Title: Interstate Econ. Bill Develop. Zone. (Public)

Sponsors:

Referred to:

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS IN INTERSTATE ECONOMIC DEVELOPMENT ZONES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-1006 is amended by adding a new subsection to read:

"(m) Interstate Interchange Economic Development Zones. -- The Commission may issue permits listed in G.S. 18B-1001(10), without approval at an election, to qualified establishments defined in G.S. 18B-1000(4), (6), and (8) located within one mile of an interstate highway interchange located in a county that:

(1) Has approved the sale of malt beverages, unfortified wine, and fortified wine, but not mixed beverages;

(2) Operates ABC stores;

(3) Borders on another state; and

(4) Lies north and east of the Roanoke River."

Section 2. 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

A BILL TO BE ENTITLED

AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF MADISON.

The General Assembly of North Carolina enacts:

Section 1. Effective as of midnight June 30, 1997, the noncontiguous area described herein which lies within the extraterritorial jurisdiction of the Town of Madison and is delineated on the Official Zoning Map of the Town of Madison is annexed to the Town of Madison:

BEGINNING AT A POINT being the intersection of the centerlines of State Highway 704 and Grogan Lake Road (SR 1178), thence east southeast approximately 1540 feet along the centerline of State Highway 704 to a point being the intersection of the centerline of State Highway 704 and Island Drive (SR 1169), thence south approximately 2420 feet to a point on the centerline of Island Drive parallel to the northernmost point of parcel 7916.16-74-6129, thence west southwest approximately 1910 feet along the northern boundary of said parcel to a point being the northwest boundary corner of said parcel, thence north approximately 1020 feet along the eastern and southeastern property boundaries of parcels 7906-65-3798 and 7906-76-7040, thence east approximately 565 feet to a point in the centerline of Grogan Lake Road (SR 1178), thence north approximately 320 feet to a point on the centerline of Grogan Lake Road (SR 1178) parallel to the southwest property boundary corner of parcel 7906-86-2975, thence east approximately 212 feet to a point being the southeast property corner of said parcel, thence north approximately 546 feet along the eastern property boundary lines of parcels 7906-86-2975, 7906-87-2073 and 7918-84-2298 to a

point being the northeast property boundary corner of parcel 7918-84-2298, thence west approximately 215 feet along the northern boundary of said parcel to the centerline of Grogan Lake Road (SR 1178), thence north approximately 200 feet along the centerline of Grogan Lake Road (SR 1178) to a point parallel to the southwest property boundary corner of parcel 7906.08-87-3727, thence east approximately 215 feet along the southern boundary of said parcel to a point being the southeast property boundary corner of said parcel, thence north approximately 400 feet along the eastern boundaries of parcels 7906.08-87-3727 and 7906.08-87-3937 to a point being the northeast property boundary corner of parcel 7906-87-3937, thence west approximately 215 feet to a point in the centerline of Grogan Lake Road (SR 1178) parallel to the northwest property boundary corner of said parcel, thence north approximately 476 feet along the centerline of Grogan Lake Road (SR 1178) to a point parallel to the southwest boundary corner of parcel 7915.05-28-3666, thence east approximately 211 feet to a point being the southeast boundary corner of said parcel, thence north approximately 221 feet to a point being the northeast boundary corner of said parcel, thence west approximately 208 feet to the centerline of Grogan Lake Road (SR 1178) to a point parallel to the northwest boundary corner of said parcel, thence north approximately 534 feet along the centerline of Grogan Lake Road (SR 1178) to the BEGINNING.

Section 2. G.S. 160A-58.1(b)(2) does not apply to the area set out in Section 1 of this act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 671
Committee Substitute Favorable 4/10/97

Short Title: Sanford Charter. (Local)

Sponsors:

Referred to:

March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF SANFORD AND OTHER LAWS RELATING TO THE CITY BY DELETING THROUGHOUT THE WORDS "BOARD OF ALDERMEN", "BOARD", AND "ALDERMAN" AND SUBSTITUTING, AS APPROPRIATE, THE WORDS "CITY COUNCIL" AND "COUNCIL MEMBER".

The General Assembly of North Carolina enacts:

Section 1. Wherever in any provision of the Charter of the City of Sanford, being Chapter 650 of the 1967 Session Laws, as amended by Chapter 541 of the 1971 Session Laws and Chapter 403 of the 1987 Session Laws, or in any general, local, public-local, special, or private act relating to the City of Sanford the following "Board of Aldermen" or "Board" appear, the same shall be deleted, and the words "City Council" shall be inserted.

Section 2. Wherever in any provision of the Charter of the City of Sanford, being Chapter 650 of the 1967 Session Laws, as amended by Chapter 541 of the 1971 Session Laws and Chapter 403 of the 1987 Session Laws, or in any general, local, public-local, special, or private act relating to the City of Sanford the word "Alderman" appears, the word shall be deleted, and the words "Council Member" shall be inserted.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 722
Committee Substitute Favorable 4/29/97

Short Title: Beaufort County Local Act. (Local)

Sponsors:

Referred to:

April 1, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF WASHINGTON TO NEGOTIATE ANNEXATION AGREEMENTS.

The General Assembly of North Carolina enacts:

Section 1. the City of Washington may, by agreement, provide that certain property described in the agreement may not be annexed by the City under Parts 2 or 3 of Article 4A of Chapter 160A of the General Statutes prior to December 30, 2006.

Section 2. The City of Washington may accept, as consideration for such agreement, such agreements by the parties as the City of Washington deems just and appropriate, including, but not limited to, agreements by property owners to agree to enter into agreements which obligate the property owner to create and fill a specified number of job positions for low and moderate income employees at the property owner's plant in Beaufort County, North Carolina.

Section 3. Agreements under Section 1 of this act apply only to the following described properties:

TRACT I:

All that certain tract or parcel of land lying and being situated in Chocowinity Township, Beaufort County, North Carolina, and being more particularly described as follows:

Beginning at a point in the southern right-of-way line of NCSR 1166 (Whichards Beach Road); said point being located the following courses and distances from a concrete monument located at the southeasterly corner of the subdivision known as Harbor Estates, as shown on a plat thereof recorded in plat Cabinet A, Slide 113A in the office of the Register of Deeds of Beaufort County, North Carolina (said concrete monument also being the southwesterly corner of Tract II described below): South 35° 52' 54" East 62.93 feet; South 36° 20' 33" West 30.61 feet; and South 64° 01' 09" East 16.66 feet to a point. THENCE FROM SAID POINT OF BEGINNING BEING SO LOCATED, along and with the southern right-of-way line or Whichards Beach Road South 64° 01' 03" East 132.39 feet to a point; thence south 64° 00' 52" East 49.07 feet to a point, thence South 64° 01' 18" East 50.66 feet to a point; thence South 64° 01' 12" East 220.27 feet to a point; thence South 64° 01' 09" East 45.61 feet to a point; thence continuing along and with the southern right-of-way line of NCSR 1166 with a curve to the right in a southeastwardly direction which has a chord bearing and distance of South 57° 55' 13" East 341.99 feet to a point; thence South 51° 52' 17" East 22.40 feet to a point; thence continuing South 51° 52' 17" East 300.00 feet to a point in the southern right-of-way line of NCSR 1166 (all previous calls being along and with the southern right-of-way line of NCSR 1166); thence leaving NCSR 1166 South 38° 00' 08" West 140.26 feet to a point; thence South 51° 52' 37" East 31.00 feet to a point; thence South 51° 52' East 99.57 feet to an existing concrete monument; thence continuing North 38° 18' 41" East 127.20 feet to an existing concrete monument; thence North 38° 18' 41" East 102.41 feet to an existing concrete monument; thence continuing North 38° 18' 41" East 363.45 feet to an existing concrete monument; thence continuing North 38° 18' 41" East 723.64 feet more or less to the mean highwater line on the southern shoreline of the Pamlico River; thence along and with the mean highwater line on the southern shoreline of the Pamlico River South 03° 46' 08" East 35.33 feet to a point; thence South 31° 43' 09" West 1,725.69 feet more or less to the northern right-of-way line of NCSR 1166; thence continuing along and with the northern right-of-way line of NCSR 1166 North 51° 54' 27" West 221.81 feet to the point or place of beginning, said property containing approximately 4.84 acres. The above description is from a survey by W. C. Owen of Quible and Associates, P.C.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 733
Committee Substitute Favorable 4/17/97

Short Title: Beaufort Vacancies. (Local)

Sponsors:

Referred to:

April 1, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT IN FILLING VACANCIES IN THE OFFICE OF REGISTER OF DEEDS, SHERIFF, OR COUNTY COMMISSIONER IN BEAUFORT COUNTY, IF THE VACATING MEMBER WAS A MEMBER OF A POLITICAL PARTY, THE APPOINTING AUTHORITY SHALL APPOINT FROM A LIST RECOMMENDED BY THAT POLITICAL PARTY IF TWO OR MORE NAMES ARE SUBMITTED ON A TIMELY BASIS.

The General Assembly of North Carolina enacts:

Section 1. (a) G.S. 161-5(a1) reads as rewritten:

"(a1) When a vacancy occurs from any cause in the office of register of deeds, the board of county commissioners shall fill such vacancy by the appointment of a successor for the unexpired term, who shall qualify and give bond as required by law. If the register of deeds was ~~elected as the nominee~~ a member of a political ~~party,~~ party at the time of the vacancy, the county manager shall notify by first-class mail the county chairman of that political party of the existence of the vacancy. ~~the~~ The board of county commissioners shall consult the county executive committee of that political party before filling the vacancy and shall appoint ~~the person recommended by that committee, if the party makes a recommendation within 30 days of the occurrence of the vacancy.~~ from a list of two or more persons recommended by that committee, if the party makes a recommendation within 30 days of the mailing of the notification. If the list is not so provided, the board of county commissioners shall appoint a person who was registered to vote as a member of that party on the date of

the most recent county general election or as of 90 days prior to the vacancy occurring, whichever date was longest ago."

(b) This section applies to Beaufort County only.

Section 2. (a) The second sentence of G.S. 162-5.1 reads as rewritten:

"If the sheriff ~~were elected as a nominee~~ was a member of a political ~~party,~~ party at the time the vacancy occurred, the county manager shall notify by first-class mail the county chairman of that political party of the existence of the vacancy. ~~the~~ The board of commissioners shall consult the county executive committee of that political party before filling the vacancy, ~~and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy.~~ and shall appoint from a list of two or more persons recommended by that committee, if the party makes a recommendation within 30 days of the mailing of the notification. If the list is not so provided, the board of county commissioners shall appoint a person who was registered to vote as a member of that party on the date of the most recent county general election or as of 90 days prior to the vacancy occurring, whichever date was longest ago."

(b) This section applies to Beaufort County only.

Section 3. (a) G.S. 153A-27.1(d) reads as rewritten:

"(d) If the member who vacated the seat was ~~elected as a nominee~~ a member of a political ~~party,~~ party at the time the vacancy occurred, the county manager shall notify by first-class mail the county chairman of that political party of the existence of the vacancy. ~~the~~ The board of commissioners, the chairman of the board, or the clerk of superior court, as the case may be, shall consult the county executive committee of the appropriate political party before filling the vacancy, ~~and shall appoint the person recommended by the county executive committee of the political party of which the commissioner being replaced was a member, if the party makes a recommendation within 30 days of the occurrence of the vacancy.~~ and shall appoint from a list of two or more persons recommended by that committee, if the party makes a recommendation within 30 days of the mailing of the notification. If the list is not so provided, the board of county commissioners shall appoint a person who was registered to vote as a member of that party on the date of the most recent county general election or as of 90 days prior to the vacancy occurring, whichever date was longest ago."

(b) This section applies to Beaufort County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 844
Committee Substitute Favorable 4/30/97

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

about 50 feet to the centerline of N.C. Hwy. 65 and 87, thence northwesterly with the centerline of N.C. Hwy. 65 and 87 about 760 feet to a point, thence from said point in a northeasterly direction about 450 feet to a point; said point being 400 feet perpendicular to and northeasterly from the northern right-of-way of NC Hwy. 65 and 87 and 400 feet perpendicular to and northwesterly from the northern right-of-way of Wentworth Street; thence from said point 400 feet parallel to the northern right-of-way of Wentworth Street and running in a generally northeasterly direction to a point; said point being about 200 feet east of Setliff Road and 400 feet north of Wentworth Street; thence in a northerly direction about 2100 feet to the northeast corner of lot 7 of the Setliff Glenn Subdivision (MB 28-275); said point located about 850 feet east of the cul-de-sac at the end of Setliff Road; thence northeasterly about 2030 feet to a point at the corner of the University Estates Subdivision; thence easterly about 2000 feet along the southeasterly boundary line of the University Estates Subdivision to a point near Cedar Lane which intersects the boundary of the existing Wentworth Fire District boundary line; thence northerly along the Wentworth Fire District line about 5500 feet to a point; said point being about 400 feet south of the intersection of NC 1992 and Berrymore Road; thence parallel to and 400 feet from and on the southeast side of Berrymore Road to a point; said point being on NC 14 about 400 feet southeast of the intersection of Berrymore Road and NC 14."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 892
Committee Substitute Favorable 4/23/97

Short Title: Beaufort Initiatives. (Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO GIVE THE VOTERS OF BEAUFORT COUNTY THE SAME RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION THAT THE GENERAL LAW PROVIDES FOR CITY RESIDENTS AS TO THEIR CITY COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. Part 4 of Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-60.1. Initiative petitions for charter amendments.

(a) The people may initiate a referendum on proposed alterations authorized by this Part. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the county equal to at least ten percent (10%) of the whole number of voters who are registered to vote in the county according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall set forth the proposed amendments by describing them briefly but completely and with reference to the pertinent provisions of G.S. 153A-58, but it need not contain the precise text of the resolution necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of alterations. Upon receipt of a valid initiative petition, the board of county commissioners shall call a special election on the question of adopting the alterations proposed therein and shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be fixed at not

more than 120 nor fewer than 60 days after receipt of the petition. If a majority of the votes cast in the special election shall be in favor of the proposed changes, the board of commissioners shall adopt a resolution to put them into effect. No initiative petition may be filed (i) within one year and six months following the effective date of a resolution of the board of commissioners adopting alterations pursuant to this Part, nor (ii) within one year and six months following the date of any election on alterations that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for alterations on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot.

(b) This section applies to Beaufort County only."

Section 2. Article 5 of Chapter 160A of the General Statutes is amended by adding the following section to read:

"**§ 115C-37.2. Alteration by voter initiative.**

(a) The people may initiate a referendum on proposed alterations to the manner of election of the board of education, with the same options available as under G.S. 160A-101(4), (5), (6), and (7) as are authorized for cities. For purposes of this section, references in G.S. 160A-101 to 'council' and 'city' are deemed to refer to 'board of education' and 'school administrative unit', respectively. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the school administrative unit equal to at least ten percent (10%) of the whole number of voters who are registered to vote in the school administrative unit according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall set forth the proposed amendments by describing them briefly but completely and with reference to the pertinent provisions of G.S. 160A-101, but it need not contain the precise text of the resolution necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of alterations. Upon receipt of a valid initiative petition, the board of education shall call a special election on the question of adopting the alterations proposed therein, and the board of elections shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be fixed at not more than 120 nor fewer than 60 days after receipt of the petition. If a majority of the votes cast in the special election shall be in favor of the proposed changes, the board of education shall adopt a resolution to put them into effect. No initiative petition may be filed within one year and six months following the date of any election on alterations that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for alterations on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot.

(b) This section applies to the Beaufort County School Administrative Unit only."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 710
Committee Substitute Favorable 4/23/97

Short Title: Laurinburg Construction. (Local)

Sponsors:

Referred to:

March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE COST LIMIT ON CONSTRUCTION WORK UNDERTAKEN BY THE CITY OF LAURINBURG USING FORCE ACCOUNT QUALIFIED LABOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-135 reads as rewritten:

"**§ 143-135. Limitation of application of Article.**

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty-five thousand dollars ($125,000)~~ two hundred fifty thousand dollars ($250,000) or the total cost of labor on the project does not exceed fifty thousand dollars ($50,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for the inspection by the

general public. Construction or repair work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

Section 2. This act applies only to the City of Laurinburg.

Section 3. This act is effective when it becomes law and expires June 30, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 685
Committee Substitute Favorable 4/30/97

Short Title: Harnett Subdivision Definition. (Local)

Sponsors:

Referred to:

March 31, 1997

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THAT COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-335 reads as rewritten:

"**§ 153A-335. 'Subdivision' defined.**

For purposes of this Part, 'subdivision' means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;

(2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for widening or opening ~~streets; and~~ streets;

(4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots

are equal to or exceed the standards of the county as shown by its subdivision ~~regulations.~~ regulations; and

(5) The division of land is by any method of transfer among members of a lineal family, which shall include direct lineal descendants (children, grandchildren, and great-grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother) and brothers, sisters, nieces, and nephews."

Section 2. G.S. 160A-376 reads as rewritten:

"**§ 160A-376. Definition.**

For the purpose of this Part, 'subdivision' means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations;

(2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of ~~streets; and~~ streets;

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision ~~regulations.~~ regulations; and

(5) The division of land is by any method of transfer among members of a lineal family, which shall include direct lineal descendants (children, grandchildren, and great-grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother) and brothers, sisters, nieces, and nephews."

Section 3. Section 1 of this act applies to Harnett County only. Section 2 of this act applies only to the municipalities wholly within Harnett County.

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 892
Committee Substitute Favorable 4/23/97
Proposed Senate Committee Substitute H892-PCSA388

Short Title: Beaufort Initiatives. (Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT SUBJECT TO A REFERENDUM TO GIVE THE VOTERS OF BEAUFORT COUNTY A SIMILAR RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION THAT THE GENERAL LAW PROVIDES FOR CITY RESIDENTS AS TO THEIR CITY COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. (a) Part 4 of Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-60.1. Initiative petitions for charter amendments.**

(a) The people may initiate a referendum on proposed alterations authorized by this Part. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the county equal to at least fifteen percent (15%) of the whole number of voters who are registered to vote in the county according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall, with reference to the pertinent provisions of G.S. 153A-58, contain the precise text of the resolution necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of alterations. Upon receipt of a valid initiative petition, the county board of elections shall call a special election on the question of adopting the alterations proposed therein and shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be the date of the next

countywide election, whether primary, general, or special, held more than 90 days after receipt of the petition. If a majority of the votes cast in the special election shall be in favor of the proposed changes, the resolution is adopted. Alterations adopted under this section shall continue in force for at least two years after the beginning of the term of office of the officers elected under the new manner of election. No initiative petition may be filed (i) within one year and six months following the effective date of a resolution adopting alterations pursuant to this Part, nor (ii) within one year and six months following the date of any election on alterations that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for alterations on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot.

(b) Notwithstanding G.S. 120-30.9E, the Attorney General shall make any submissions under this section.

(c) This section applies to Beaufort County only."

(b) This section becomes effective only if approved by the qualified voters of Beaufort County in a referendum. The referendum shall be conducted by the Beaufort County Board of Elections on November 3, 1998. Notwithstanding G.S. 120-30.9E, this section shall be submitted by the Attorney General. The question on the ballot shall be:

"[ ] FOR [ ]AGAINST

Giving the voters of Beaufort County a similar right to petition for changes in the structure of the Board of Commissioners of Beaufort County as city residents have as to their city council."

Section 2. (a) Article 5 of Chapter 115C of the General Statutes is amended by adding the following section to read:

"**§ 115C-37.2. Alteration by voter initiative.**

(a) The people may initiate a referendum on proposed alterations to the manner of election of the board of education, with the same options available as under G.S. 160A-101(4), (5), (6), and (7) as are authorized for cities. For purposes of this section, references in G.S. 160A-101 to 'council' and 'city' are deemed to refer to 'board of education' and 'school administrative unit', respectively. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the school administrative unit equal to at least fifteen percent (15%) of the whole number of voters who are registered to vote in the school administrative unit according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall, with reference to the pertinent provisions of G.S. 160A-101, contain the precise text of the resolution necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of alterations. Upon receipt of a valid initiative petition, the county board of elections shall call a special election on the question of adopting the alterations proposed therein, and the board of elections shall give public notice

thereof in accordance with G.S. 163-287. The date of the special election shall be the date of the next countywide election, whether primary, general, or special, held more than 90 days after receipt of the petition. If a majority of the votes cast in the special election shall be in favor of the proposed changes, the resolution is adopted. Alterations adopted under this section shall continue in force for at least two years after the beginning of the term of office of the officers elected under the new manner of election. No initiative petition may be filed within one year and six months following the date of any election on alterations that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for alterations on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot.

(b) Notwithstanding G.S. 120-30.9G, the Attorney General shall make any submissions under this section.

(c) This section applies to the Beaufort County School Administrative Unit only."

(b) This section becomes effective only if approved by the qualified voters of the Beaufort County School Administrative Unit in a referendum. Notwithstanding G.S. 120-30.9G, the Attorney General shall make any submissions under this section. The referendum shall be conducted by the Beaufort County Board of Elections on November 3, 1998. The question on the ballot shall be:

"[ ] FOR [ ]AGAINST

Giving the voters of the Beaufort County School Administrative Unit a similar right to petition for changes in the structure of the Board of Education of Beaufort County as city residents have as to their city council."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 892
Committee Substitute Favorable 4/23/97
Proposed Senate Committee Substitute H892-PCS7336

Short Title: Beaufort Initiatives. (Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT SUBJECT TO A REFERENDUM TO GIVE THE VOTERS OF BEAUFORT COUNTY A SIMILAR RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION THAT THE GENERAL LAW PROVIDES FOR CITY RESIDENTS AS TO THEIR CITY COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. (a) Part 4 of Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-60.1. Alteration by voter initiative.**

(a) The people may initiate a referendum on proposed alterations authorized by this Part. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the county equal to at least fifteen percent (15%) of the whole number of voters who are registered to vote in the county according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall with reference to the pertinent provisions of G.S. 153A-58, contain the precise text of the resolution necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of alterations. Upon receipt of a valid initiative petition, the county board of elections shall call a special election on the question of adopting the alterations proposed therein and shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be the date of the next

countywide election, whether primary, general, or special, held more than 90 days after receipt of the petition. If a majority of the votes cast in the special election shall be in favor of the proposed changes, the resolution is adopted. Alterations adopted under this section shall continue in force for at least two years after the beginning of the term of office of the officers elected under the new manner of election. No initiative petition may be filed (i) within one year and six months following the effective date of a resolution adopting alterations pursuant to this Part, nor (ii) within one year and six months following the date of any election on alterations that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for alterations on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot.

(b) Notwithstanding G.S. 120-30.9E, the Attorney General shall make any submissions under this section.

(c) This section applies to Beaufort County only."

(b) This section becomes effective only if approved by the qualified voters of Beaufort County in a referendum. The referendum shall be conducted by the Beaufort County Board of Elections on November 3, 1998. Notwithstanding G.S. 120-30.9E, this section shall be submitted by the Attorney General. The question on the ballot shall be:

"[ ] FOR [ ]AGAINST

Giving the voters of Beaufort County a similar right to petition for changes in the structure of the Board of Commissioners of Beaufort County as city residents have as to their city council."

Section 2. (a) Article 5 of Chapter 115C of the General Statutes is amended by adding the following section to read:

"**§ 115C-37.2. Alteration by voter initiative.**

(a) The people may initiate a referendum on proposed alterations to the manner of election of the board of education, with the same options available as under G.S. 160A-101(4), (5), (6), and (7) as are authorized for cities. For purposes of this section, references in G.S. 160A-101 to 'council' and 'city' are deemed to refer to 'board of education' and 'school administrative unit', respectively. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the school administrative unit equal to at least fifteen percent (15%) of the whole number of voters who are registered to vote in the school administrative unit according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall, with reference to the pertinent provisions of G.S. 160A-101, contain the precise text of the resolution necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of alterations. Upon receipt of a valid initiative petition, the county board of elections shall call a special election on the question of adopting the alterations proposed therein, and the board of elections shall give public notice

thereof in accordance with G.S. 163-287. The date of the special election shall be the date of the next countywide election, whether primary, general, or special, held more than 90 days after receipt of the petition. If a majority of the votes cast in the special election shall be in favor of the proposed changes, the resolution is adopted. Alterations adopted under this section shall continue in force for at least two years after the beginning of the term of office of the officers elected under the new manner of election. No initiative petition may be filed within one year and six months following the date of any election on alterations that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for alterations on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot.

(b) Notwithstanding G.S. 120-30.9G, the Attorney General shall make any submissions under this section.

(c) This section applies to the Beaufort County School Administrative Unit only."

(b) This section becomes effective only if approved by the qualified voters of the Beaufort County School Administrative Unit in a referendum. Notwithstanding G.S. 120-30.9G, the Attorney General shall make any submissions under this section. The referendum shall be conducted by the Beaufort County Board of Elections on November 3, 1998. The question on the ballot shall be:

"[ ] FOR [ ]AGAINST

Giving the voters of the Beaufort County School Administrative Unit a similar right to petition for changes in the structure of the Board of Education of Beaufort County as city residents have as to their city council."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 1135
Committee Substitute Favorable 4/30/97

Short Title: State Employee Incentive Bonus. (Public)

Sponsors:

Referred to:

April 21, 1997

A BILL TO BE ENTITLED

AN ACT AMENDING THE STATE PERSONNEL ACT TO PROVIDE FOR AN INCENTIVE BONUS PROGRAM TO RECOGNIZE AND REWARD THE COST-SAVING INITIATIVE AND INNOVATIONS OF STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 126 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 2A.

"Incentive Bonus Program.

"§ 126-7.3. State employee incentive bonus.

(a) A State employee or team of State employees may receive an incentive bonus or bonuses in reward for suggestions or innovations resulting in monetary savings to the State, increased revenues to the State, or improved quality of services delivered to the public. The program is restricted to current State employees. Managers and supervisors may participate in the program.

(b) In addition to any bonuses paid directly to individual State employees, a portion of the cost-savings associated with any savings realized from permanent efficiencies implemented pursuant to this section may be contributed to a reserve fund for State employee performance bonuses. Funds for State employee incentive bonuses shall only come from savings including reversions above the baseline reversion of the employing State department, agency, or institution. For the purposes of this section, 'baseline reversion' means the two-year historical average of reversions by a State department, agency, or institution.

(c) Savings generated by suggestions and innovations shall be determined at the end of the fiscal year in which the suggestion or innovation is implemented. Any savings are to be calculated using the actual expenditures for a program, activity, or service compared to the budgeted amount for the same. The savings calculation shall include the amount of any reversions in excess of the baseline reversion. Any savings realized through the State employee incentive bonus shall be weighed against continued service to the public.

"**§ 126-7.4. Allocation of incentive bonus funds; nonmonetary recognition.**

(a) If a State employee's suggestion or innovation results in a monetary savings or increased revenue to the State, the funds saved or increased will be distributed according to the following scale:

(1) Twenty percent (20%) of the savings or fifty percent (50%) of the suggester's annual salary, whichever is less, to constitute gainsharing. If a team of State employee's is the suggester, the bonus provided in this subdivision shall be divided equally among the team members, except that no team member may receive in excess of fifty percent (50%) of the employee's annual salary.

(2) Thirty percent (30%) to a performance bonus reserve for all current State employees, to be distributed according to G.S. 126-7, the Comprehensive Compensation System for State employees.

(3) The remainder to the General Fund for nonrecurring budget items.

(b) The budget of a State agency will not be reduced by a similar amount in the following fiscal year. The agency budget will be reduced only if structural or organizational changes are made that warrant the reductions, including the transfer of responsibility for an activity or service to another agency or the elimination of some function of State government.

(c) If a suggestion or innovation results in improved quality of services to the public, but not in monetary savings to the State, the suggester shall receive a nonmonetary award in the form of a certificate, leave with pay, or other similar recognition.

"**§ 126-7.5. Suggestion and review process; role of agency coordinator and agency evaluator.**

(a) The process for a State employee or team of State employees to submit a cost-saving proposal shall begin by the employee or team of employees submitting the suggestion or innovation to an agency coordinator designated by the employing State department, agency, or institution. The agency coordinator, in conjunction with an agency evaluator, shall review the suggestion or innovation for submission to the Review Committee established in G.S. 126-7.6.

(b) The duties of the agency coordinator shall include:

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

(2) Responsibility for presenting, in conjunction with the agency evaluator, the plan of implementation for a suggestion or innovation to the Review Committee.

(3) Working with an agency evaluator designated by the Review Committee of State employees empaneled pursuant to G.S. 126-7.6.

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

(c) The duties of an agency evaluator shall include:

(1) Reviewing the feasibility and effectiveness of cost-saving measures suggested by State employees.

(2) Being knowledgeable of the subject program, activity, or service.

(3) Determining the budgetary impact of a suggestion or innovation.

(4) Judging impartially both the positive and negative effects of a suggestion or innovation on the current functions of the subject program, activity, or service.

The specific assignments of the agency evaluator shall be determined by the agency coordinator.

(d) The State Coordinator shall be responsible for general oversight and coordination of the State employee incentive bonus program. The State Coordinator shall be a State employee working in the Office of the State Auditor.

"**§ 126-7.6. Incentive Bonus Review Committee.**

(a) The Incentive Bonus Review Committee, hereinafter 'Review Committee', shall consist of nine members, as follows:

(1) The State Coordinator.

(2) A representative of the Fiscal Research Division of the General Assembly.

(3) A representative of the Department of Justice.

(4) A representative of the Department of Labor.

(5) One State employee appointed by the Speaker of the House of Representatives.

(6) One State employee appointed by the President Pro Tempore of the Senate.

(7) Three State employees appointed by the State Employees Association of North Carolina, Inc.

(b) The duties of the Review Committee shall include:

(1) Responsibility for receiving from the various agency coordinators recommendations on suggestion and innovation implementation plans.

(2) Determining the impact of a suggestion or innovation on State government services by judging the monetary savings, increased revenues, or improved quality of services generated by a suggestion or innovation.

(3) Ensure that the State employee incentive bonus process does not result in a negative impact on services provided to taxpayers by State government.

(c) The Fiscal Research Division of the General Assembly shall provide staff and other necessary support to the Review Committee. The Review Committee shall publish an annual report."

Section 2. G.S. 126-4 reads as rewritten:

"**§ 126-4. Powers and duties of State Personnel Commission.**

Subject to the approval of the Governor, the State Personnel Commission shall establish policies and rules governing each of the following:

(1) Position classification plans which shall provide for the classification and reclassification of all positions subject to this Chapter according to the duties and responsibilities of the positions.

(2) Compensation plans which shall provide for minimum, maximum, and intermediate rates of pay for all employees subject to the provisions of this Chapter.

(3) For each class of positions, reasonable qualifications as to education, experience, specialized training, licenses, certifications, and other job-related requirements pertinent to the work to be performed.

(4) Recruitment programs designed to promote public employment, communicate current hiring activities within State government, and attract a sufficient flow of internal and external applicants; and determine the relative fitness of applicants for the respective positions.

(5) Hours and days of work, holidays, vacation, sick leave, and other matters pertaining to the conditions of employment. The legal public holidays established by the Commission as paid holidays for State employees shall include Martin Luther King, Jr.'s Birthday and Veterans Day. The Commission shall not provide for more than 11 paid holidays per year except that in those years in which Christmas Day falls on a Tuesday, Wednesday, or Thursday, the Commission shall not provide for more than 12 paid holidays.

(5a) In years in which New Year's Day falls on Saturday, the Commission may designate December 31 of the previous calendar year as the New Year's holiday, provided that the number of holidays for the previous calendar year does not exceed 12 and the number of holidays for the current year does not exceed 10. When New Year's Day falls on either Saturday or Sunday, the constituent institutions of The University of North Carolina that adopt alternative dates to recognize the legal public holidays set forth in subdivision (5) of this section and established by the Commission may designate, in accordance with the rules of the Commission and the requirements of this subdivision, December 31 of the previous calendar year as the New Year's holiday.

(6) The appointment, promotion, transfer, demotion and suspension of employees.
(7) Cooperation with the State Board of Education, the Department of Public Instruction, the University of North Carolina, and the Community Colleges of the State and other appropriate resources in developing programs in, including but not limited to, management and supervisory skills, performance evaluation, specialized employee skills, accident prevention, equal employment opportunity awareness, and customer service; and to maintain an accredited Certified Public Manager program.
(7a) The separation of employees.
(8) A program of meritorious service awards.
(9) The investigation of complaints and the issuing of appropriate action concerning employment, promotion, demotion, transfer, discharge, reinstatement, and any other issue defined as a contested case issue by this Chapter in all cases as the Commission shall find justified.
(10) Programs of employee assistance, productivity incentives, equal opportunity, safety and health as required by Part 1 of Article 63 of Chapter 143 of the General Statutes, and such other programs and procedures as may be necessary to promote efficiency of administration and provide for a fair and modern system of personnel administration. This subdivision may not be construed to authorize the establishment of an incentive pay program.
(11) In cases where the Commission finds discrimination or orders reinstatement or back pay whether (i) heard by the Commission or (ii) appealed for limited review after settlement or (iii) resolved at the agency level, the assessment of reasonable attorneys' fees and witnesses' fees against the State agency involved.
(12) Repealed by Session Laws 1987, c. 320, s. 2.
(13) Repealed by Session Laws 1987, c. 320, s. 3.
(14) The implementation of G.S. 126-5(e).
(15) Recognition of State employees, public personnel management, and management excellence.
(16) The implementation of G.S. 126-7.
(17) An alternative dispute resolution procedure.
(18) The implementation of G.S. 126-7.3.

The policies and rules of the Commission shall not limit the power of any elected or appointed department head, in the department head's discretion and upon the department head's determination that it is in the best interest of the Department, to transfer, demote, or separate a State employee who is not a career State employee as defined by this Chapter."

Section 3. This act becomes effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 1135
Committee Substitute Favorable 4/30/97
Proposed Senate Committee Substitute H1135-PCS6289

Short Title: State Employee Incentive Bonus. (Public)

Sponsors:

Referred to:

April 21, 1997

A BILL TO BE ENTITLED

AN ACT AMENDING CHAPTER 143 OF THE GENERAL STATUTES TO PROVIDE FOR AN INCENTIVE BONUS PROGRAM TO RECOGNIZE AND REWARD THE COST-SAVING AND REVENUE-INCREASING INITIATIVES AND INNOVATIONS OF STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 36A.

"State Employee Incentive Bonus Program.

"§ 143-345.10. Definitions.

The following definitions apply in this Article:

(1) Baseline reversion. -- The two-year historical average of reversions by a State department, agency, or institution.

(2) Employing unit. -- Any of the following:

a. The principal Council of State office or department enumerated in G.S. 143A-11 for which a State employee works.

b. The principal State department enumerated in G.S. 143B-6 for which a State employee works.

c. The constituent institution of The University of North Carolina or the General Administration of The University of North Carolina for which a State employee works.

d. The local school administrative unit for which a State employee works.

e. The board, commission, or agency and its staff for which a State employee works, if that agency is not organizationally housed in any of the other offices, departments, or institutions listed in this subdivision.

(3) State employee. -- Any of the following:

a. A person who is a contributing member of the Teachers' and State Employees' Retirement System of North Carolina, the Consolidated Judicial Retirement System of North Carolina, or the Optional Program.

b. A person who receives wages from the State as a part-time or temporary worker, but is not otherwise a contributing member of one of the retirement programs listed in sub-subdivision a. of this subdivision.

"**§ 143-345.11. State employee incentive bonus.**

(a) A State employee or team of State employees may receive an incentive bonus or bonuses in reward for suggestions or innovations resulting in monetary savings to the State, increased revenues to the State, or improved quality of services delivered to the public.

(b) In addition to any bonuses paid directly to individual State employees, a portion of the cost-savings associated with any savings realized from permanent efficiencies implemented pursuant to this Article may be contributed to a reserve fund for State employee performance bonuses. Funds for State employee incentive bonuses shall only come from savings including reversions above the baseline reversion of the employing State department, agency, or institution.

(c) Savings generated by suggestions and innovations shall be determined at the end of the fiscal year in which the suggestion or innovation is implemented. Any savings are to be calculated using the actual expenditures for a program, activity, or service compared to the budgeted amount for the same, if an amount has been budgeted for the program, activity, or service. The savings calculation shall include the amount of any reversions in excess of the baseline reversion. The savings or revenue increases realized from any suggestion or innovation implemented for less than one full fiscal year shall be annualized. Any savings realized through the State Employee Incentive Bonus Program shall be weighed against continued service to the public.

(d) If a suggestion or innovation affects a program, activity, or service for which no separate budgeted amount has been made, the State Coordinator, in conjunction with the agency evaluator for that suggestion or innovation, shall determine the budgetary impact of the suggestion or innovation.

"**§ 143-345.12. Allocation of incentive bonus funds; nonmonetary recognition.**

(a) If a State employee's suggestion or innovation results in a monetary savings or increased revenue to the State, the funds saved or increased shall be distributed according to the following scale:

(1) Twenty percent (20%) of the annualized savings or increased revenues, up to a maximum of twenty thousand dollars ($20,000) for any one State employee, to constitute gainsharing. If a team of State employees is the suggester, the bonus provided in this subdivision shall be divided equally among the team members, except that no team member may receive in excess of twenty thousand dollars ($20,000), nor may the team receive an aggregate amount in excess of one hundred thousand dollars ($100,000).

(2) Thirty percent (30%) to a performance bonus reserve for all current employees of the employing unit of the suggester, to be distributed according to G.S. 126-7, the Comprehensive Compensation System for State employees or according to the performance bonus compensation system in which the suggester's employing unit participates.

(3) The remainder to the General Fund for nonrecurring budget items.

(b) The budget of a State agency shall not be reduced in the following fiscal year by an amount similar to the monetary savings or increased revenues realized by the State Employee Incentive Bonus Program. The agency budget shall be reduced in subsequent years only if structural or organizational changes are made that warrant the reductions, including the transfer of responsibility for an activity or service to another agency or the elimination of some function of State government.

(c) If a suggestion or innovation results in improved quality of services to the public or to other State agencies, departments, and institutions, but not in monetary savings to the State, the suggester shall receive a nonmonetary award in the form of a certificate, leave with pay, or other similar recognition.

"§ 143-345.13. Suggestion and review process; role of agency coordinator and agency evaluator.

(a) The process for a State employee or team of State employees to submit a cost-saving or revenue-increasing proposal shall begin by the employee or team of employees submitting the suggestion or innovation to an agency coordinator designated by the State department, agency, or institution impacted by the suggestion or innovation. The agency coordinator, in conjunction with an agency evaluator, shall review the suggestion or innovation for submission to the Review Committee established in G.S. 143-345.14.

(b) The duties of the agency coordinator shall include:

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

(2) Responsibility for presenting, in conjunction with the agency evaluator, the plan of implementation for a suggestion or innovation to the Review Committee.

(3) Working in conjunction with the agency evaluator designated by the State Coordinator for a particular suggestion or innovation.

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

(c) The duties of an agency evaluator shall include:

(1) Reviewing the feasibility and effectiveness of cost-saving or revenue-increasing measures suggested by State employees.

(2) Being knowledgeable of the subject program, activity, or service.

(3) Determining, in conjunction with the agency fiscal officer, the budgetary impact of a suggestion or innovation.

(4) Judging impartially both the positive and negative effects of a suggestion or innovation on the current functions of the subject program, activity, or service.

The specific assignments of the agency evaluator shall be determined by the agency coordinator.

(d) The State Coordinator shall be responsible for general oversight and coordination of the State Employee Incentive Bonus Program. The State Coordinator shall be a State employee working in the Department of Administration.

"**§ 143-345.14. Incentive Bonus Review Committee.**

(a) The Incentive Bonus Review Committee, hereinafter 'Review Committee', shall consist of nine members, as follows:

(1) The State Coordinator.

(2) A representative of the Office of State Budget and Management.

(3) A representative of the Office of State Personnel.

(4) A representative of The University of North Carolina.

(5) A representative of the Department of Justice.

(6) A representative of the Department of Labor.

(7) One State employee appointed by the Speaker of the House of Representatives.

(8) One State employee appointed by the President Pro Tempore of the Senate.

(9) One State employee appointed by the Governor upon the recommendation of the State Employees Association of North Carolina, Inc.

(b) The duties of the Review Committee shall include:

(1) Responsibility for receiving from the various agency coordinators recommendations on suggestion and innovation implementation plans.

(2) Determining the impact of a suggestion or innovation on State government services by judging the monetary savings, increased revenues, or improved quality of services generated by a suggestion or innovation.

(3) Ensuring that the State employee incentive bonus process does not result in a negative impact on services provided to taxpayers by State government.

(c) All administrative, management, clerical, and other functions and services required by the Review Committee shall be supplied by the Department of Administration. The Department of Administration and the Review Committee shall report annually to the Joint Legislative Commission on Governmental Operations on the administration of the State Employee Incentive Bonus Program."

Section 2. G.S. 143-340(1) reads as rewritten:

"(1) To establish ~~a meritorious service award system for State employee suggestions which may include cash awards to be paid from savings resulting from the adoption of employee suggestions, but in no case shall the cash award exceed twenty-five percent (25%) of the savings resulting during the first year following adoption or a maximum of five thousand dollars ($5,000).~~ the State Employee Incentive Bonus Program pursuant to Article 36A of this Chapter, with the authority to adopt all rules necessary to implement the program."

Section 3. This act shall not be construed to obligate the General Assembly to make any appropriation to implement the provisions of this act. Each State agency to which this act applies shall implement the provisions of this act from funds otherwise appropriated to that State agency.

Section 4. This act becomes effective July 1, 1997, and applies to all suggestions and innovations pending on that date that were submitted under the former State Employee Suggestion Program as authorized by G.S. 143-340(1) on or before June 30, 1997.

June 20, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Giles S. Perry, Committee Counsel

RE: House Bill 42 Extend Sunset for Carolina Trace
Introduced by Representatives Davis, Hall; Hill, Mosley and Moore.

Chapter 96 of the 1995 Session Laws provided that the motor vehicle laws of the state were applicable to operation of vehicles on the private streets of Carolina Trace, a community in Lee County.

This bill extends the applicability of that Act from July 1, 1997 to July 1, 1999.

House Bill 42 would become effective when it becomes law.

H42-SMRW-001

EXPLANATION OF HOUSE BILL 63:
River Bend Zoning/Annexation (3rd Edition)

TO: Senate Committee on State Government, Local Government, and Personnel
FROM: Cindy Avrette, Committee Counsel
DATE: June 23, 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.

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June 16, 1997

EMORANDUM

): Senate Committee on State Government, Local Government and Personnel

OM: Barbara Riley, Committee Counsel

: House Bill 146 Jacksonville Site Review Plan
Introduced by Representatives Grady, Preston, Smith; and Watson

ouse Bill 146 authorizes Jacksonville to require sidewalk improvements for developments subject to site plan review der the city zoning ordinance.

use Bill 146 would become effective when it becomes law.

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June 20, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: HB265 - County Orthophotography Boundaries

This bill would allow Guilford, Rockingham and Stokes Counties to establish the boundaries between and among them by the use of orthophotography. Orthophotography is photography that has been corrected so that it is true to scale and distance can be measured accurately from the photograph.

This bill would become effective when it becomes law.

H265-SMSA-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 16, 1997

EMORANDUM

O: Senate Committee on State Government, Local Government and Personnel

ROM: Barbara Riley, Committee Counsel

E: House Bill 269 Burlington Habitat Property
Introduced by Representative Allred, Reynolds; and Cole

ouse Bill 269 would authorize the City of Burlington to convey surplus real estate it owns to Habitat for Humanity of lamance County by negotiated private sale.

Bill 269 would become effective upon ratification.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 24, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 437: Pilot Mountain Recreation

House Bill 437, introduced by Representative Baker, provides for a change in the method of appointing the members of the Pilot Mountain Civic and Recreation Center Authority.

Members of the Authority are currently appointed by the Town Commissioners on recommendation of the Pilot Mountain Foundation, Inc. The bill would have the Foundation make all future appointments and fill any vacancies that occur.

The bill also gives the Authority the power to adopt rules subject to approval by the Foundation. The Authority is to forward copies of the minutes of its meetings to the Foundation.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 20, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 545 - Williamston Extraterritorial Jurisdiction

House Bill 545 would allow the Town of Williamston to exercise extraterritorial jurisdiction over an area extending two miles from its limits.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 19, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: O. Walker Reagan, Committee Co-Counsel

RE: **PROPOSED COMMITTEE SUBSTITUTE FOR HOUSE BILL 651 - INTERSTATE ECONOMIC DEVELOPMENT ZONE** - Representative Howard Hunter

The Proposed Committee Substitute for House Bill 651 would amend the alcoholic beverage control law to permit mixed beverages permits to be issued, without an election, to restaurants, hotels, and sports clubs in Northampton County located within one and one-half miles of Interstate 95 interchanges.

The bill adds a new section to G.S. 1006 to allow the Alcohol Beverage Control Commission to issue mixed beverage permits, without approval at an election, to qualified restaurants, hotels, and sports clubs located within one and one-half miles of an interstate highway interchange located in a county that has approved the sale of beer and wine, but not mixed beverages, that operates ABC stores, that borders on another state, and that lies north of the Roanoke River. Northampton County is the only county to meet this criteria.

This bill is effective when it becomes law.

H651-SMRU-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 20, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Terrence D. Sullivan, Committee Counsel

RE: **House Bill 685 (2nd Edition), RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THAT COUNTY,** introduced originally by Representative Davis.

A city or county, within its respective territorial jurisdiction, may regulate the subdivision of land (G.S. 160A-371 and 153A-330, respectively). The permitted regulations include those relating to orderly growth and development; coordination of streets and highways within the proposed subdivisions with existing or planned streets and highways or with other public facilities; dedication or reservation of recreation areas; and rights of way or easements for street and utility purposes.

'Subdivision' for both counties and cities means all divisions of land for the purpose of sale or building development or involving dedication of a new street or a change in existing streets. There are four situations excluded from the definitions of "subdivision" and thus from regulation – certain combinations or recombinations of previously-subdivided lots; division of land into 10 acre or greater parcels where no street right of way is involved; public acquisition of property for street opening or widening; and certain divisions of a single ownership tract no larger than 2 acres into not more than 3 lots.

The proposed committee substitute to the bill, *applicable only to Harnett County and the cities wholly within it*, would add another specific instance excluded from the definitions of "subdivision" contained in G.S. 153A-335 for counties and G.S. 160A-376 for cities. The new exclusion would be where the division of land is by any method of transfer among members of a lineal family and brothers, sisters, nieces and nephews. The language contained in this bill is the same as that contained in local legislation excluding similar actions from subdivision regulation in Lincoln County. There are in additionally 6 other pieces of local legislation which exclude land subdivided among family members from subdivision regulation (copies of relevant legislation attached). Harnett County has exempted from the subdivision regulation land "[d]ivision among heirs or proposed heirs."

The bill would be effective when it becomes law.

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June 23, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 710 2dEd: Laurinburg Construction.

House Bill.710, introduced by Representative Yongue, would allow the City of Laurinburg to use its own force account qualified labor on projects up to $250,000. The current limitation on such projects in G.S. 143-135 is $125,000.

The act is effective when it becomes law and would expire on June 30, 1999.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 24, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 722: Beaufort County Local Act

House Bill 722, introduced by Representative Hardy, allows the City of Washington to negotiate annexation agreements affecting property described in the bill.

As consideration for the City's agreement not to annex certain property, the City may accept agreements that the City deems just and appropriate, including agreements which obligate the owner to create and fill a number of jobs for low and moderate income employees at the owner's plant in Beaufort County.

Such annexation agreements have been approved by the General Assembly in the past. Town of Eden in 1993, Chapter 418 of the 1993 Session Laws; Town of Stanley and the City of Washington, Chapter 713 of the 1993 Session Laws; and the City of Belmont, Chapter 105 of the 1997 Session Laws.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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June 15, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Terrence D. Sullivan, Committee Counsel

RE: **House Bill 733, TO ALLOW, IN BEAUFORT COUNTY, THE POLITICAL PARTY OF THE VACATING OFFICER TO RECOMMEND AT LEAST TWO PERSONS TO FILL A VACANCY IN THE OFFICE OF COUNTY REGISTER OF DEEDS, SHERIFF OR COMMISSIONER, AND REQUIRE THE BOARD OF COUNTY COMMISSIONERS TO APPOINT FROM THE LIST,** introduced by Representative Hardy.

Present law applicable to Beaufort County

Upon a vacancy in the office of register of deeds, sheriff or county commissioner, the board of county commissioners fills that vacancy, with a qualified person, for the unexpired term. If the vacating officerholder was elected as the nominee of a political party, the board is to consult with the county executive committee of that party and, if the recommendation was made within 30 days of the vacancy, is to appoint the person recommended by that committee. (G.S. 161-5. 162-5.1, and 153A-27.1, respectively)

House Bill 733

Where one of the above offices is being vacated by a one elected as a nominee of a political party, House Bill 773 would require the Beaufort County manager notify the county chairman of that political party of the vacancy by first-class mail. The county executive committee would have 30 days after the notification's mailing in which to recommend two or more persons for the vacancy. The Beaufort County Board of County Commissioners is to make the appointment from the list of those recommended. If the list is not so provided, the Board could then appoint any member of that political party, so registered at the time of the last general election or as of 90 days prior to the vacancy occurring , whichever date was longest ago.

The bill would be effective when it becomes law.

North Carolina General Assembly
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June 24, 1997

TO: Senate Committee on State Government, Local Government and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 892: Beaufort Initiatives

House Bill 892, introduced by Representative Hardy, provides a method of changing the structure of the Board of County Commissioners and the Board of Education that is similar to the provisions in the General Statutes allowing for a voter initiative to change the city charter.

Section 1 establishes the procedure for the Board of County Commissioners. The initiative petition must bear the signatures of at least 15% of the county's qualified voters or 5,000, whichever is less. The petition must set forth the precise text of the resolution necessary to implement the proposed changes and may not propose changes in the alternative.

Alterations adopted shall continue in effect for at least 2 years after the beginning of the term of office of the officers elected under the new manner of election. No new initiatives may be filed within 18 months following the effective date of a resolution adopting alterations or the date of the election on which the alternatives were defeated.

Section 2 allows a voter initiative on the manner of electing the Board of Education with the options available as set forth in G.S. 160A-101(4), (5), (60, (7). These options deal with terms, number of members of the board, mode of election of the board,(by district) and type of election (partisan, nonpartisan plurality, nonpartisan Election and runoff, nonpartisan primary and election).

The balance of section 2 provides for the initiative on the same terms as for the board of county commissioners, with a 15% or 5,000 signature requirement, precise language in the petition, and limitations on the filing of subsequent initiatives.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

State Government — 6-24-97

Name of Committee — Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Henry Jones	~~Attorney - Retired~~
David Schaffer	Carolinas AGC
[illegible]	SCANC
[illegible]	SCANC
Martin Eakes	DOA
Carl Goodman	OSP
Mary Alice Simmons	DOA
[illegible]	DOA
[illegible]	[illegible]
Jim Smith	NCLM
John Henderson	CAL of N.C.
Nellie Riley	OSP
Glen Peterson	DOA
Martin Eakes	Self-Help
Bob Gavin	CLRC

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

THURSDAY, JUNE 26, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Thursday, June 26, 1996 immediately after session around Senator Miller's desk in the Senate Chamber. Ten members were present, including Senator Miller, who presided.

Action was taken on the following bill:

HB 708, Charlotte Sprinkler Systems, was explained by Senator Miller. Senator Miller moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Miller moved the give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute bill.**

Brad Miller

Senator Brad Miller, Chairman

Cornelia McMillan

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Monday, June 30, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. 545 Williamston Extraterritorial Jurisdiction.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. 708 Charlotte Sprinkler Systems.
Draft Number: PCS2356
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 708

Short Title: Charlotte Sprinkler Systems. (Local)

Sponsors: Representatives Alexander; Black, Cunningham, Dickson, Earle, Easterling, Gulley, McMahan, Rayfield, Saunders, and C. Wilson.

Referred to: Local and Regional Government II.

March 31, 1997

A BILL TO BE ENTITLED

AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 571 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies to the City of Charlotte and the Towns of Chapel Hill and Carrboro only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 708
Proposed Senate Committee Substitute H708-PCS2356

Short Title: Local Sprinkler Systems. (Local)

Sponsors:

Referred to:

March 31, 1997

A BILL TO BE ENTITLED

AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH AND WITHIN THE CITIES' EXTRATERRITORIAL PLANNING JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 571 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies to the Cities of Charlotte, Greensboro, and Raleigh and the Towns of Chapel Hill and Carrboro only."

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

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, JULY 9, 1997

MINUTES

The State Government, Local Government and Personnel Committee met on Wednesday, July 9, 1997 at 12:00 p.m. in room 414 of the Legislative Office Building. Thirteen members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

HB 275, Delegation of Some OSP Functions, was explained by Senator Wellons. Senator Jenkins moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ballance moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to Committee Substitute bill #A, but favorable as to Senate Committee Substitute.**

HB 496, Lee/Municipal Structures, was explained by Rep. Hall. Senator Hartsell moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Hartsell moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

HB 579, Alamance-Burlington School Elections, was explained by Rep. Allred. Speaking in favor of the bill from Alamance County were: Howard Dannelly, Floyd Smith, Earl Ewing, and David Smith, County Attorney. Jack Watts, Chairman of the Alamance/Burlington School Board, and Dr. Mike Williams, superintendent of the Alamance/Burlington School system, spoke against the bill. Senator Ballance moved to postpone the bill indefinitely. Senator Shaw moved a substitute motion to give the bill a favorable report. The motion failed. Senator Ballance's motion for postponement carried.

HB 637, Broadway Staggered Terms, was explained by Rep. Hall. Senator Webster moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 675, Rocky Mount Housing Code, was explained by Rep. Arnold. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 699, Newport Minimum Housing, was explained by Rep. Smith. Senator Soles moved to adopt a Proposed Committee Substitute, The motion carried unanimously. Senator Albertson moved to give the Proposed Committee Substitute a

favorable report. The motion carried unanimously. **Unfavorable as to Committee Substitute bill #A, but favorable as to Senate Committee Substitute.**

HB 761, Hillsborough Inspection Contracts, was explained by Rep. Insko. Senator Reeves moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ballance moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

HB 855, Lee Commissioners Elections, was explained by Rep. Hall. Speaking against the bill from Lee County were Ervin Mansfield, Lee County Commissioner, and Celia Dickerson, Lee County Democratic Party Chairwoman. Albert Adcock and Clyde Rhyne, both from Lee County, spoke in favor of the bill. Senator Soles moved to hold the bill indefinitely. Senator Webster moved a substitute motion to postpone the bill till the next meeting. The motion failed. Senator Soles' motion for indefinite postponement carried.

HB 885, Busing From Day Care/Alamance Schools, was explained by Rep. Allred. Meg Scott Phipps, representing parents from Alamance County, spoke in favor of the bill. Speaking against the bill were Jack Watts, Chairman of the Alamance/Burlington School Board, and Dr. Mike Williams, superintendent of Alamance/Burlington Schools. Senator Webster moved a favorable report of the bill. Senator Ballance moved a substitute motion to postpone the bill until the next meeting. The motion carried.

Senator Brad Miller, Chairman

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Thursday, July 10, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. 637 Broadway Staggered Terms.
Sequential Referral: None
Recommended Referral: None

H.B. 675 Rocky Mount Housing Code Process.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. 496 Lee/Municipal Structures.
Draft Number: PCS1430
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

H.B. 761 Hillsborough Inspection Contracts.
Draft Number: PCS6294
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1)275 Delegation of Some OSP Functions.
Draft Number: PCS2361
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

H.B.(CS #1)**699** Newport Minimum Housing.

Draft Number:	PCS1436
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 6

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, JULY 9, 1997

ROOM 414

HB 275	Delegation of Some OSP Functions	Rep. Sherrill
HB 496	Lee/Municipal Structures	Rep. Hall
HB 637	Broadway Staggered Terms	Rep. Hall
HB 855	Lee Commissioners Elections	Rep. Hall
HB 579	Alamance-Burlington School Elections	Rep. Allred
HB 885	Busing From Day Care/Alamance Schools	Rep. Allred
HB 668	Cumberland County Housing Code	Rep. McAllister
HB 675	Rocky Mount Housing Code	Rep. Arnold
HB 699	Newport Minimum Housing	Rep. Smith
HB 761	Hillsborough Inspection Contracts	Rep. Insko
HB 786	Concord Charter	Rep. Moore

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 3

HOUSE BILL 275
Committee Substitute Favorable 3/26/97
Third Edition Engrossed 4/2/97

Short Title: Delegation of Some OSP Functions. (Public)

Sponsors:

Referred to:

February 19, 1997

A BILL TO BE ENTITLED

AN ACT TO REDUCE DUPLICATION OF WORK BETWEEN THE OFFICE OF STATE PERSONNEL AND OTHER AGENCIES, DEPARTMENTS, AND INSTITUTIONS BY THE DELEGATION OF AUTHORITY OF CERTAIN FUNCTIONS FROM THE OFFICE OF STATE PERSONNEL TO THOSE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 126-1 reads as rewritten:

"§ 126-1. Purpose of Chapter; application to local employees.

It is the intent and purpose of this Chapter to establish for the government of the State a system of personnel administration under the Governor, based on accepted principles of personnel administration and applying the best methods as evolved in government and industry. It is also the intent of this Chapter that this system of personnel administration shall apply to local employees paid entirely or in part from federal funds, except to the extent that local governing boards are authorized by this Chapter to establish local rules, local pay plans, and local personnel systems. It is also the intent of this Chapter to make provisions for a decentralized system of personnel administration, where appropriate, and without additional cost to the State, with the State Personnel Commission as the policy and rule-making body. The Office of State Personnel shall make recommendations for policies and rules to the Commission based on research and study in the field of personnel management, develop and administer statewide standards and criteria for good personnel

management, provide training and technical assistance to all agencies, departments, and institutions, provide oversight, which includes conducting audits to monitor compliance with established State Personnel Commission policies and rules, administer a system for implementing necessary corrective actions when the rule, standards, or criteria are not met, and serve as the central repository for State Personnel System data. The agency, department, and institution heads shall be responsible and accountable for execution of Commission policies and rules for their employees."

Section 2. G.S. 126-3 reads as rewritten:

"**§ 126-3. Office of State Personnel established and responsibilities outlined; administration and supervision; appointment, compensation and tenure of Director.**

(a) There is hereby established the Office of State Personnel (hereinafter referred to as 'the Office') which shall be placed for organizational purposes within the Department of Administration. Notwithstanding the provisions of North Carolina State government reorganization as of January 1, 1975, and specifically notwithstanding the provisions of Chapter 864 of the 1971 North Carolina Session Laws [Chapter 143A], the Office of State Personnel shall exercise all of its statutory powers in this Chapter independent of control by the Secretary of Administration and shall be under the administration and supervision of a State Personnel Director (hereinafter referred to as 'the Director') appointed by the Governor and subject to the supervision of the Commission for purposes of this Chapter. The salary of the Director shall be fixed by the General Assembly in the Current Operations Appropriations Act. The Director shall serve at the pleasure of the Governor.

(b) The Office shall be responsible for the following activities, and such other activities as specified in this Chapter:

(1) Providing policy and rule development for the Commission and implementing and administering all policies, rules, and procedures established by the Commission;

(2) Providing training in personnel management to agencies, departments, and institutions including train-the-trainer programs for those agencies, departments, and institutions who request such training and where sufficient staff and expertise exist to provide the training within their respective agencies, departments, and institutions;

(3) Providing technical assistance in the management of personnel programs and activities to agencies, departments, and institutions;

(4) Negotiating decentralization agreements with all agencies, departments, and institutions where it is cost-effective to include delegation of authority for certain classification and corresponding salary administration actions and other personnel programs to be specified in the agreements;

(5) Administering such centralized programs and providing services as approved by the Commission which have not been transferred to

agencies, departments, and institutions or where this authority has been rescinded for noncompliance;

(6) Providing approval authority of personnel actions involving classification and compensation where such approval authority has not been transferred by the Commission to agencies, departments, and institutions or where such authority has been rescinded for noncompliance;

(7) Maintaining a computer database of all relevant and necessary information on employees and positions within agencies, departments, and institutions in the State's personnel system;

(8) Developing criteria and standards to measure the level of compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards in agencies, departments, and institutions to which authority has been delegated for classification, salary administration and other decentralized programs, and determining through routine monitoring and periodic review process, that agencies, departments, and institutions are in compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards; and

(9) Implementing corrective actions in cases of noncompliance."

Section 3. G.S. 126-4 reads as rewritten:

"**§ 126-4. Powers and duties of State Personnel Commission.**

Subject to the approval of the Governor, the State Personnel Commission shall establish policies and rules governing each of the following:

(1) Position classification plans which shall provide for the classification and reclassification of all positions subject to this Chapter according to the duties and responsibilities of the positions.

(2) Compensation plans which shall provide for minimum, maximum, and intermediate rates of pay for all employees subject to the provisions of this Chapter.

(3) For each class of positions, reasonable qualifications as to education, experience, specialized training, licenses, certifications, and other job-related requirements pertinent to the work to be performed.

(4) Recruitment programs designed to promote public employment, communicate current hiring activities within State government, and attract a sufficient flow of internal and external applicants; and determine the relative fitness of applicants for the respective positions.

(5) Hours and days of work, holidays, vacation, sick leave, and other matters pertaining to the conditions of employment. The legal public holidays established by the Commission as paid holidays for State employees shall include Martin Luther King, Jr.'s Birthday

and Veterans Day. The Commission shall not provide for more than 11 paid holidays per year except that in those years in which Christmas Day falls on a Tuesday, Wednesday, or Thursday, the Commission shall not provide for more than 12 paid holidays.

(5a) In years in which New Year's Day falls on Saturday, the Commission may designate December 31 of the previous calendar year as the New Year's holiday, provided that the number of holidays for the previous calendar year does not exceed 12 and the number of holidays for the current year does not exceed 10. When New Year's Day falls on either Saturday or Sunday, the constituent institutions of The University of North Carolina that adopt alternative dates to recognize the legal public holidays set forth in subdivision (5) of this section and established by the Commission may designate, in accordance with the rules of the Commission and the requirements of this subdivision, December 31 of the previous calendar year as the New Year's holiday.

(6) The appointment, promotion, transfer, demotion and suspension of employees.

(7) Cooperation with the State Board of Education, the Department of Public Instruction, the University of North Carolina, and the Community Colleges of the State and other appropriate resources in developing programs in, including but not limited to, management and supervisory skills, performance evaluation, specialized employee skills, accident prevention, equal employment opportunity awareness, and customer service; and to maintain an accredited Certified Public Manager program.

(7a) The separation of employees.

(8) A program of meritorious service awards.

(9) The investigation of complaints and the issuing of such binding corrective orders or such other appropriate action concerning employment, promotion, demotion, transfer, discharge, reinstatement, and any other issue defined as a contested case issue by this Chapter in all cases as the Commission shall find justified.

(10) Programs of employee assistance, productivity incentives, equal opportunity, safety and health as required by Part 1 of Article 63 of Chapter 143 of the General Statutes, and such other programs and procedures as may be necessary to promote efficiency of administration and provide for a fair and modern system of personnel administration. This subdivision may not be construed to authorize the establishment of an incentive pay program.

(11) In cases where the Commission finds discrimination or orders reinstatement or back pay whether (i) heard by the Commission or (ii) appealed for limited review after settlement or (iii) resolved at

the agency level, the assessment of reasonable attorneys' fees and witnesses' fees against the State agency involved.

(12) Repealed by Session Laws 1987, c. 320, s. 2.

(13) Repealed by Session Laws 1987, c. 320, s. 3.

(14) The implementation of G.S. 126-5(e).

(15) Recognition of State employees, public personnel management, and management excellence.

(16) The implementation of G.S. 126-7.

(17) An alternative dispute resolution procedure.

(18) a. Delegation of authority for approval of personnel actions through decentralized agreements to the heads of State agencies, departments, and institutions. Any such delegation made to Executive Branch agencies shall require that the position in the agency that is directly responsible for personnel administration have a dual reporting relationship to the agency head, or designee, and to the State Personnel Director for accountability of personnel actions made by the agency. Such joint reporting relationships shall become a part of new and existing decentralization agreements, and the terms of the agreements will establish the rules relating to the joint appointment and to the required standards in the performance of personnel administration.

b. The decentralization process, where appropriate, for State agencies, departments, and institutions, and enforcement of corrective actions including reducing employee salaries and changing employee classifications that do not comply with the policy, criteria, or standards; also includes, but is not limited to, suspension of decentralization agreements in cases of noncompliance.

The policies and rules of the Commission shall not limit the power of any elected or appointed department head, in the department head's discretion and upon the department head's determination that it is in the best interest of the Department, to transfer, demote, or separate a State employee who is not a career State employee as defined by this Chapter."

Section 4. This act becomes effective January 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 275
Committee Substitute Favorable 3/26/97
Third Edition Engrossed 4/2/97
Proposed Senate Committee Substitute H275-PCS2361

Short Title: Delegation of Some OSP Functions. (Public)

Sponsors:

Referred to:

February 19, 1997

A BILL TO BE ENTITLED

AN ACT TO REDUCE DUPLICATION OF WORK BETWEEN THE OFFICE OF STATE PERSONNEL AND OTHER AGENCIES, DEPARTMENTS, AND INSTITUTIONS BY THE DELEGATION OF AUTHORITY OF CERTAIN FUNCTIONS FROM THE OFFICE OF STATE PERSONNEL TO THOSE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 126-1 reads as rewritten:

"**§ 126-1. Purpose of Chapter; application to local employees.**

It is the intent and purpose of this Chapter to establish for the government of the State a system of personnel administration under the Governor, based on accepted principles of personnel administration and applying the best methods as evolved in government and industry. It is also the intent of this Chapter that this system of personnel administration shall apply to local employees paid entirely or in part from federal funds, except to the extent that local governing boards are authorized by this Chapter to establish local rules, local pay plans, and local personnel systems. It is also the intent of this Chapter to make provisions for a decentralized system of personnel administration, where appropriate, and without additional cost to the State, with the State Personnel Commission as the policy and rule-making body. The Office of State Personnel shall make recommendations for policies and rules to the Commission based on research and study in the field of personnel management,

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 275
Committee Substitute Favorable 3/26/97
Third Edition Engrossed 4/2/97
Proposed Senate Committee Substitute H275-PCS2361

Short Title: Delegation of Some OSP Functions. (Public)

Sponsors:

Referred to:

February 19, 1997

A BILL TO BE ENTITLED

AN ACT TO REDUCE DUPLICATION OF WORK BETWEEN THE OFFICE OF STATE PERSONNEL AND OTHER AGENCIES, DEPARTMENTS, AND INSTITUTIONS BY THE DELEGATION OF AUTHORITY OF CERTAIN FUNCTIONS FROM THE OFFICE OF STATE PERSONNEL TO THOSE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.

The General Assembly of North Carolina enacts:

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the agency level, the assessment of reasonable attorneys' fees and witnesses' fees against the State agency involved.

(12) Repealed by Session Laws 1987, c. 320, s. 2.

(13) Repealed by Session Laws 1987, c. 320, s. 3.

(14) The implementation of G.S. 126-5(e).

(15) Recognition of State employees, public personnel management, and management excellence.

(16) The implementation of G.S. 126-7.

(17) An alternative dispute resolution procedure.

(18) Delegation of authority for approval of personnel actions through decentralization agreements with the heads of State agencies, departments, and institutions.

a. Decentralization agreements with Executive Branch agencies shall require a person, designated in the agency, to be accountable to the State Personnel Director for the compliance of all personnel actions taken pursuant to the delegated authority of the agency. Such agreements shall specify the required rules and standards for agency personnel administration.

b. The State Personnel Director shall have the authority to take appropriate corrective actions including adjusting employee salaries and changing employee classifications that are not in compliance with policy or standards and to suspend decentralization agreements for agency noncompliance with the required personnel administration standards.

The policies and rules of the Commission shall not limit the power of any elected or appointed department head, in the department head's discretion and upon the department head's determination that it is in the best interest of the Department, to transfer, demote, or separate a State employee who is not a career State employee as defined by this Chapter."

Section 4. This act becomes effective January 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 496

Short Title: Lee/Municipal Structures. (Local)

Sponsors: Representative Hall.

Referred to: Local and Regional Government II.

March 11, 1997

A BILL TO BE ENTITLED

AN ACT TO GRANT AUTHORITY TO THE MUNICIPALITIES LOCATED IN LEE COUNTY TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 733 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies only to the City of Lumberton ~~only.~~ and to the municipalities located in Lee County."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 496
Proposed Committee Substitute H496-PCS1430

Short Title: Lee/Municipal Structures. (Local)

Sponsors:

Referred to:

March 11, 1997

A BILL TO BE ENTITLED

AN ACT TO GRANT AUTHORITY TO THE MUNICIPALITIES LOCATED IN LEE COUNTY TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 733 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies only to the City of Lumberton ~~only.~~ and to the municipalities located in Lee County."

Section 2. Section 1 of Chapter 733 of the 1995 Session Laws, which applied only to the City of Lumberton, reads as rewritten:

"Section 1. G.S. 160A-443(5a) reads as rewritten:

'(5a) If the governing body shall have adopted an ordinance, or the public officer shall have:

a. In a municipality ~~located in counties which have a population in excess of 163,000 by the last federal census,~~ other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

~~This subdivision only applies to municipalities located in counties which have a population in excess of 163,000 by the last federal census.~~'"

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 496

Short Title: Lee/Municipal Structures. (Local)

Sponsors: Representative Hall.

Referred to: Local and Regional Government II.

March 11, 1997

A BILL TO BE ENTITLED

AN ACT TO GRANT AUTHORITY TO THE MUNICIPALITIES LOCATED IN LEE COUNTY TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 733 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies only to the City of Lumberton ~~only.~~ and to the municipalities located in Lee County."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 579
Committee Substitute Favorable 4/17/97

Short Title: Alamance-Burlington School Elections. (Local)

Sponsors:

Referred to:

March 20, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE INITIAL ELECTION OF THE ALAMANCE-BURLINGTON BOARD OF EDUCATION SHALL BE HELD IN 1997.

The General Assembly of North Carolina enacts:

Section 1. Section IV of the Plan of Merger of the Alamance County Schools and the Burlington City Schools, dated June 16, 1994, and filed with the Secretary of State on March 20, 1996, under G.S. 115C-67 reads as rewritten:

"IV. Establishment of the Permanent Board of Education.

The Alamance County and Burlington City Boards of Education shall continue until the effective date of merger, July 1, 1996 at which time those boards and their respective school districts will cease to exist and the interim board will become the Alamance-Burlington Board of Education for the merged districts. Members of the permanent board of education shall be elected for terms of four years on a nonpartisan basis.

The first election will take place on ~~November 3, 1998.~~ November 4, 1997. Filing for the 1997 election shall be at the same time as for municipal elections. In 1997 and quadrennially thereafter, seven members shall be elected for four-year terms. Vacancies on the permanent board shall be filled in accordance with G.S. 115C-37.

The terms of office of ~~three~~ seven board members shall be extended until December 1, ~~1998.~~ 1997. ~~The terms of office for four board members shall be extended until December 1, 2000. Determination of the term of extension for individual board members will be based upon total length of service of individual~~

~~board members with the members having the longest terms having the shortest extension.~~

The Alamance-Burlington Board of Education shall have authority and powers as stipulated in 115C of the General Statutes of North Carolina."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 637
Second Edition Engrossed 4/14/97

Short Title: Broadway Staggered Terms. (Local)

Sponsors: Representatives Hall and Davis.

Referred to: Ways and Means.

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE STAGGERED TERMS FOR THE TOWN OF BROADWAY.

The General Assembly of North Carolina enacts:

Section 1. 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 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 668

Short Title: Cumberland County Housing Code. (Local)

Sponsors: Representatives McAllister; Hurley, Kinney, Morris, and Warner.

Referred to: Ways and Means.

March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO REQUIRE OWNERS OF RENTAL PROPERTY IN THE COUNTY TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS IN HOUSING CODE CASES AND CASES INITIATED BY THE LOCAL BOARD OF HEALTH.

The General Assembly of North Carolina enacts:

Section 1. The Board of County Commissioners of Cumberland County may, by ordinance, require that each owner of rental property within the county authorize a person residing in the county to serve as the owner's agent for the purpose of accepting service of process in an action involving a violation of an ordinance adopted pursuant to Part 6 of Article 19 of Chapter 160A of the General Statutes, Part 4 of Article 18 of Chapter 153A of the General Statutes, or Chapter 130A of the General Statutes, or a violation of local board of health rules adopted pursuant to Chapter 130A of the General Statutes. The owner shall provide the county inspections department with the authorized agent's name, address, and phone number on a form supplied by the department. The owner shall notify the inspections department of any changes in the information within 10 days after the changes occur. Nothing in this section shall require an owner to designate an agent to accept service of process if the owner of the rental property resides within Cumberland County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 675

Short Title: Rocky Mount Housing Code Process. (Local)

Sponsors: Representatives Arnold; and Fitch.

Referred to: Local and Regional Government II.

March 31, 1997

A BILL TO BE ENTITLED

AN ACT AUTHORIZING A ONE-STEP SERVICE PROCESS IN SPECIFIED HOUSING CODE CASES IN THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 113 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies to the ~~City of Asheville~~ Cities of Asheville and Rocky Mount only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 699
Committee Substitute Favorable 4/29/97

Short Title: Newport Minimum Housing. (Local)

Sponsors:

Referred to:

March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO GRANT AUTHORITY TO THE TOWN OF NEWPORT TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 733 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies to the City of Lumberton and the Town of Newport only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 699
Committee Substitute Favorable 4/29/97
Proposed Committee Substitute H699-PCS1436

Short Title: Newport Minimum Housing. (Local)

Sponsors:

Referred to:

March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF BETHEL, FARMVILLE, AND NEWPORT TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 733 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This applies to the ~~City~~ Cities of Greenville and Lumberton and the Towns of Bethel, Farmville, and Newport only."

Section 2. Section 1 of Chapter 733 of the 1995 Session Laws, which applied only to the City of Lumberton, reads as rewritten:

"Section 1. G.S. 160A-443(5a) reads as rewritten:

'(5a) If the governing body shall have adopted an ordinance, or the public officer shall have:

a. In a municipality ~~located in counties which have a population in excess of 163,000 by the last federal census,~~ other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed

such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

~~This subdivision only applies to municipalities located in counties which have a population in excess of 163,000 by the last federal census.~~'"

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 761

Short Title: Hillsborough Inspection Contracts. (Local)

Sponsors: Representatives Insko and Hackney.

Referred to: Local and Regional Government I.

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW HILLSBOROUGH TO CONTRACT FOR INSPECTION SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-413 reads as rewritten:

"**§ 160A-413. Joint inspection department; other arrangements.**

A city council may enter into and carry out contracts with another city, county, or combination thereof under which the parties agree to create and support a joint inspection department for the enforcement of State and local laws specified in the agreement. The governing boards of the contracting parties are authorized to make any necessary appropriations for this purpose.

In lieu of a joint inspection department, a city council may designate an inspector from any other city or county to serve as a member of its inspection department with the approval of the governing body of the other city or county, or may contract with an individual who is not a city or county employee but who holds one of the applicable certificates as provided in G.S. 160A-411.1 or ~~G.S. 153A-351.1.~~ G.S. 153A-351.1, or may contract with the employer of an individual who holds one of the applicable certificates for the services of that individual. The inspector, if designated from another city or county under this section, shall, while exercising the duties of the position, be considered a municipal employee. The city shall have the same potential liability, if any, for inspections conducted by an individual who is not an employee of the city as it does for an individual who is an employee of the city. The individual with whom the city contracts shall have errors and omissions and other insurance coverage acceptable to the city.

The city council of any city may request the board of county commissioners of the county in which the city is located to direct one or more county building inspectors to exercise their powers within part or all of the city's jurisdiction, and they shall thereupon be empowered to do so until the city council officially withdraws its request in the manner provided in G.S. 160A-360(g)."

Section 2. This act applies to the Town of Hillsborough only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 761
Proposed Senate Committee Substitute H761-PCS6294

Short Title: Hillsborough Inspection Contracts. (Local)

Sponsors:

Referred to:

April 2, 1997

A BILL TO BE ENTITLED

AN ACT PERTAINING TO LOCAL LAWS IN ORANGE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-413 reads as rewritten:

"~~§ 160A-413.~~ **Joint inspection department; other arrangements.**

A city council may enter into and carry out contracts with another city, county, or combination thereof under which the parties agree to create and support a joint inspection department for the enforcement of State and local laws specified in the agreement. The governing boards of the contracting parties are authorized to make any necessary appropriations for this purpose.

In lieu of a joint inspection department, a city council may designate an inspector from any other city or county to serve as a member of its inspection department with the approval of the governing body of the other city or county, or may contract with an individual who is not a city or county employee but who holds one of the applicable certificates as provided in G.S. 160A-411.1 or ~~G.S. 153A-351.1.~~ G.S. 153A-351.1, or may contract with the employer of an individual who holds one of the applicable certificates for the services of that individual. The inspector, if designated from another city or county under this section, shall, while exercising the duties of the position, be considered a municipal employee. The city shall have the same potential liability, if any, for inspections conducted by an individual who is not an employee of the city as it does for an individual who is an employee of the city. The individual with whom the city contracts shall have errors and omissions and other insurance coverage acceptable to the city.

The city council of any city may request the board of county commissioners of the county in which the city is located to direct one or more county building inspectors to exercise their powers within part or all of the city's jurisdiction, and they shall thereupon be empowered to do so until the city council officially withdraws its request in the manner provided in G.S. 160A-360(g)."

Section 2. Notwithstanding G.S. 115C-517, the Chapel Hill/Carrboro School Administrative Unit may construct a school on land that is located, in part, outside of the boundaries of the local school administrative unit.

Section 2.1. Section 9-3 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, reads as rewritten:

"**Section 9-3. Zoning Board of Adjustment.** The board of aldermen may create a board of adjustment in accordance with the provisions of Article 19 of Chapter 160A of the General Statutes. Such board shall be subject to all the provisions of general law except that the board of aldermen may authorize the board of adjustment to decide any matter before it either (i) upon a vote of a majority of the members present at a meeting and not excused from voting, so long as a quorum ~~consisting of at least six members~~ is present, or (ii) upon a vote of a four-fifths majority of the members present at a meeting and not excused from voting, so long as a quorum ~~consisting of at least six members~~ is present."

Section 2.2. Section 9-5 of the Charter of the ~~Town~~ of Carrboro, being Chapter 476 of the 1987 Session Laws, reads as rewritten:

"**Section 9-5. Sprinkler Systems.** Notwithstanding any provision of ~~the~~ North Carolina State Building Code or any general or local law to the contrary, the board of aldermen may adopt an ordinance requiring that sprinkler systems be installed in all of the following types of buildings constructed within the town or its extraterritorial planning ~~jurisdiction.~~ jurisdiction, including the portion of the joint planning area authorized under Chapter 233 of the 1987 Session Laws wherein the Town of Carrboro administers the State Building Code: (i) buildings in excess of 50 feet in height; (ii) nonresidential buildings containing at least 5,000 square feet of floor surface area; ~~or~~ (iii) buildings designed for assembly occupancy (as defined in the North Carolina State Building Code) that accommodate more than 25 ~~people.~~ people; or (iv) multifamily buildings having three or more dwelling units. ~~This ordinance applies~~ An ordinance adopted pursuant to this section may apply to existing buildings only to the extent and under the circumstances that the provisions of the North Carolina State Building Code apply to preexisting buildings."

Section 3. Section 1 of this act applies to the Town of Hillsborough only. Section 2 of this act applies to the Chapel Hill/Carrboro School Administrative Unit only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 786

Short Title: Concord Charter. (Local)

Sponsors: Representatives Moore, Tallent (Cosponsors); and Barbee.

Referred to: Local and Regional Government II.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK.

The General Assembly of North Carolina enacts:

Section 1. Section 4.2 of the Charter of the City of Concord, being Chapter 861 of the 1985 Session Laws, as amended, reads as rewritten:

"Sec. 4.2. City Manager. The Board of Aldermen shall appoint a City Manager who shall be the chief administrator of city government, and who shall be responsible to the Board for the proper administration of the affairs of the city. The Manager shall be appointed on the basis of merit only, and he shall serve at the pleasure of the Board. Although he need not be a resident at the time of his appointment, the Manager shall become a resident of the city after his appointment. In exercising his duties as chief administrator, the Manager shall have the following powers and duties:

(a) He shall appoint, suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the ~~City Attorney, City Finance Director, Tax Collector, and City Clerk,~~ City Attorney and Tax Collector, in accordance with such general personnel rules, regulations, policies, or ordinances as the Board may adopt.

(b) He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the Board, except as otherwise provided by law.

(c) He shall attend all meetings of the Board and recommend any measures that he deems expedient.

(d) He shall see that all laws of the State, the City Charter and the ordinances, resolutions and regulations of the Board are faithfully executed within the city.

(e) He shall prepare and submit the annual budget and capital program to the city.

(f) He shall annually submit to the Board and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.

(g) He shall make any other reports that the Board may require concerning the operations of the city departments, offices, and agencies subject to his direction and control.

(h) He shall perform any other duties that may be required and authorized by the Board."

Section 2. Sections 4.5 and 4.6 of the Charter of the City of Concord, being Chapter 861 of the 1985 Session Laws, as amended, are repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 855

Short Title: Lee Commissioners Elections. (Local)

Sponsors: Representative Hall.

Referred to: Judiciary I.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT 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.

The General Assembly of North Carolina enacts:

Section 1. (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.

Section 2. This act does not affect the terms of office of current members of the Board of Commissioners of Lee County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 885

Short Title: Busing From Day Care/Alamance Schools. (Local)

Sponsors: Representatives Allred and Reynolds (Cosponsors).

Referred to: Ways and Means.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE ALAMANCE COUNTY SCHOOL ADMINISTRATIVE UNIT TO PICK UP AND DISCHARGE PUPILS AT DAY CARE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-244(c) reads as rewritten:

"(c) Any pupil enrolled in any school, or the parent or guardian of any such pupil, or the person standing in loco parentis to such pupil, may apply to the principal of such school for transportation of such pupil to and from such school by school bus for the regularly organized school day. Upon application, the principal shall assign a pupil to a school bus if the pupil is entitled to school bus transportation under this Article and the rules of the State Board of Education. If the parent, guardian, or the person standing in loco parentis to such pupil applies to be picked up or discharged at a day care center within the pupil's school district, the principal shall assign that pupil to a bus which has the designated day care on its regularly scheduled route including turnaround zone. Such assignment shall be made by the principal so as to provide for the orderly, safe and efficient transportation of pupils to such school and so as to promote the orderly and efficient administration of the school and the health, safety and general welfare of the pupils to be so transported. Assignments of pupils and employees to school buses may be changed by the principal of the school as he may from time to time find proper for the safe and efficient transportation of such pupils and employees."

Section 2. This act applies only to the Alamance County School Administrative Unit.

Section 3. This act is effective when it becomes law and applies beginning with the 1997-98 school year.

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July 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel.

FROM: Barbara Riley, Committee Counsel

RE: House Bill 496: Lee/Municipal Structures
House Bill 699: Newport Minimum Housing

House Bills 496 and 699 add the Town of Newport and the municipalities of Lee Counties to those units of local government that may address abandoned structures within their jurisdiction in the same manner as municipalities in counties with a population in excess of 163,000.

As such, when the municipality has adopted an ordinance or the housing officer has issued an order for a dwelling to be repaired or vacated, and the owner has vacated and closed the premises for 1 year, then if the municipality finds that the owner has abandoned the intent to repair the structure and that allowing the building to remain would create a public safety hazard, it may adopt an ordinance requiring the owner to repair or demolish the building.

This same authority was granted to Lumberton in 1996 and was approved for City of Greenville, and the Towns of Farmville and Bethel (Senate Bill 664) by this committee earlier in the Session. The proposed committee substitutes are identical and address a technical error in the 1996 legislation for Lumberton.

The acts are effective when they become law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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July 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel.

FROM: Barbara Riley, Committee Counsel

RE: House Bill 579 Alamance-Burlington School Election.

House Bill.579, introduced by Representative Allred, would advance the time of the first election of the merged Alamance-Burlington Board of Education from November 3, 1998 to November 4, 1997. The school system has been operating under an interim board since the effective date of the merger, July 1, 1996.

The act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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July 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel.

FROM: Barbara Riley, Committee Counsel

RE: House Bill 637: Broadway Staggered Terms.

House Bill.637, introduced by Representatives Hall and Davis, would provide for staggered, 4 year terms for the Broadway Town Commissioners. The bill also eliminates the office of town constable.

The act is effective when it becomes law.

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July 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 675 - Rocky Mount Housing Code Process

House Bill 675 authorizes the Rocky Mount City Council to adopt an ordinance authorizing service of notice of housing code violations. The notice requires the owner to commence rehabilitation or to demolish the building within 30 days when the dwelling is unoccupied, is extremely dilapidated, and is at least 50% destroyed by fire or casualty, or is unable to be repaired at a cost of less than 75% of the value. If the property owner or interested party fails to commence rehabilitation or demolish the building within the 30 days and fails to file a written objection within that time, the city may, without further notice, cause demolition of the building and place a lien against the property for the cost of the demolition. Any civil action against the city for proceeding under this act must be filed within nine months of the date the violation notice was served on the aggrieved party.

This act is effective when it becomes law.

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July 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 761: Hillsborough Inspection Contracts

House Bill 761, introduced by Representatives Insko and Hackney, allows the Town of Hillsborough to contract for building inspection services with an employer of an individual who holds the appropriate certifications. Current law requires the inspector to be either an employee of the ciry or subject to a personal services contract. Third party contracts with an employer of an inspector are not currently allowed under G.S. 160A-415.

The bill is the House companion bill to Senate Bill 656 which received a favorable report in this committee on April 16, 1997.

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July 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 786 - Concord Charter

House Bill 786 amends the Charter of the City of Concord to allow the City Manager to appoint the Finance Director and the City Clerk. These positions are currently appointed by the Board of Aldermen.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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July 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Bill Gilkeson, Staff Attorney

RE: House Bill 855: Lee Commissioners Elections

House Bill 855 , introduced by Rep. Hall, would require that the Lee County Board of Commissioners be elected at large on a nonpartisan basis.

Currently, the Lee County board has seven members. All serve 4-year terms. There is a mix of district representatives and at-large members. Like all other boards of commissioners in the State, it is elected on a partisan basis.

The bill would change the election to nonpartisan. It would elect all members at large. There would still be seven members, elected to staggered four year terms every two years.

Because Lee is covered by Section 5 of the Voting Rights Act, the bill if ratified would have to be submitted to the U.S. Justice Department for preclearance.

H855-SMRR-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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July 8, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Terrence D. Sullivan, Committee Counsel

RE: **House Bill 885, TO REQUIRE THE ALAMANCE COUNTY SCHOOL ADMINISTRATIVE UNIT, UPON THE REQUEST OF THE PARENT OR GUARDIAN, TO PICK UP AND DISCHARGE PUPILS AT DAY CARE CENTERS WITHIN THE PUPIL'S SCHOOL DISTRICT,** introduced by Representative Allred and Reynolds (cosponsors).

The bill would accomplish what the above caption indicates. The bill is effective when it becomes law and applies beginning with the 1997-98 school year.

H885-SMRA-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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July 9, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government and State Personnel

FROM: Sandra A. Timmons, Senior Legislative Analyst

RE: House Bill 275 (Delegation of Some OSP Functions) (Proposed Committee Substitute H275-PCS2361)

Section 1 of the proposed committee substitute for House Bill 275 amends G.S. 126-1 by adding that the additional intent of Chapter 126 of the North Carolina General Statutes is to make provisions for a decentralized system of personnel administration, where such is appropriate, and to do so without additional cost to the State. It outlines the specific roles of each participating group -- i.e., the State Personnel Commission, Office of State Personnel, and the heads of agencies, departments, and institutions.

Section 2 amends G.S. 126-3 to list the activities for which the Office of State Personnel is to be responsible. They include:

1. Providing policy and rule development for the State Personnel Commission and implementing and administering all policies, rules, and procedures established by the Commission;
2. Providing training in personnel management to agencies, departments, and institutions;
3. Providing technical assistance in the management of personnel programs and activities to agencies, departments and institutions;
4. Negotiating decentralization agreements with agencies, departments, and institutions;
5. Administering centralized programs and providing services which have not been transferred to agencies or where it has been rescinded for non-compliance;
6. Providing approval authority of classification and compensation personnel actions where such authority has not been transferred or has been rescinded;
7. Maintaining a computer data base of all relevant information on employees and positions within the agencies in the State's personnel system;

8. Developing criteria and standards to measure the agencies' levels of compliance or non-compliance with established Commission policies, rules, and procedures; and
9. Implementing corrective actions in cases of agency non-compliance.

Section 3 of House Bill 275 adds a new subsection authorizing the State Personnel Commission to establish rules and policies to govern delegating authority through the use of decentralization agreements with agency heads. Subsection (18)a. requires a designated person in the agency to be accountable to the State Personnel Director for the compliance of all personnel actions taken pursuant to the agency's delegated authority. Specific rules and standards for agency personnel administration are to be specified in the decentralization agreement.

Subsection (18)b. gives the State Personnel Director the authority to take appropriate corrective actions when an agency is not in compliance with the required personnel administration standards.

The bill becomes effective on January 1, 1998.

VISITOR REGISTRATION SHEET

State Local Gov 7/9/97

Name of Committee Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Darell Arnold	SEANC
Tony Green	SEANC
Otis L. Smith	Self voter in Alamance County
Earl Elvira	Self - VOTER IN ALAMANCE Co.
Floyd C Smith	Self. + VOTER IN ALAMANCE CO
BRIAN WASHINGTON	NCAE
Bill Wilson	NCAE
Tony Roga	Rogan Farms Lee Co
Kim Smith	NCLM
Emmin Mansfield	Lee County Commissioner
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Robert C. Ellinger	Lee County Republican Party
Jim Cain	STATE SENATE
Janet Hill	[illegible]
Betty Rhyne	[illegible]
[illegible]	[illegible]
Danny Holden	[illegible]
David F Smith	Alamance County
[illegible]	DOI

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
JACK G. WATTS	ALAMANCE / Burlington Schools
Mike Williams	Alamance-Burlington Schools
Mike Hathcock	Alamance Co Dist
Meg Scott Phipps	"
Vicki Braithwaite	Alamance County Project
Anne Atkins	Alamance [illegible] Project
[illegible]	[illegible]
MAX BOSWELL	[illegible]
[illegible]	[illegible]
Tom Coggin	Lee County
James Stone	Lee County
Albert Kelly	Lee Co
Thomas H. Lee	[illegible]
[illegible]	[illegible]
Jayne Potts	Chatham

North Carolina General Assembly
House of Representatives
Legislative Office Building
Raleigh 27601-1096

REPRESENTATIVE BOBBY RAY HALL
19TH DISTRICT

REASONS FOR CHANGING THE VOTING PROCESS IN LEE COUNTY

As a candidate for the North Carolina House, I was asked to have all county commissioners to run county wide. I promised my supporters that I would introduce such legislation if elected.

Lee County is the second smallest county geographically in our state. At the present time four Lee County Commissioners are elected from districts and three are elected county wide. Due to the fact that our county is so small we have experienced *turmoil on our county board. Present districts contain 4,000 to 7,000 voters. District candidates win with as little as 397 votes to 700 votes while county wide candidates loose by having 6600 votes. We do not believe this represents the one man one vote rule. If we created all districts in Lee County we would have approximately 2,700 voters in a district. Due to our small size the citizens of Lee County want candidates to run county wide.

In greatly populated counties, the smallest district has more voters than we have citizens in Lee County. The greatest populated district in Lee County is district #4 with 7,680 voters. The smallest district is district #1 with 4,084 voters.

WHAT HOUSE BILL 855 WILL PROVIDE FOR LEE COUNTY

1. Non-partisan voting - this will permit any citizen an opportunity to run for election and have a chance to win.
2. Top voters win - there will be no run-off elections. Only one election is necessary.
3. Candidates will have to campaign over all the county. Each candidate will have to ask all citizens to vote for him or her.
4. Cost for each commissioner to run for elections will be approximately the same. Presently the cost is less for those commissioners who only have to campaign in their respective districts.
5. Commissioners will have to serve all citizens equally thus eliminating commissioners from not voting for any issue because it is not in his or her district.
6. Districts always eliminate some persons from having an equal chance to run and win.

* See attached sheet

This article is an example of what takes place at county commissioner meetings. Taken from The Sanford Herald on April 22, 1997.

Commissioners not happy with school board

By TIM PRESTON

Herald Staff Writer

Lee County commissioners voted Monday "to not increase the board of education's 1997-98 budget by one cent until they've (county school board members) found a way to deal with this board." . . .

Meeting

FROM PAGE 1A

School board members have requested the county make $1 million available for cash flow and budget considerations during construction of new schools. The funds would allow the school board to avert a cash flow problem expected during construction of the new elementary school near Tramway. . . .

School Supt. Steve Wrenn declined comment on the commissioners' motion to limit funding for the next fiscal year, saying he doesn't understand exactly what the commissioners intended with that action. . . .

The superintendent acknowledged that there has been unnecessary friction between the board of education and the commissioners, agreeing that relations between the boards could be improved.

"I agree that there has got to be a better way for the board of commissioners and the board of education to communicate," Wrenn said.

Example of letters that I have received supporting HB855.

April 8, 1997

Mr. Bobby Hall
House of Representatives
Raleigh, NC

Dear Mr. Hall:

Thank you so much for your efforts to have the county commissioners of Lee County, North Carolina, elected at large. We feel that we can get a better representation for the entire county based on each of our representatives seeking support countywide.

The same people may be elected by a much larger majority of voters and should be in favor of this action. If they are not, then we must ask if they are sincerely interested in making decisions for the improvement of Lee County and for the future of Lee County.

Again, we thank you for your efforts and for your future efforts on behalf of our county of Lee.

This is late but we thank you for your introduction of the bill for clean water in the Deep River, too.

Your supporters,

Scott Swindell

Paul Utley

Janet Chilton

James Stone

Carolyn Fiacco

Challenge issued to commissioners

EDITOR, THE HERALD:

As a lifelong resident of Lee County, it is truly exciting to see our area developing into such a progressive community. We should be proud to be residents of Sanford and Lee County — new industry and new schools and the thriving economy are evidence that our community is in a period of tremendous growth.

As I watch the rapid progress on the widening of US 1 between here and Raleigh, I wonder if the county commissioners have contemplated what the completion of that highway truly means for Lee County.

No doubt, there are countless Wake County residents awaiting the day when they can enjoy the benefits of living in a community like Sanford and be only a 25-30 minute drive from the Triangle. Look at other communities that are similar distances from Raleigh and have a major highway connection — Wendell, Zebulon, even "rural" Johnston County, are experiencing overwhelming growth. Those communities give us insight into our own future.

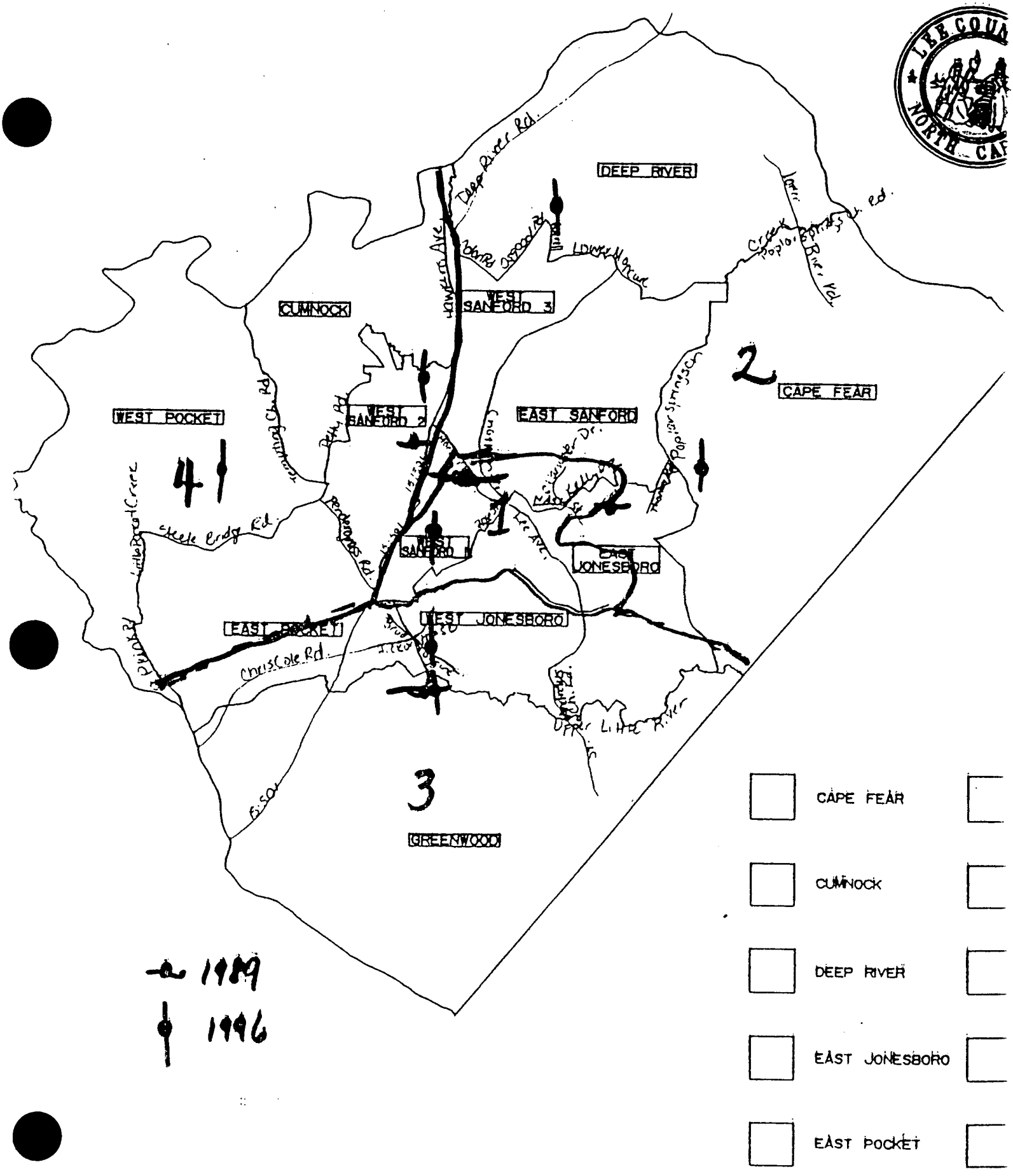
The people here showed tremendous foresight when they voted for the school bond, knowing this meant an increase in taxes. The Board of Education and administrative staff have done a good job of long-range planning. They have tried to anticipate the future educational needs of our community and what it will take to get us into the next century. New schools and increased student allotment are a necessity for us to handle. Failing to prepare today for the growth we are very likely to see within the next five years is extremely shortsighted.

Where is the long-range plan for our county commissioners? Unfortunately, it appears that they cannot see beyond tomorrow.

I am tired of the bickering, finger-pointing and childish behavior at commissioners' meetings. It is an embarrassment to see some of our elected officials act in such an unprofessional manner.

Put aside your personal agendas and consider our future needs. Draw up a long-range plan for our community and cooperate with the school board to make their plan become a reality.

MOLLY R. GRANT
Sanford


DEEP RIVER
CUMNOCK
WEST SANFORD 3
WEST POCKET
WEST SANFORD 2
EAST SANFORD
CAPE FEAR
2
4
1
WEST SANFORD 1
EAST JONESBORO
WEST JONESBORO
EAST POCKET
3
GREENWOOD
Deep River Rd.
Steele Bridge Rd.
Pea Ridge Rd.
Peabody Church Rd.
Pendergrass Rd.
Chris Cole Rd.
Lower Hawfield Creek
Poplar Springs Rd.
Lower Hawfield
Poplar Springs
Creek
Upper Little River
Little River
Fork
Bison
CAPE FEAR
CUMNOCK
DEEP RIVER
EAST JONESBORO
EAST POCKET

1989

1996

Alamance County

OFFICE OF THE COUNTY ATTORNEY
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Tel. (910) 228-1312
FAX (910) 570-6788

DAVID I. SMITH
County Attorney
Clerk To The Board

MELINDA WAGONER
Assistant County Attorney

April 22, 1997

The Honorable Cary D. Allred
NC House of Representatives
16 West Jones Street
Raleigh, North Carolina 27601-1096

Dear Cary:

Please find enclosed a Resolution recently adopted by the Alamance County Board of Commissioners. This Resolution is being forwarded to you at the direction of the Board. If you have any questions regarding the Resolution, please give me a call.

Thank you for your attention to this matter.

Sincerely,

David I. Smith
County Attorney

DIS:pj

Enclosure

Recycled Paper

RESOLUTION

WHEREAS, prior to July 1, 1996, there were two separate school systems in Alamance County, the Burlington City Schools and the Alamance County Schools, with each having a separate Board of Education; and

WHEREAS, on July 1, 1996, the two school systems in Alamance County were effectively merged into one, namely, the Alamance-Burlington Board of Education; and

WHEREAS, the initial members of the Alamance-Burlington Board of Education were appointed and took office effective July 1, 1996; and

WHEREAS, the citizens of Alamance County have not been afforded the opportunity to vote for their newly-formed Alamance-Burlington Board of Education and should be able to do so as soon as possible; and

WHEREAS, North Carolina Representative Cary Allred has introduced House Bill 579 in the 1997 Legislative Session that calls for the election of all seven members of the Alamance-Burlington Board of Education on November 4, 1997, for four year terms; and

WHEREAS, House Bill 579 will afford the citizens of Alamance County the opportunity to exercise their right to vote and elect the members of their Board of Education without undue delay.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF ALAMANCE DOTH RESOLVE:

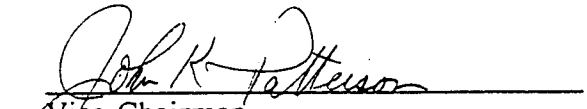
1. That the Board is in favor of the citizens of Alamance County having the right to vote for the members of the Alamance-Burlington Board of Education as soon as possible.

2. That the Board is in favor of, and supports, House Bill 579 introduced by Representative Cary Allred in the 1997 Legislative Session of the North Carolina General Assembly which mandates popular election of the Board of Education November 4, 1997.

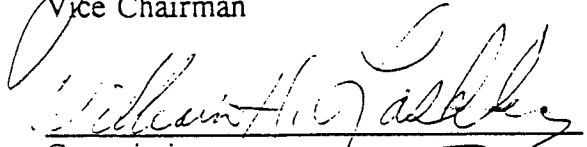
3. That the Clerk to the Board of Commissioners is hereby directed to send copies of this Resolution to each member of the Alamance County delegation to the North Carolina General Assembly.

This the 21st day of April, 1997.

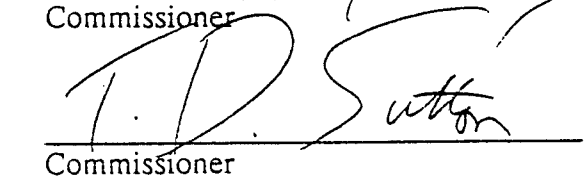
Chairman



Vice Chairman



Commissioner



Commissioner

Commissioner

An open letter to the N.C. Senate

We recognize that members of the North Carolina Senate must be curious as to what is going on in Alamance County that has prompted a flurry of activity surrounding legislation which would expedite allowing our county's voters to elect their school board.

House Bill 579, the Alamance-Burlington School Elections bill, passed the State House 73-45, and we hope the State Senate will pass it as well.

First, a little background. The issue of merging what had been two separate school systems has been controversial in our county since it was first proposed several years ago. The county commissioners narrowly approved merger, 3-2, and by the same margin at the same time, 3-2, turned down a proposal to allow a county-wide referendum on *whether* the school systems should be merged.

Thus, the people of Alamance County have been denied input on the fundamental question of whether there was merit in combining the Burlington City Schools and the Alamance County Schools from the outset.

The controversies, questions, and reservations have revolved around a number of important questions -- what, if any, *educational* benefits would result from a merged system or whether the primary purpose was to increase the salaries, through a supplement, to the county's teachers (since the city's teachers already had one). Rightly or wrongly, Alamance voters had consistently rejected a pay supplement in previous elections. The related issue, over financing such increases, was whether and how much to raise the county's property tax rate. And, of course, whether such increases were merited.

In our judgment, regardless of their views for or against merger per se, the people of Alamance County have resented from the outset their exclusion from the decision-making process of the most important local issue in recent decades, and one which directly affects the educational quality of their children's education.

The voters showed their displeasure by ousting a commissioner who had supported merger without a referendum and replacing him with one who called for a referendum. The board majority thus shifted from 3-2 against a referendum to 3-2 for one. Yet no referendum was ever held because the plan had already been shipped to Raleigh and approved.

Merger took effect last year, July 1, 1996. Three members were selected by the city board from among its members and three by the county board from among its members. The commissioners appointed a seventh member, largely to break ties in the event the two sides stalemated.

In the fine print of the merger plan, and largely concealed from most voters, was the fact that voters would also be denied the right to vote on members of the new school board from between two to four years!

The first time voters can vote for members of the school board will be in November, 1998 -- more than two years after merger -- when they can vote on only three members. Not until two years later, in 2000, will they be able to influence the entire composition of the school board when they vote for the other four seats.

The very deliberate attempt to avoid seeking the voters' approval for merger in the first instance, and the composition of the school board itself in the second instance, has led to resentment from Alamance County voters.

That resentment has grown for several reasons. The unelected school board has now made a number of controversial decisions. Some of these have been unanimous -- such as one to approve a 1997-1998 budget which, if adopted, would increase property taxes by over 30%! The board also appears to be moving toward seeking a $30 million or more school bond referendum for construction and renovation -- before school officials have even decided how to spend the $19 million share of last year's statewide school construction bond referendum. And despite the fact that some schools have gaping shortages of students. Other controversial decisions have been narrowly decided, such as one dealing with whether to allow children in day care to be bused to and from those locations by a split vote of 4-3 (against).

Last week, this newspaper reported on the leanings of each of the seven board members. Only three are even considering seeking election to the posts to which they have been appointed. Thus, we now have a situation in which a majority of the seven-member board (none of whom has ever been elected) don't even intend to seek the public's approval at the polls at some time in the future. The inherent lack of accountability should be evident, and adds to the urgency to expedite the people's right to vote.

In our view, the people of Alamance County are wise and responsible voters. They deserve to be represented on the local school board by people they themselves have, as an electorate, decided best reflect their views, values, and standards. They may grant a vote of confidence in the existing members if they were to stand for election. Or they may replace them en masse. But in any case, they deserve to have the right to decide for themselves who represents them, just as they have that right about who represents them in Raleigh.

And we see no reason, other than to avoid the will of the people, that school officials should have schemed in the past, and continue to scheme, to deny the people their franchise.

We should stress that this is not a partisan issue. The school boards of both the city and county have historically been non-partisan. Both Democratic and Republican voters want the right to decide their school board representation.

Our county's delegation is unanimously in favor. Only one member from Reidsville, also in our district, opposed the bill.

The newest angle of opposition being peddled to you in Raleigh is that November, 1997 is not a proper time to have a school board election, since for the most part only municipalities will be holding elections this fall. Wider participation could be had, they are telling you, if the elections were continued in even numbered years. You should know, however, that back home in Alamance these same school officials are preparing to seek a county-wide bond referendum vote for that same election day, and have down-played the same argument about participation by stressing the urgency of approving additional construction.

We do not think school construction is any more urgent that the people's fundamental right to determine who serves on the school board that decides whether, how much, and where such construction is needed.

We can understand the argument about having school board elections in even-numbered years, but it should have started in 1996! We don't mind whatever length of transition terms might be established or whether, ultimately, everything is put on an even-year basis. What we do think is imperative is that the people of Alamance County decide as soon as possible which seven of their fellow citizens they want making important decisions about their children's education.

This is the fundamental purpose of House Bill 579 and one which deserves the endorsement of the North Carolina State Senate.

The Alamance News

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The Alamance News has won both State and National Awards for Excelling in News Coverage, Columns, Editorials, News Writing, Freedom of Information, Use of Photographs, Agriculture Coverage, Spot Reporting and Investigative Reporting.

1997

SENATE
STATE GOVERNMENT, LOCAL GOVERNMENT, & PERSONNEL COMMITTEE

MINUTES

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, JULY 30, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, July 30, 1997 at 9:00 a.m. in room 414 of the Legislative Office Building. Eleven members attended the meeting, including Senator Brad Miller, who presided.

Action was taken on the following bills:

HB 146, Jacksonville Site Plan Review, was explained by Rep. Grady. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

HB 269, Burlington Habitat/Property, was explained by Rep. Allred. Senator Soles sent forth three amendments and moved for their adoption. The motion carried unanimously. Senator Albertson moved that the amendments be rolled in a committee substitute and that the committee give an unfavorable report as to the bill, but favorable as to Senate committee substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

HB 885, Busing From Day Care/Alamance Schools, was explained by Rep. Allred. Speaking against the bill from Alamance County were Jack Watts, Chairman of the Alamance/Burlington School Board, and Dr. Mike Williams, superintendent of the Alamance/Burlington School system. Meg Scott Phipps, a parent from the Alamance/Burlington School district, spoke in favor of holding the bill. Senator Soles moved to hold the bill until the short session. The motion carried unanimously.

HB 668, Cumberland Co. Housing Code, was explained by Rep. McAllister. Senator Ballance moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Ballance moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

HB 786, Concord Charter, was explained by Rep. Moore. Senator Hartsell moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Webster moved to give the Proposed Committee Substitute a favorable report. The

motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

HB 836, Airport Econ. Develop. Zone Act, was removed from the calendar prior to the meeting.

Senator Brad Miller, Chairman

Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Wednesday, July 30, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **146** Jacksonville Site Plan Review.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. **668** Cumberland County Housing Code.
Draft Number: PCS2363
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Monday, August 04, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. 269 Burlington Habitat Property.

Draft Number:	PCS2379
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

H.B. 786 Concord Charter.

Draft Number:	PCS6312
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, JULY 30, 1997

ROOM 414

HB 146	Jacksonville Site Plan Review	Rep. Grady
HB 269	Burlington Habitat Property	Rep. Allred
HB 885	Busing From Day Care/Alamance Schools	Rep. Allred
HB 668	Cumberland Co. Housing Code	Rep. McAllister
HB 786	Concord Charter	Rep. Moore
HB 836	Airport Econ. Develop. Zone Act	Rep. Wright

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 146

Short Title: Jacksonville Site Plan Review. (Local)

Sponsors: Representatives Grady, Preston, Smith; and Watson.

Referred to: Local & Regional Government I.

February 13, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF JACKSONVILLE TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE CITY ZONING ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. The city council may require sidewalk improvements for all development that is subject to be reviewed under the site plan review provisions of the city zoning ordinance.

Section 2. This act applies to the City of Jacksonville only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 269

Short Title: Burlington Habitat Property. (Local)

Sponsors: Representatives Allred, Reynolds; and Cole.

Referred to: Local and Regional Government I.

February 18, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF BURLINGTON, NORTH CAROLINA, TO CONVEY CERTAIN SURPLUS PROPERTY BY PRIVATE SALE TO HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., INC.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Burlington, North Carolina, may convey certain real property, now declared surplus real property, at a negotiated private sale to HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., INC., with monetary consideration, any and all of its rights, title, and interest to the following described property:

A certain tract or parcel of land in Burlington Township, Alamance County, adjoining Gunn Street, Richmond Avenue and the lands of Grace M. Jones, Mary Belle Wilson and Lots 25 and 28 and being more particularly described as follows:

BEGINNING at a corner with Mary Belle Wilson and Lot No. 28 in the line of Grace M. Jones and Lot No. 25 and running thence from said beginning point with the line of Mary Belle Wilson and Lot No. 28 south 87 deg. 45' east 185' to a point in the west right-of-way line of Richmond Avenue; thence with the west right-of-way line of Richmond Avenue south 2 deg. 03' west 50.00' to the intersection of the west right-of-way line of Richmond Avenue and the north right-of-way line of Gunn Street; thence with the west right-of-way line of Gunn Street north 87 deg. 45' west 185' to a corner with Grace M. Jones; thence with the line of Grace M. Jones and Lot No. 25 north 2 deg. 03' east 50.00' to the BEGINNING and being part of Lot No. 27, subdivision of the Manly Brooks Property on Richmond Hill recorded in Plat Book 1, Page 53, in the office of the Alamance County Register of Deeds.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 269

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

H269-ALM-2 Page 1 of __

Date_____,1997

Comm. Sub. []
Amends Title [YES]

Senator Kerr

moves to amend the bill on page 1, line 4,
by adding at the end of the line:
"AND AN ACT TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY.";

and to amend the bill on page 2, line 1,
by rewriting the line to read:
"Section 2. Chapter 711 of the 1993 Session Laws is repealed.
Section 3. Section 8(c) of Chapter 927 of the 1963 Session Laws, as amended by Chapter 1006 of the 1987 Session Laws, reads as rewritten:
'(c) To lease real or personal property under the supervision of or administered by the Authority, without ~~(without~~ the joinder in the lease agreements of the owning municipalities, to wit, the County of Wayne and the City of ~~Goldsboro) for a term not to exceed 20 years, and for purposes~~ Goldsboro, for purposes that the board considers advantageous or conducive to the development of the Airport and that are not inconsistent with the grants and agreements under which the ~~said~~ Airport is held by ~~said owning municipalities, real or personal property under the supervision of or administered by the said Authority.~~ the owning municipalities. The term of a lease to the City of Goldsboro, Wayne County, or Wayne Community College may not exceed 50 years. The term of a lease to any other lessee may not exceed 20 years.'.
Section 4. Section 12 of Chapter 927 of the 1963 Session Laws, as amended by Chapter 1006 of the 1987 Session Laws, is further amended by deleting the phrase '"20 years"' and substituting the phrase '"the maximum term provided in Section 8 of this act"'.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 269

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

H269-ALM-2 Page 2 of __

Section 5. Section 1 of this act is effective when it becomes law. The remainder of this act is effective on and after July 7, 1994.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Call Barbara
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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 269

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

H269-ALM-1

Page 1 of __

Date_____,1997

Comm. Sub. []
Amends Title [YES]

Senator Kerr

moves to amend the bill on page 1, line 4,
by adding at the end of the line:
"AND AN ACT TO MODIFY THE PURPOSES FOR WHICH THE GOLDSBORO ROOM OCCUPANCY TAX MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES.";

and to amend the bill on page 2, line 1,
by rewriting the line to read:
"Section 2. Sections 2 through 9 of Chapter 555 of the 1991 Session Laws read as rewritten:
'Sec. 2. Levy of Tax. The City of Goldsboro may ~~by resolution, after not less than 10 days public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy and tourism development tax. ~~Collection of the tax, and liability, therefore, shall begin and continue only on and after the first day of a calendar month set in the resolution levying the tax, which in no case may be earlier than the first day of the second succeeding calendar month after the date of adoption of the resolution.~~

~~"Sec. 3. Rate; Scope.~~ The room occupancy and tourism development tax that may be levied under this act shall not be less than three percent (3%) nor more than five percent (5%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, or other similar place within the levying unit now subject to the three percent (3%) 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.

'Sec. 4. Exemptions. The tax authorized by this act does not apply to gross 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, except that the return is due on the 25th day of the month rather than the 15th day of the month. 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 seven members, four shall be appointed by the city council and three shall be appointed by the Chamber of Commerce of Wayne County. The city shall remit no more than twenty percent (20%) of the net proceeds of the tax levied under this act 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. The citizens' advisory committee shall use the remainder of the net proceeds of the tax levied under this act for a study of the feasibility of the construction of a civic center in Goldsboro.

(b) If Civic Center Feasible. If the Goldsboro City Council determines that the results of the feasibility study indicate that a civic center would 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 continue to serve in an advisory capacity to the Goldsboro City Council. The city shall ~~use~~ remit no more than twenty percent (20%) of the net proceeds of the tax levied under this act to the Goldsboro Tourism Council created in Section 8 of this act. The Council shall use the

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 269

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

H269-ALM-1 Page 4 of __

proceeds to develop tourism, support services, and tourist-related events, and for any other appropriate activities to provide tourism-related facilities and attractions. ~~for development of tourism, support services, and tourist-related events and attractions.~~ The city shall use the remainder of the net proceeds for improving, leasing, constructing, financing, operating, or acquiring facilities and properties as needed to provide for a civic center facility for Goldsboro. The city may contract with any person, firm, or agency to assist it in carrying out the purposes provided in this subsection.

(c) If Civic Center Not Feasible at Present. 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 at present or without the participation of other governmental, educational, or nonprofit entities, then the city may, on a monthly basis, remit up to fifty percent (50%) of 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. The remaining net proceeds of the tax shall be invested in a special interest bearing fund and held by the city for improving, leasing, constructing, financing, operating, or acquiring facilities and properties, either by the city or in conjunction with other governmental, educational, or nonprofit entities. Thereafter, if the Goldsboro City Council determines that a civic center would be a viable alternative for the city, then a citizens' advisory committee shall be again created, if it has been disbanded, pursuant to subsection (a) of this section, and the provisions of subsection (b) of this section shall apply. Further, the citizens' advisory committee may conduct additional feasibility studies as it deems necessary. If the Goldsboro City Council later determines that a civic center would not be a viable alternative for the city, then the 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 the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.~~'

Section 3.1 (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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 269

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

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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 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 City of Goldsboro.

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

S664

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 269

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

H269-ALG-1

Date_____,1997

Comm. Sub. []
Amends Title [YES]

moves to amend the bill on page 1, line 4,
by adding the following at the end of the line:
"AND TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF FARMVILLE AND BETHEL TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY CERTAIN SURPLUS PROPERTY BY PRIVATE SALE TO HABITAT FOR HUMANITY";

and on page 2, line 1, by rewriting that line to read:

Section 2. Section 2 of Chapter 733 of the 1995 Session Laws, as amended by S.L. 1997-101, reads as rewritten:

"Sec. 2. This act applies to the Cities of Greenville, ~~Lumberton~~ Lumberton, and Roanoke Rapids and the Towns of Bethel and Farmville only."

Section 3. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Burlington, North Carolina, may convey certain real property, now declared surplus real property, at a negotiated private sale to HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., INC., with monetary consideration, any and all of its rights, title, and interest to the following described property: A certain tract or parcel of land in Burlington Township, Alamance County, adjoining Gunn Street, Richmond Avenue and the lands of Grace M. Jones, Mary Belle Wilson and Lots 25 and 28 and being more particularly described as follows:

BEGINNING at a corner with Mary Belle Wilson and Lot No. 28 in the line of Grace M. Jones and Lot No. 25 and running thence from said beginning point with the line of Mary Belle Wilson and Lot No. 28 south 87 deg. 45' east 185' to a point in the west right-of-way

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
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Principal Clerk)

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line of Richmond Avenue; thence with the west right-of-way line of Richmond Avenue south 2 deg. 03' west 50.00' to the intersection of the west right-of-way line of Richmond Avenue and the north right-of-way line of Gunn Street; thence with the west right-of-way line of Gunn Street north 87 deg. 45' west 185' to a corner with Grace M. Jones; thence with the line of Grace M. Jones and Lot No. 25 north 2 deg. 03' east 50.00' to the BEGINNING and being part of Lot No. 27, subdivision of the Manly Brooks Property on Richmond Hill recorded in Plat Book 1, Page 53, in the office of the Alamance County Register of Deeds.

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

SIGNED Coles
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 269
Proposed Senate Committee Substitute H269-PCS2379

Short Title: Burlington Habitat Property. (Local)

Sponsors:

Referred to:

February 18, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF BURLINGTON, NORTH CAROLINA, TO CONVEY CERTAIN SURPLUS PROPERTY BY PRIVATE SALE TO HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., INC., TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY, TO MODIFY THE PURPOSES FOR WHICH THE GOLDSBORO ROOM OCCUPANCY TAX MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES, AND TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF FARMVILLE AND BETHEL TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Burlington, North Carolina, may convey certain real property, now declared surplus real property, at a negotiated private sale to HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., INC., with monetary consideration, any and all of its rights, title, and interest to the following described property:

A certain tract or parcel of land in Burlington Township, Alamance County, adjoining Gunn Street, Richmond Avenue and the lands of Grace M. Jones, Mary Belle Wilson and Lots 25 and 28 and being more particularly described as follows:

BEGINNING at a corner with Mary Belle Wilson and Lot No. 28 in the line of Grace M. Jones and Lot No. 25 and running thence from said beginning point with the line of Mary Belle Wilson and Lot No. 28 south 87 deg. 45' east 185' to a point in the west right-of-way line of Richmond Avenue; thence with the west right-of-way line of Richmond Avenue south 2 deg. 03' west 50.00' to the intersection of the west right-of-way line of Richmond Avenue and the north right-of-way line of Gunn Street; thence with the west right-of-way line of Gunn Street north 87 deg. 45' west 185' to a corner with Grace M. Jones; thence with the line of Grace M. Jones and Lot No. 25 north 2 deg. 03' east 50.00' to the BEGINNING and being part of Lot No. 27, subdivision of the Manly Brooks Property on Richmond Hill recorded in Plat Book 1, Page 53, in the office of the Alamance County Register of Deeds.

Section 2. Chapter 711 of the 1993 Session Laws is repealed.

Section 3. Section 8(c) of Chapter 927 of the 1963 Session Laws, as amended by Chapter 1006 of the 1987 Session Laws, reads as rewritten:

"(c) To lease real or personal property under the supervision of or administered by the Authority, without ~~(without~~ the joinder in the lease agreements of the owning municipalities, to wit, the County of Wayne and the City of ~~Goldsboro) for a term not to exceed 20 years, and for purposes~~ Goldsboro, for purposes that the board considers advantageous or conducive to the development of the Airport and that are not inconsistent with the grants and agreements under which the ~~said~~ Airport is held by ~~said owning municipalities, real or personal property under the supervision of or administered by the said Authority.~~ the owning municipalities. The term of a lease to the City of Goldsboro, Wayne County, or Wayne Community College may not exceed 50 years. The term of a lease to any other lessee may not exceed 20 years."

Section 4. Section 12 of Chapter 927 of the 1963 Session Laws, as amended by Chapter 1006 of the 1987 Session Laws, is further amended by deleting the phrase "20 years" and substituting the phrase "the maximum term provided in Section 8 of this act".

Section 5. Sections 2 through 9 of Chapter 555 of the 1991 Session Laws read as rewritten:

"Sec. 2. Levy of Tax. The City of Goldsboro may ~~by resolution, after not less than 10 days public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy and tourism development tax. ~~Collection of the tax, and liability, therefore, shall begin and continue only on and after the first day of a calendar month set in the resolution levying the tax, which in no case may be earlier than the first day of the second succeeding calendar month after the date of adoption of the resolution.~~

~~"Sec. 3. Rate; Scope.~~ The room occupancy and tourism development tax that may be levied under this act shall not be less than three percent (3%) nor more than five percent (5%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, or other similar place within the levying unit now subject to the three percent (3%) 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.

"Sec. 4. Exemptions. The tax authorized by this act does not apply to gross 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, except that the return is due on the 25th day of the month rather than the 15th day of the month. 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 seven members, four shall be appointed by the city council and three shall be appointed by the Chamber of Commerce of Wayne County. The city shall remit no more than twenty percent (20%) of the net proceeds of the tax levied under this act 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. The citizens' advisory committee shall use the remainder of the net proceeds of the tax levied under this act for a study of the feasibility of the construction of a civic center in Goldsboro.

(b) If Civic Center Feasible. If the Goldsboro City Council determines that the results of the feasibility study indicate that a civic center would 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 continue to serve in an advisory capacity to the Goldsboro City Council. The city shall ~~use~~ remit no more than twenty percent (20%) of the net proceeds of the tax levied under this act 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. ~~for development of tourism, support services, and tourist-related events and attractions.~~ The city shall use the remainder of the net proceeds for improving, leasing, constructing, financing, operating, or acquiring facilities and properties as needed to provide for a civic center facility for Goldsboro. The city may contract with any person, firm, or agency to assist it in carrying out the purposes provided in this subsection.

(c) If Civic Center Not Feasible at Present. 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 at present or without the participation of other governmental, educational, or nonprofit entities, then the city may, on a monthly basis, remit up to fifty percent (50%) of 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. The remaining net proceeds of the tax shall be invested in a special interest bearing fund and held by the city for improving, leasing, constructing, financing, operating, or acquiring facilities and properties, either by the city or in conjunction with other governmental, educational, or nonprofit entities. Thereafter, if the Goldsboro City Council determines that a civic center would be a viable alternative for the city, then a citizens' advisory committee shall be again created, if it has been disbanded, pursuant to subsection (a) of this section, and the provisions of subsection (b) of this section shall apply. Further, the citizens' advisory committee may conduct additional

feasibility studies as it deems necessary. If the Goldsboro City Council later determines that a civic center would not be a viable alternative for the city, then the 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 the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.~~"

Section 6. (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 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 City of Goldsboro.

Section 7. Section 2 of Chapter 733 of the 1995 Session Laws, as amended by S.L. 1997-101, reads as rewritten:

"Sec. 2. This act applies to the Cities of Greenville, ~~Lumberton~~ Lumberton, and Roanoke Rapids and the Towns of Bethel and Farmville only."

Section 8. Sections 2, 3, and 4 of this act are effective on and after July 7, 1994. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 269

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

H269-ALM-2 Page 1 of __

Date_____,1997

Comm. Sub. []
Amends Title [YES]

Senator Kerr

moves to amend the bill on page 1, line 4,
by adding at the end of the line:
"AND AN ACT TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY.";

and to amend the bill on page 2, line 1,
by rewriting the line to read:
"Section 2. Chapter 711 of the 1993 Session Laws is repealed.

Section 3. Section 8(c) of Chapter 927 of the 1963 Session Laws, as amended by Chapter 1006 of the 1987 Session Laws, reads as rewritten:

'(c) To lease real or personal property under the supervision of or administered by the Authority, without ~~(without~~ the joinder in the lease agreements of the owning municipalities, to wit, the County of Wayne and the City of ~~Goldsboro) for a term not to exceed 20 years, and for purposes~~ Goldsboro, for purposes that the board considers advantageous or conducive to the development of the Airport and that are not inconsistent with the grants and agreements under which the ~~said~~ Airport is held by ~~said owning municipalities, real or personal property under the supervision of or administered by the said Authority.~~ the owning municipalities. The term of a lease to the City of Goldsboro, Wayne County, or Wayne Community College may not exceed 50 years. The term of a lease to any other lessee may not exceed 20 years.'

Section 4. Section 12 of Chapter 927 of the 1963 Session Laws, as amended by Chapter 1006 of the 1987 Session Laws, is further amended by deleting the phrase '"20 years"' and substituting the phrase '"the maximum term provided in Section 8 of this act"'.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
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AMENDMENT NO._____
(to be filled in by
Principal Clerk)

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Section 5. Section 1 of this act is effective when it becomes law. The remainder of this act is effective on and after July 7, 1994.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 269

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

H269-ALM-1

Date_____,1997

Comm. Sub. []
Amends Title [YES]

Senator Kerr

moves to amend the bill on page 1, line 4,
by adding at the end of the line:
"AND AN ACT TO MODIFY THE PURPOSES FOR WHICH THE GOLDSBORO ROOM OCCUPANCY TAX MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES.";

and to amend the bill on page 2, line 1,
by rewriting the line to read:
"Section 2. Sections 2 through 9 of Chapter 555 of the 1991 Session Laws read as rewritten:
'Sec. 2. Levy of Tax. The City of Goldsboro may ~~by resolution, after not less than 10 days public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy and tourism development tax. ~~Collection of the tax, and liability, therefore, shall begin and continue only on and after the first day of a calendar month set in the resolution levying the tax, which in no case may be earlier than the first day of the second succeeding calendar month after the date of adoption of the resolution.~~

~~"Sec. 3. Rate; Scope.~~ The room occupancy and tourism development tax that may be levied under this act shall not be less than three percent (3%) nor more than five percent (5%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, or other similar place within the levying unit now subject to the three percent (3%) 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.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 269

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

H269-ALM-1 Page 2 of __

'Sec. 4. Exemptions. The tax authorized by this act does not apply to gross 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, except that the return is due on the 25th day of the month rather than the 15th day of the month. 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~~

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 269

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

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~~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 seven members, four shall be appointed by the city council and three shall be appointed by the Chamber of Commerce of Wayne County. The city shall remit no more than twenty percent (20%) of the net proceeds of the tax levied under this act 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. The citizens' advisory committee shall use the remainder of the net proceeds of the tax levied under this act for a study of the feasibility of the construction of a civic center in Goldsboro.

(b) If Civic Center Feasible. If the Goldsboro City Council determines that the results of the feasibility study indicate that a civic center would 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 continue to serve in an advisory capacity to the Goldsboro City Council. The city shall ~~use~~ remit no more than twenty percent (20%) of the net proceeds of the tax levied under this act 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. ~~for development of tourism, support services, and tourist-related events and attractions.~~ The city shall use the remainder of the net proceeds for improving, leasing, constructing, financing, operating, or acquiring facilities and properties as needed to provide for a civic center facility for Goldsboro. The city may contract with any person, firm, or agency to assist it in carrying out the purposes provided in this subsection.

(c) If Civic Center Not Feasible at Present. 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 at present or without the participation of other governmental, educational, or nonprofit entities, then the city may, on a monthly basis, remit up to fifty percent (50%) of 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. The remaining net proceeds of the tax shall be invested in a special interest bearing fund and held by the city for improving, leasing, constructing, financing, operating, or acquiring facilities and properties, either by the city or in conjunction with other governmental, educational, or nonprofit entities. Thereafter, if the Goldsboro City Council determines that a civic center would be a viable alternative for the city, then a citizens' advisory committee shall be again created, if it has been disbanded, pursuant to subsection (a) of this section, and the provisions of subsection (b) of this section shall apply. Further, the citizens' advisory committee may conduct additional feasibility studies as it deems necessary. If the Goldsboro City Council later determines that a civic center would not be a viable alternative for the city, then the 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

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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 the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.~~'

Section 3. (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

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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 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 City of Goldsboro.

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 668

Short Title: Cumberland County Housing Code. (Local)

Sponsors: Representatives McAllister; Hurley, Kinney, Morris, and Warner.

Referred to: Ways and Means.

March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO REQUIRE OWNERS OF RENTAL PROPERTY IN THE COUNTY TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS IN HOUSING CODE CASES AND CASES INITIATED BY THE LOCAL BOARD OF HEALTH.

The General Assembly of North Carolina enacts:

Section 1. The Board of County Commissioners of Cumberland County may, by ordinance, require that each owner of rental property within the county authorize a person residing in the county to serve as the owner's agent for the purpose of accepting service of process in an action involving a violation of an ordinance adopted pursuant to Part 6 of Article 19 of Chapter 160A of the General Statutes, Part 4 of Article 18 of Chapter 153A of the General Statutes, or Chapter 130A of the General Statutes, or a violation of local board of health rules adopted pursuant to Chapter 130A of the General Statutes. The owner shall provide the county inspections department with the authorized agent's name, address, and phone number on a form supplied by the department. The owner shall notify the inspections department of any changes in the information within 10 days after the changes occur. Nothing in this section shall require an owner to designate an agent to accept service of process if the owner of the rental property resides within Cumberland County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 1

HOUSE BILL 786

Short Title: Concord Charter. (Local)

Sponsors: Representatives Moore, Tallent (Cosponsors); and Barbee.

Referred to: Local and Regional Government II.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK.

The General Assembly of North Carolina enacts:

Section 1. Section 4.2 of the Charter of the City of Concord, being Chapter 861 of the 1985 Session Laws, as amended, reads as rewritten:

"Sec. 4.2. City Manager. The Board of Aldermen shall appoint a City Manager who shall be the chief administrator of city government, and who shall be responsible to the Board for the proper administration of the affairs of the city. The Manager shall be appointed on the basis of merit only, and he shall serve at the pleasure of the Board. Although he need not be a resident at the time of his appointment, the Manager shall become a resident of the city after his appointment. In exercising his duties as chief administrator, the Manager shall have the following powers and duties:

(a) He shall appoint, suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the ~~City Attorney, City Finance Director, Tax Collector, and City Clerk,~~ City Attorney and Tax Collector, in accordance with such general personnel rules, regulations, policies, or ordinances as the Board may adopt.

(b) He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the Board, except as otherwise provided by law.

(c) He shall attend all meetings of the Board and recommend any measures that he deems expedient.

(d) He shall see that all laws of the State, the City Charter and the ordinances, resolutions and regulations of the Board are faithfully executed within the city.

(e) He shall prepare and submit the annual budget and capital program to the city.

(f) He shall annually submit to the Board and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.

(g) He shall make any other reports that the Board may require concerning the operations of the city departments, offices, and agencies subject to his direction and control.

(h) He shall perform any other duties that may be required and authorized by the Board."

Section 2. Sections 4.5 and 4.6 of the Charter of the City of Concord, being Chapter 861 of the 1985 Session Laws, as amended, are repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 786
Proposed Senate Committee Substitute H786-PCS2375

Short Title: Concord Charter. (Local)

Sponsors:

Referred to:

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK; AND TO PROVIDE FOR INITIATIVE AND REFERENDUM AUTHORITY FOR THE CONCORD CITY COUNCIL AND THE CABARRUS COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. Section 4.2 of the Charter of the City of Concord, being Chapter 861 of the 1985 Session Laws, as amended, reads as rewritten:

"Sec. 4.2. City Manager. The ~~Board of Aldermen~~ City Council shall appoint a City Manager who shall be the chief administrator of city government, and who shall be responsible to the ~~Board~~ Council for the proper administration of the affairs of the city. The Manager shall be appointed on the basis of merit only, and he shall serve at the pleasure of the ~~Board~~ Council. Although he need not be a resident at the time of his appointment, the Manager shall become a resident of the city after his appointment. In exercising his duties as chief administrator, the Manager shall have the following powers and duties:

(a) He shall appoint, suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the ~~City Attorney, City Finance Director, Tax Collector, and City Clerk,~~ City Attorney and Tax Collector, in accordance with such general personnel rules, regulations, policies, or ordinances as the ~~Board~~ Council may adopt.

(b) He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the ~~Board,~~ Council, except as otherwise provided by law.

(c) He shall attend all meetings of the ~~Board~~ Council and recommend any measures that he deems expedient.

(d) He shall see that all laws of the State, the City Charter and the ordinances, resolutions and regulations of the ~~Board~~ Council are faithfully executed within the city.

(e) He shall prepare and submit the annual budget and capital program to the city.

(f) He shall annually submit to the ~~Board~~ Council and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.

(g) He shall make any other reports that the ~~Board~~ Council may require concerning the operations of the city departments, offices, and agencies subject to his direction and control.

(h) He shall perform any other duties that may be required and authorized by the ~~Board~~ Council."

Section 2. Sections 4.5 and 4.6 of the Charter of the City of Concord, being Chapter 861 of the 1985 Session Laws, as amended, are repealed.

Section 3. The Charter of the City of Concord, being Chapter 861 of the 1985 Session Laws, as amended, is amended by adding a new Article to read:

"ARTICLE VI.

"Sec. 6.1. Direct voting on issues by the people. The City Council may adopt an ordinance providing for a procedure of direct voting on issues by the people. Such an ordinance shall contain either or both of the following provisions:

(1) When twenty-five percent (25%) of the qualified voters of the city apply to the Council by signed petition for the purpose of voting upon any question of public interest which that petition requests be submitted to a vote of the citizens of the city, the Council shall order a referendum on the question. The election shall be held not more than 120 nor fewer than 60 days after receipt of the petition. No special act shall be necessary to authorize the Council to order that referendum. The Council shall order as many referenda under the provisions of this section as it may be petitioned to call in the manner set out in this section. The Council shall call more than one election to be held for the purpose of voting upon the same question if a petition is filed, as herein provided, requesting the Council to call that election, notwithstanding the fact that a prior election may have been held for the purpose of ascertaining the wishes of the citizens of the city on the same question.

(2) The Council may submit to a vote of the people of the city any resolution or ordinance passed by the Council or any other

question of public interest, if the Council resolves to do so by a vote of three-fifths of its total members.

If a referendum is called under either subdivision (1) or (2) of this section, the county board of elections shall cause the ordinance or resolution to be voted on to be published in accordance with G.S. 163-33.

If a referendum is called under either subdivision (1) or (2) of this section and a majority of the qualified voters voting vote in favor of the measure proposed, then the vote of the people shall be binding upon the Council and the city, and the measure shall become effective throughout the city on the date the results are certified unless the measure contains another effective date.

Sec. 6.2. The City Council may, by majority vote, repeal an ordinance for a direct vote on issues by the people it has adopted under Sec. 6.1."

Section 4. (a) The Cabarrus County Board of Commissioners may adopt an ordinance providing for a procedure of direct voting on issues by the people. Such an ordinance shall contain either or both of the following provisions:

(1) When twenty-five percent (25%) of the qualified voters of the county apply to the Board by signed petition for the purpose of voting upon any question of public interest which that petition requests be submitted to a vote of the citizens of the county, the Board shall order a referendum on the question. The election shall be held not more than 120 nor fewer than 60 days after receipt of the petition. No special act shall be necessary to authorize the Board to order that referendum. The Board shall order as many referenda under the provisions of this section as it may be petitioned to call in the manner set out in this section. The Board shall call more than one election to be held for the purpose of voting upon the same question if a petition is filed, as herein provided, requesting the Board to call that election, notwithstanding the fact that a prior election may have been held for the purpose of ascertaining the wishes of the citizens of the county on the same question.

(2) The Board may submit to a vote of the people of the county any resolution or ordinance passed by the Board or any other question of public interest, if the Board resolves to do so by a vote of three-fifths of its total members.

If a referendum is called under either subdivision (1) or (2) of this subsection, the county board of elections shall cause the ordinance or resolution to be voted on to be published in accordance with G.S. 163-33.

If a referendum is called under either subdivision (1) or (2) of this subsection and a majority of the qualified voters voting vote in favor of the measure proposed, then the vote of the people shall be binding upon the Board of Commissioners and the county, and the measure shall become effective throughout the county on the date the results are certified unless the measure contains another effective date.

(b) The Cabarrus County Board of Commissioners may, by majority vote, repeal an ordinance for a direct vote on issues by the people it has adopted under subsection (a) of this section.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 836*
Committee Substitute Favorable 4/16/97

Short Title: Airport Econ. Develop. Zone Act. (Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE THE NEW HANOVER INTERNATIONAL AIRPORT ECONOMIC DEVELOPMENT ZONE.

The General Assembly of North Carolina enacts:

Section 1. No municipality may annex any of the following described property in New Hanover County, North Carolina, pursuant to Article 4A of Chapter 160A of the General Statutes, or pursuant to any other provision of law, as long as the described property is used as part of an airport economic development zone:

Legal Description Fee Property - New Hanover International Airport. Cape Fear Township, New Hanover County, North Carolina.

Tract 1

Beginning at an existing concrete monument at the point of intersection of a segment of the New Hanover International Airport property line with the eastern right-of-way line of the CSX Transportation, Inc. Railroad right-of-way (130.0' right-of-way). Said existing concrete monument being located North 79 degrees 06 minutes 51 seconds East - 82.23' from an existing nail at the point of intersection of the centerline of Secondary Road #1385. Hall Drive (60.0' right-of-way) with the centerline of the CSX Transportation, Inc. Railroad right-of-way and having North Carolina grid coordinates: North = 192.858.98. East = 2.326.559.18. Running thence from said point of beginning 20.0' north east of and parallel with the northern right-of-way line of Secondary Road #1385. South 63 degrees 19 minutes 30 seconds East - 592.10' to

a point; thence North 29 degrees 27 minutes 00 seconds East - 687.57' to a point; thence North 75 degrees 48 minutes 15 seconds East - 999.87' to a point; thence north 77 degrees 03 minutes 15 seconds East - 101.03' to a point; thence North 01 degrees 38 minutes 45 seconds West - 210.20' to a point; thence South 75 degrees 48 minutes 15 seconds West - 97.16' to a point; thence North 01 degrees 04 minutes 30 seconds West - 558.28' to a point; thence South 84 degrees 27 minutes 15 seconds West - 198.68' to a point; thence North 05 degrees 52 minutes 45 seconds East - 247.96' to a point; thence North 19 degrees 12 minutes 45 seconds East - 256.94' to a point; thence South 64 degrees 17 minutes 15 seconds East - 107.04' to a point; thence North 01 degrees 05 minutes 30 seconds West - 508.71' to a point; thence North 68 degrees 32 minutes 45 seconds East - 423.97' to a point; thence North 21 degrees 23 minutes 45 seconds West - 1199.66' to a point in the eastern right-of-way line of the CSX Transportation, Inc. Railroad right-of-way; thence with said right-of-way line North 26 degrees 35 minutes 15 seconds East - 407.42' to a point; thence leaving said right-of-way line and running South 55 degrees 20 minutes 45 seconds East - 98.99' to a point; thence North 58 degrees 58 minutes 15 seconds East - 204.35' to a point; thence North 26 degrees 49 minutes 15 seconds East - 79.26' to a point; thence South 56 degrees 23 minutes 45 seconds East - 82.69' to a point; thence North 68 degrees 37 minutes 15 seconds East - 282.77' to a point; thence South 57 degrees 45 minutes 45 seconds East - 278.20' to a point; thence South 21 degrees 22 minutes 45 seconds East - 424.81' to a point; thence South 58 degrees 14 minutes 45 seconds East - 288.14' to a point; thence South 58 degrees 52 minutes 20 seconds East - 193.79' to a point; thence North 66 degrees 40 minutes 36 seconds East - 109.09' to a point; thence North 68 degrees 35 minutes 30 seconds East - 279.59' to a point; thence South 19 degrees 49 minutes 45 seconds East - 79.70' to a point; thence South 68 degrees 31 minutes 45 seconds West - 277.32' to a point; thence south 64 degrees 31 minutes 45 seconds West - 106.12' Chord Distance to a point; thence South 14 degrees 47 minutes 30 seconds East - 886.49' to a point; thence South 21 degrees 23 minutes 00 seconds East - 628.90' to a point; thence South 87 degrees 50 minutes 53 seconds East - 123.13' to a point; thence South 61 degrees 11 minutes 16 seconds East.- 65.18' to a point; thence South 45 degrees 08 minutes 30 seconds East - 58.02' to a point; thence south 50 degrees 14 minutes 29 seconds East - 130.84' to a point; thence South 56 degrees 05 minutes 02 seconds East - 82.04' to a point; thence South 52 degrees 57 minutes 42 seconds East 86.04' to a point; thence South 45 degrees 15 minutes 36 seconds East 181.86' to a point; thence South 52 degrees 22 minutes 37 seconds East - 146.74' to a point; thence South 56 degrees 31 minutes 30 seconds East - 96.66' to a point; thence South 57 degrees 14 minutes 05 seconds East - 218.04' to a point; thence South 17 degrees 11 minutes 54 seconds East - 512.64' to a point; thence North 72 degrees 60 minutes 36 seconds West - 800.85' to a point; thence South 21 degrees 23 minutes 00 seconds East - 211.13' to a point; thence South degrees 52 minutes 00 seconds East - 136.98' to a point; thence South 18 degrees 20 minutes 45 seconds East - 1532.59' to a point; thence South 73 degrees 10 minutes 45 seconds East - 606.40' to a point; thence South 17 degrees 11 minutes 54 seconds East - 151.27' to a point; thence North 47 degrees 41 minutes 30 seconds East - 1361.25 to a

point; thence North 14 degrees 53 minutes 00 seconds East - 273.44' to a point; thence North 14 degrees 55 minutes 15 seconds East - 238.61' to a point; thence North 79 degrees 36 minutes 30 seconds East - 34.60' to a point; thence North 48 degrees 09 minutes 00 seconds East - 1420.38' to a point; thence North 17 degrees 27 minutes 00 seconds East - 203.95' to a point; thence North 16 degrees 23 minutes 58 seconds East - 640.89' to a point; thence South 73 degrees 14 minutes 30 seconds East - 139.90' to a point; thence North 17 degrees 00 minutes 30 seconds East - 292.65' to a point; thence South 52 degrees 19 minutes 07 seconds East - 325.43' to a point; thence South 17 degrees 40 minutes 45 seconds East - 118.43' Chord Distance to point; thence South 16 degrees 57 minutes 36 seconds West - 79.76' to a point; thence South 73 degrees 08 minutes 15 seconds East - 42.36' to a point; thence North 17 degrees 38 minutes 45 seconds East - 72.43' to a point; thence North 47 degrees 44 minutes 00 seconds East - 1053.66 to a point; thence South 42 degrees 14 minutes 45 seconds East - 673.92' to a point; thence South 42 degrees 14 minutes 45 seconds East - 228.33' to a point; thence North 72 degrees 59 minutes 15 seconds East - 232.96' to a point; thence North 72 degrees 59 minutes 15 seconds East - 227.01' to a point; thence South 66 degrees 59 minutes 45 seconds East - 508.72' to a point in the western line of Futch Avenue; thence with western line of Futch Avenue South 08 degrees 49 minutes 15 seconds West - 801.08' to a point; thence South 88 degrees 03 minutes 00 seconds West - 77.89' to a point; thence South 10 degrees 00 minutes 30 seconds West -141.01' to a point in the northern right-of-way line of Kerr Avenue; thence with the northern right-of-way line of Kerr Avenue South 47 degrees 45 minutes 15 seconds West - 2091.59' to a point; thence South 47 degrees 45 minutes 15 seconds West -- 170.76' to a point; thence South 25 degrees 16 minutes 21 seconds West - 381.93' to a point; thence leaving the northern right-of-way line of Kerr Avenue and running North 43 degrees 58 minutes 00 seconds West - 261.44' to a point; thence South 54 degrees 35 minutes 00 seconds West -251.37' to a point; thence North 72 degrees 38 minutes 00 seconds West - 398.34' to a point; thence South 24 degrees 56 minutes 15 seconds West - 357.52' to a point of the western right-of-way line of the old Winter Park - Wrightsboro Road (00.0' right-of-way); thence with said right-of-way line South 07 degrees 05 minutes 15 seconds East - 721.22' to a point; thence leaving the right-of-way line of the old Winter Park -Wrightsboro Road and running North 82 degrees 23 minutes 15 seconds East - 622.58', along the northern line of Morris Road, to a point in the western right-of-way line of North Kerr Avenue; thence with the western right-of-way line of North Kerr Avenue South 14 degrees 47 minutes 30 seconds West - 986.16' to a point; thence South 03 degrees 31 minutes 15 seconds West - 395.69' Chord Distance to a point; thence leaving the right-of-way line of North Kerr Avenue and running South 14 degrees 41 minutes 45 seconds West - 409.16' to a point; thence South 43 degrees 03 minutes 30 seconds East - 1012.80' to a point; thence South 51 degrees 15 minutes 00 seconds East - 529.58' to a point; thence continuing the same course approximately 100' to the center of the run of Smith Creek; thence in a south westerly direction with the meanders of the centerline of the run of Smith Creek, approximately 3750' to a point that bears North 21 degrees 23 minutes 45 seconds

West from a point on the bank of Smith Creek; thence South 21 degrees 23 minutes 45 seconds East - approximately 200.0' to a point of the bank of Smith Creek; thence South 21 degrees 23 minutes 45 seconds East - 951.54' to a point; thence South 68 degrees 35 minutes 45 seconds West - 400.00' to a point; thence North 21 degrees 23 minutes 45 seconds West - 1434.65' to a point on the bank of Smith Creek; thence continuing the same course approximately 150' to the centerline of the run of Smith Creek; thence with the centerline of the run of Smith Creek as it meanders in a more or less southwesterly direction approximately 9750' to the point of intersection of the centerline of said run with the eastern right-of-way line of North 23rd Street; thence leaving the run of Smith Creek and running North 02 degrees 38 minutes 35 seconds East - approximately 60' to a point on the bank of Smith Creek; thence continuing with the right-of-way line of North 23 Street, North 02 degrees 38 minutes 35 seconds East - 753.21' to a point; thence South 89 degrees 24 minutes 45 seconds East -162.28' to a point; thence North 14 degrees 57 minutes 30 seconds East - 2124.43' to a point; thence South 87 degrees 38 minutes 00 seconds West - 42.01' to a point; thence South 81 degrees 53 minutes 00 seconds west - 1035.91' to a point in the eastern right-of-way line of North 23rd Street; thence with the said right-of-way line North 28 degrees 21 minutes 30 seconds West -423.67' Chord Distance to a point; thence North 31 degrees 29 minutes 45 seconds West - 593.46' to a point; thence leaving the right-of-way line of North 23rd Street and running North 58 degrees 31 minutes 00 seconds East - 599.87' to a point; thence South 02 degrees 07 minutes 15 seconds East - 21.10' to a point; thence North 87 degrees 37 minutes 00 seconds East - 180.51' to a point; thence North 00 degrees 36 minutes 00 seconds West - 979.17' to a point; thence North 63 degrees 19 minutes 45 seconds West - 320.87' to a point in the eastern right-of-way line of the CSX Railroad right-of-way; thence with said Railroad right-of-way North 26 degrees 38 minutes 00 seconds East - 1372.47' to the point of beginning and containing 1498.13 acres more or less. The basic Airport Tract being subject to the North Carolina National Guard Lease Tract (41.27 acres). Tracts 2, 3, and 4 as shown on the Airport Exhibit A are included in acreage total. However, tracts are not included in meets and bounds description of basic tract because tracts were plotted from deed references and are not shown as a result of an actual field survey.

Tract 2

Beginning at an existing iron pipe in the eastern right-of-way line of the old Winter Park - Wrightsboro Road (60.0' right-of-way). Said point of beginning being located North 35 degrees 21 minutes 40 seconds East - 88.83' from an existing concrete monument at the point of intersection of the western right-of-way line of the old Winter Park - Wrightsboro Road with the northern line extended of Morris Road (50.0' right-of-way). Running thence from said point of beginning with the eastern right-of-way line of the old Winter Park - Wrightsboro Road North 07 degrees 04 minutes 30 seconds West - 80.0' to a point; thence leaving said right-of-way line and running South 82 degrees 39 minutes 37 seconds West - 384.25' to a point; thence South 01 degrees 30 minutes 45 seconds West - 80.00' to a point; thence South 82

degrees 30 minutes 47 seconds West - 372.31' to the point of beginning and containing 691 acres more or less and representing all of Lot 3, of the John R. Morris Division as shown on a map of said division Recorded in Deed Book 671 at Page 296 1/2 of the New Hanover Registry.

Tract 3

Beginning at an existing iron pipe in the eastern right-of-way line of the old Winter Park - Wrightsboro Road (60.0' right-of-way). Said point of beginning being located North 05 degrees 51 minutes 58 seconds East - 267.60' from an existing concrete monument at the point of intersection of the western right-of-way line of the old Winter Park - Wrightsboro Road with the northern right-of-way line extended of Morris Road (50.0' right-of-way). Running thence from said point of beginning with the eastern right-of-way line of the old Winter Park - Wrightsboro Road, North 07 degrees 04 minutes 45 seconds West - 252.96' to a point; thence leaving said right-of-way line and running along an old ditch North 61 degrees 56 minutes 39 seconds East - 138.50 feet to a point; thence North 48 degrees 03 minutes 30 seconds East - 279.00' to a point; thence North 63 degrees 30 minutes 37 seconds East - 195.76' to a point; thence leaving said ditch and running South 05 degrees 35 minutes 40 seconds South 05 degrees 35 minutes West - 243.15' to a point; thence North 84 degrees 25 minutes 15 seconds West - 16.0' to a point in the western line of a 15.0' wide alley; thence with the western line of said alley South 05 degrees 36 minutes 15 seconds West - 360.33' to a point, said point being at the PC of a radius in said alley right-of-way line; thence continuing with said right-of-way line as it curves to the west to a point that bears South 49 degrees 18 minutes 45 seconds West - 20.74' Chord Distance from the preceding point; thence with the northern line of another 15.0' wide alley North 86 degrees 57 minutes 45 seconds West - 161.81' to a point, said point being at the PC of a curve to the North; thence continuing with the line of said alley as it curves to the north to a point that bears North 45 degrees 25 minutes 15 seconds West - 19.90' Chord Distance from the preceding point; thence continuing with the eastern line of said alley North 03 degrees 52 minutes 45 seconds West - 121.73' to a point; thence crossing said alley South 82 degrees 57 minutes 47 seconds West - 15.02' to a point; thence with the western line of said alley South 03 degrees 52 minutes 44 seconds East - 121.73' to a point, the PC of a curve in said right-of-way line; thence continuing with said right-of-way line as it curves to the west to a point that bears South 46 degrees 08 minutes 17 seconds West - 21.88' Chord Distance form the preceding point; thence continuing with the northern line of said alley North 86 degrees 57 minutes 45 seconds West - 175.55' to the point of beginning and containing 5.0781 acres more or less and being all of tract 1 and the Home Place Tract of the John R. Morris Division as said division is shown on a map Recorded in Deed Book 671 at Page 296 1/2 of the New Hanover County Registry.

Tract 4

Beginning at a point in the western right-of-way line of Farley Drive (60.0' right-of-way). Said point or beginning being located North 76 degrees 42 minutes 45 seconds West - 31.10' from a point on the centerline of Farley Drive which is located North 28 degrees 34 minutes 19 seconds East - 846.71', as measured along said centerline, from the point of intersection of said centerline, with the centerline of Gordon Road extended. Running thence from said point beginning with the western right-of-way line of Farley Drive South 28 degrees 34 minutes 19 seconds West - 302.40' to a point, thence leaving said right-of-way line and running North 80 degrees 07 minutes 09 seconds West - 1711.40' to a point in the eastern line of Futch Avenue; thence with the eastern line of Futch Avenue North 08 degrees 49 minutes 15 seconds east - 302.74' to a point; thence leaving the eastern line of Futch Avenue and running South 76 degrees 42 minutes 45 seconds East - 274.10' to the point of beginning and containing 1.51 acres more or less.

Tract 5

Beginning at a point in the western right-of-way line of North 23rd Street, said point being located South 81 degrees 53 minutes 00 seconds West - 104.69' from an existing concrete monument at the point of intersection of a segment of the New Hanover International Airport property line with the eastern right-of-way line on North 23rd Street. Said concrete monument in the eastern right-of-way line of North 23rd Street being located approximately 2750' as measured along said right-of-way line from the point of intersection of said right-of-way line with the centerline of Smith Creek. Running thence from said point of beginning South 81 degrees 53 minutes 00 seconds West - 178.66' to a point; thence North 39 degrees 19 minutes 15 seconds East - 158.11' to a point; thence North 18 degrees 08 minutes 15 seconds East - 34.98' to a point in the western right-of-way line ~~of~~ North 23rd Street; thence with the western right-of-way line of North 23rd Street as it curves to the south to a point that bears South 26 degrees 48 minutes 00 seconds East - 146.01' Chord Distance from the preceding point.

Tract 6

Area to be acquired in accordance with the Airport Development Plan (1995-2015) on file with the Federal Aviation Administration further described as:

Airport Development Plan (1995-2015), New Hanover
International Airport, Wilmington, North Carolina.

Phase 1 (1995-2000)

Tract 1

Beginning at the point of intersection of the northern right-of-way line of Morris Road with the western right-of-way line of North Kerr Avenue. Running thence from said point of beginning with the existing property line of the New Hanover International Airport, South 82 degrees 23 minutes 15 seconds East - 622.58' to a point; thence North 07 degrees 05 minutes 15 seconds West - 721.22' to a point; thence North 24 degrees 56 minutes 15 seconds East - 357.52' to a point; thence South 72 degrees 38 minutes 00 seconds East - 398.34' to a point; thence North 54 degrees 35 minutes 00 seconds East - 251.27' to a point; thence South 43 degrees 58 minutes 00 seconds East - 261.44' to a point in the western right-of-way line of North Kerr Avenue; thence in a southwesterly direction with the western right-of-way line of North Kerr Avenue 875' more or less to the point of beginning and containing 13.6 acres more or less.

Tract 2

Beginning at an existing concrete monument at the point of intersection of the western line of Futch Avenue with the northern line of Old Gordon Road. Running thence from said point of beginning with the western right-of-way line of Futch Avenue North 08 degrees 49 minutes 15 seconds East - 500' more or less to a point; thence South 80 degrees 07 minutes 09 seconds East - 191.40' more or less to the western right-of-way line of Farley Drive; thence North 28 degrees 34 minutes 19 seconds East - 302.40' to a point; thence leaving said right-of-way line and running North 76 degrees 42 minutes 45 seconds West - 294.10' to a point in the northeastern line of the New Hanover International Airport; thence with said Airport property line, North 66 degrees 59 minutes 45 seconds West - 508.72' to a point; thence South 72 degrees 59 minutes 15 seconds West - 459.97' to a point; thence North 42 degrees 14 minutes 45 seconds West - 802.25' to a point; thence in a northeasterly direction and parallel with the centerline of the existing northeast - southwest runway 3400' more or less to the point of intersection of said line with the southern right-of-way line of North Kerr Avenue; thence with the southern right-of-way line of North Kerr Avenue as it curves to the south and to the west 5625' to the point of intersection of said right-of-way line with the northeastern property line of the New Hanover International Airport; thence North 10 degrees 00 minutes 30 seconds West - 141.01' to a point; thence North 88 degrees 03 minutes 00 seconds East - 77.89' to the point of beginning and containing 157 acres more or less.

Tract 3

Beginning at the point of intersection of the southern right-of-way line of secondary road #1370 with the western right-of-way line of secondary road #1319. Running thence from said point of beginning with the western right-of-way line of secondary road #1319 in a southeasterly direction, approximately 2000' to the point of intersection of said right-of-way line with the southern right-of-way line of secondary road #1320 if said right-of-way line were extended in a northwesterly direction;

thence with the western right-of-way line of secondary road #1320 as it curves to the south and to the east approximately 2375' to the point of intersection of said right-of-way line with the property line of the New Hanover International Airport; thence with the property line of the New Hanover International Airport South 14 degrees 53 minutes 00 seconds West - 300' more or less to a point; thence South 47 degrees 41 minutes 30 seconds West - 1361.25' to a point; thence South 47 degrees 41 minutes 32 seconds West - 143.48' to a point; thence North 73 degrees 10 minutes 12 seconds West - 442.36' to a point; thence North 18 degrees 20 minutes 45 seconds West - 303.93' to a point; thence North 18 degrees 20 minutes 45 second West - 1532.59' to a point; thence North 72 degrees 52 minutes 00 seconds West - 136.98' to a point; thence North 21 degrees 23 minutes 00 seconds West - 1806.80' to a point; thence North 14 degrees 47 minutes 30 seconds West - 886.49' to a point in the southern right-of-way line of secondary road #1370; thence North 64 degrees 31 minutes 45 seconds East - 106.12' Chord Distance to a point; thence North 68 degrees 31 minutes 45 seconds East - 277.32' to the point of beginning and containing 100 acres more or less.

Tract 4

Beginning at the point of intersection of the northern right-of-way line of secondary road #1370 with the western right-of-way line of secondary road #1319. Running thence from said point of beginning with the property line of the New Hanover International Airport South 68 degrees 35 minutes 30 seconds West - 279.59' to a point; thence South 66 degrees 40 minutes 36 seconds West - 109.09' to a point; thence South 58 degrees 11 minutes 36 seconds West - 88.42' Chord Distance to a point; thence South 54 degrees 07 minutes 05 seconds West - 31.10' Chord Distance to a point; thence South 53 degrees 03 minutes 30 seconds West - 148.73' to a point; thence North 21 degrees 24 minutes 45 seconds West - 182.97' to a point; thence North 53 degrees 34 minutes 15 seconds East - 145.53' to a point; thence North 58 degrees 14 minutes 45 seconds West - 288.14' to a point; thence north 21 degrees 22 minutes 45 seconds West - 424.81' to a point; thence North 57 degrees 45 minutes 45 seconds West - 278.20' to a point; thence South 68 degrees 37 minutes 15 seconds West - 282.77' to a point; thence North 56 degrees 23 minutes 45 seconds West - 92.69' to a point; thence South 26 degrees 49 minutes 15 seconds West - 79.26' to a point; thence South 58 degrees 58 minutes 15 seconds West - 204.35' to a point; thence North 55 degrees 20 minutes 45 seconds West - 98.99' to a point in the southeastern right-of-way line of the now or formerly CSX Railroad; thence with the southeastern right-of-way line of the now or formerly CSX Railroad in a northeasterly direction 1300' more or less to the point of intersection of said right-of-way line with the southern right-of-way line of secondary road #1322 (North Kerr Avenue); thence with the southern right-of-way line of North Kerr Avenue 50' more or less to the point of intersection of said right-of-way line with the western right-of-way of secondary road #1319; thence with the western right-of-way line of secondary road #1319, 2125' more or less to the point of beginning.

Tract 4 A

Beginning at the point of intersection of the northern right-of-way line of Blue Clay Road with the southern right-of-way line of North Kerr Avenue. Running thence from said point of beginning with the northern right-of-way line of Blue Clay Road 1600' more or less to the point of intersection of said right-of-way line with the western flare line of the proposed clear zone for the northwest - southeast runway of the New Hanover International Airport; thence with said flare line in a northwesterly direction 1450' more or less to the point of intersection with said flare line with the southern right-of-way line of North Kerr Avenue; thence with the southern right-of-way line of North Kerr Avenue in a southeasterly direction 1425' more or less to the point of beginning. Tract 4 and Tract 4A contain 47 acres more or less.

Tract 5

Beginning at a point in the southern right-of-way line of the now or formerly CSX Railroad that is located 4000' more or less, as measured along said right-of-way line, from the point of intersection of said right-of-way line with the centerline of secondary road #1386. Said point of beginning also being the point of intersection of said Railroad right-of-way line with the property line of the New Hanover International Airport. Running thence from said point of beginning with the property line of the New Hanover International Airport South 21 degrees 23 minutes 45 seconds East - 1199.66' to a point; thence South 68 degrees 32 minutes 45 seconds West - 423.97' to a point; thence South 01 degrees 05 minutes 30 seconds East - 300' more or less to a point; thence leaving said property line and running in a southwesterly direction, and perpendicular to the centerline of the southeast-northwest runway of the New Hanover International Airport 250' more or less to a point; thence in a northwesterly direction and parallel with the centerline of the southeast-northwest runway 250' more or less to a point; thence in a southwesterly direction and perpendicular to the runway centerline 650' more or less to a point; thence in a southeasterly direction and parallel with said runway centerline 1300' more or less to a point; thence in a northeasterly direction and perpendicular to the centerline of said runway 450' more or less to a point in the western property line of the New Hanover International Airport; thence South 01 degrees 04 minutes 30 seconds East - 75' more or less to a point; thence North 75 degrees 48 minutes 15 seconds East - 97.16' to a point; thence South 01 degrees 38 minutes 45 seconds East - 210.20' to a point; thence South 77 degrees 03 minutes 15 seconds West - 101.03' to a point; thence South 75 degrees 48 minutes 15 seconds West - 999.87' to a point; thence South 29 degrees 27 minutes 00 seconds West - 687.57' to a point in the northern right-of-way line of secondary road #1386; thence with the northern right-of-way line of secondary road #1386 North 63 degrees 19 minutes 30 seconds West - 592.10' to the point of intersection of said right-of-way line with the southern right-of-way line of the now or formerly CSX Railroad; thence with the southern right-of-way

line of the CSX Railroad in a northeasterly direction 3970' more or less to the point of beginning and containing 71 acres more or less.

Phase 2 (2001-2005)

Tract 1

Beginning at a point in the northwestern property line of the New Hanover International Airport, said point of beginning being located South 01 degree 05 minutes 30 seconds East - 300.0' more or less as measured along said property line, from property corner #1025. Said property corner being shown on an exhibit A property map of the New Hanover International Airport. Running thence from said point of beginning in a southwesterly direction and perpendicular to the northwest-southeast runway of said airport 250' more or less to a point; thence in a northwesterly direction and parallel with the northwest-southeast runway centerline 250.0' more or less to a point; thence in a southwesterly direction and perpendicular to the centerline of said northwest-southeast runway 650.0' to a point; thence in a southeasterly direction and parallel with the centerline of said runway 650.0' to a point; thence in a northeasterly direction and perpendicular to the centerline of said runway 550' more or less to a point in the northwestern property line of the New Hanover International Airport; thence with said property line North 05 degrees 52 minutes 45 seconds East - 125' more or less to a point; thence North 19 degrees 12 minutes 45 seconds East - 256.94' to a point; thence South 64 degrees 17 minutes 15 seconds East - 107.04' to a point; thence North 01 degrees 05 minutes 30 seconds West - 208.71' to the point of beginning.

Phase 3 (2006-2015)

Tract 1

Beginning at a point in the northwestern property line of the New Hanover International Airport. Said point of beginning being located North 01 degree 04 minutes 30 seconds West -75' more or less from a concrete monument at property corner 1019 of the New Hanover International Airport. Said property corner being shown on an exhibit A property map of the New Hanover International Airport. Running thence from said point of beginning in a southwesterly direction and perpendicular to the centerline of the northwest-southeast runway 450' more or less to a point; thence in a northwesterly direction and parallel with the centerline of the northwest-southeast runway 650' more or less to a point; thence in a northeasterly direction and perpendicular to the northwest-southeast runway 550' to a point in the northwestern property line of the New Hanover International Airport; thence with said property line South 05 degrees 52 minutes 45 seconds West - 122.96' more or less to a point; thence North 84 degrees 27 minutes 15 seconds East - 198.68' to a

point; thence South 01 degrees 04 minutes 30 seconds East - 483.28' to the point of beginning.

Tract 2

Beginning at the point or intersection of the northern right-of-way line of North Kerr Avenue with the western right-of-way line of Blue Clay Road. Running thence with the northern right-of-way line of North Kerr Avenue in a northwesterly direction 1450' more or less to a point in the flare line of the clear zone for the northwest-southeast runway of the New Hanover International Airport; thence with said flare line in a northwesterly direction 300' to a point; thence in a northeasterly direction with the end line of said clear zone 1750' to a corner of said clear zone; thence in a southwesterly direction with the flare line of said clear zone 500' more or less to a point in the northern right-of-way line of Blue Clay Road; thence with the northern right-of-way line of Blue Clay Road 300' more or less to the point of beginning.

Ultimate

Tract 1

Beginning at the point of intersection of the western right-of-way line of secondary road #1319 with the southern right-of-way line of North Kerr Avenue (secondary road #1322). Running thence from said point of beginning with the southern right-of-way line of North Kerr Avenue as it curves to the south 600' more or less to a point; thence leaving said right-of-way line and running with the southern right-of-way line of the proposed relocated North Kerr Avenue in a northeasterly direction 1400' more or less to the point of intersection of said right-of-way line with the western flare line of a proposed clear zone for a proposed northwest-southeast parallel runway; thence with the flare line of said clear zone in a northwesterly direction 1200' more or less to a point; thence in a northeasterly direction in the end line of said clear zone 1750' to a point in the eastern flare line of said clear zone; thence with said flare line in a southwesterly direction 1450' more or less to the point of intersection of said flare line with the southern right-of-way line of the proposed relocated North Kerr Avenue; thence in a southeasterly direction 2375' more or less to the point of intersection of said relocated North Kerr Avenue with the existing right-of-way line of North Kerr Avenue; thence continuing with the southern right-of-way line of North Kerr Avenue as it now exists 4500' more or less to the point of intersection of said right-of-way line with the proposed extension of the northeast property line of the New Hanover International Airport; thence in a southwesterly direction and parallel with the centerline of the northeast-southwest runway 3400' more or less to a point, a property corner of the New Hanover International Airport; thence with the property line of the New Hanover International Airport South 47 degrees 44 minutes 00 seconds West - 1053.66' to a point; thence South 17 degrees 38 minutes 45 seconds West - 72.43' to a point; thence North 73 degrees 08 minutes 15

seconds West - 42.36' to a point; thence North 16 degrees 57 minutes 36 seconds East - 79.76' to a point; thence North 17 degrees 40 minutes 45 seconds West - 118.43' Chord Distance to a point; thence North 52 degrees 19 minutes 07 seconds West - 325.43' to a point; thence South 17 degrees 00 minutes 30 seconds West - 292.65' to a point; thence North 73 degrees 14 minutes 30 seconds West - 139.90' to a point; thence South 16 degrees 23 minutes 58 seconds West - 640.89' to a point; thence South 17 degrees 27 minutes 00 seconds West - 203.95' to a point; thence South 48 degrees 09 minutes 00 seconds West - 1420.38' to a point; thence South 79 degrees 36 minutes 30 seconds West - 34.60' to a point; thence South 14 degrees 55 minutes 15 seconds West - 200' more or less to the point of intersection of said line with the western right-of-way line of secondary road #1320; thence with the western right-of-way line of secondary road #1320 in a northwesterly direction as it curves to the north 2375' more or less to the point of intersection of said right-of-way line with the western right-of-way line of secondary road #1319; thence with the western right-of-way line of secondary road #1319 in a northwesterly direction 4125' more or less to the point of beginning and containing 530 acres more or less.

Tract 2

Beginning at the point of intersection of the northern right-of-way line of Morris Road with the northwestern right-of-way line of North Kerr Avenue. Running thence from said point of beginning with the northwestern right-of-way line of North Kerr Avenue South 14 degrees 47 minutes 30 seconds West - 986.16' to a point; thence South 03 degrees 31 minutes 15 seconds West - 395.69' Chord Distance to a point; thence South 14 degrees 41 minutes 45 seconds West - 409.16' to a point; thence South 43 degrees 03 minutes 30 seconds East - 1100' more or less to a point; thence leaving said airport line and running in a north northeasterly direction 350.0' to a point in the end line of a proposed clear zone for the proposed northwest-southeast parallel runway; thence with the end line of said clear zone in a northeasterly direction 1100' more or less to a point; thence with the eastern flare line of said clear zone in a northwesterly direction 1750' more or less to a point in the proposed eastern right-of-way line of the proposed relocated North Kerr Avenue; thence with the proposed right-of-way line of the relocated North Kerr Avenue and crossing the existing North Kerr Avenue 2125' more or less to a point in the existing airport property line; thence with said property line South 47 degrees 45 minutes 15 seconds West - 850' more or less to a point; thence South 47 degrees 45 minutes 15 seconds West - 170.76' to a point; thence South 25 degrees 16 minutes 21 seconds West - 381.93' to a point; thence continuing with the existing western right-of-way line of North Kerr Avenue in a southwesterly direction 875' more or less to the point of beginning and containing 70 acres more or less.

Section 2. The boundary of the area described in Section 1 of this act shall be considered "municipal boundary" of the City of Wilmington for the purposes of Part 3 of Article 4A of Chapter 160A of the General Statutes with respect to future annexations by the City of Wilmington.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 885

Short Title: Busing From Day Care/Alamance Schools. (Local)

Sponsors: Representatives Allred and Reynolds (Cosponsors).

Referred to: Ways and Means.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE ALAMANCE COUNTY SCHOOL ADMINISTRATIVE UNIT TO PICK UP AND DISCHARGE PUPILS AT DAY CARE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-244(c) reads as rewritten:

"(c) Any pupil enrolled in any school, or the parent or guardian of any such pupil, or the person standing in loco parentis to such pupil, may apply to the principal of such school for transportation of such pupil to and from such school by school bus for the regularly organized school day. Upon application, the principal shall assign a pupil to a school bus if the pupil is entitled to school bus transportation under this Article and the rules of the State Board of Education. If the parent, guardian, or the person standing in loco parentis to such pupil applies to be picked up or discharged at a day care center within the pupil's school district, the principal shall assign that pupil to a bus which has the designated day care on its regularly scheduled route including turnaround zone. Such assignment shall be made by the principal so as to provide for the orderly, safe and efficient transportation of pupils to such school and so as to promote the orderly and efficient administration of the school and the health, safety and general welfare of the pupils to be so transported. Assignments of pupils and employees to school buses may be changed by the principal of the school as he may from time to time find proper for the safe and efficient transportation of such pupils and employees."

Section 2. This act applies only to the Alamance County School Administrative Unit.

Section 3. This act is effective when it becomes law and applies beginning with the 1997-98 school year.

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June 16, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 146 Jacksonville Site Review Plan
Introduced by Representatives Grady, Preston, Smith; and Watson

House Bill 146 authorizes Jacksonville to require sidewalk improvements for developments subject to site plan review under the city zoning ordinance.

House Bill 146 would become effective when it becomes law.

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June 16, 1997

MEMORANDUM

TO: Senate Committee on State Government, Local Government and Personnel

FROM: Barbara Riley, Committee Counsel

RE: House Bill 269 Burlington Habitat Property
Introduced by Representative Allred, Reynolds; and Cole

House Bill 269 would authorize the City of Burlington to convey surplus real estate it owns to Habitat for Humanity of Alamance County by negotiated private sale.

House Bill 269 would become effective upon ratification.

North Carolina General Assembly
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July 29, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Terrence D. Sullivan, Committee Counsel

RE: **House Bill 668, TO AUTHORIZE CUMBERLAND COUNTY TO REQUIRE OUT-OF-COUNTY OWNERS OF RENTAL PROPERTY TO AUTHORIZE A COUNTY RESIDENT TO ACCEPT SERVICE OF PROCESS IN HOUSING CODE CASES AND CASES INITIATED BY THE BOARD OF HEALTH,** introduced by Representative McAllister and others.

The bill would authorize Cumberland County Board of Commissioners to require that owners of rental property, who are not residents of the County, appoint a County resident to accept service of process in actions involving violations of ordinances imposing minimum housing standards (Part 6 of Article 19 of G.S. Chapter 160A—Cities and Towns); involving building inspections (Part 4 of Article 18 of G.S. Chapter 153A--Counties); and of local board of health rules adopted under G.S. Chapter 130A—Public Health. The owner would be required to file the agent's name, address and phone number with the county inspections department and would require that the owner notify the inspection department of changes in the information with 10 days of occurrence.

The proposed committee substitute makes it clear that only nonresident owners would need to appoint an agent to receive process. The bill would be effective when it becomes law.

H668-SMRA-001

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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July 29, 1997

TO: Senate Committee on State Government, Local Government, and Personnel

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 786 - Concord Charter

House Bill 786 amends the Charter of the City of Concord to allow the City Manager to appoint the Finance Director and the City Clerk. These positions are currently appointed by the Board of Aldermen.

This act is effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

VISITOR REGISTRATION SHEET

State & Local Government — 7/30/97

Name of Committee — Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Roslyn Sawtt	NC Child Care Coalition
Meg Scott Phipps	Parent
Jack Watts	Alamance Burlington School Board
Mike Williams	Alamance-Burlington Schools
[illegible]	[illegible]
Carol Mackey	Office of Gov
Bob Bellamy	NC SEA
[illegible]	NCHCA
ef Richard Moore	The People

SENATE COMMITTEE ON
STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL

Thursday, July 31, 1997

Minutes

The Senate Committee on State Government, Local Government, and Personnel met at 10:55 a.m. on Thursday, July 31, 1997, in the Senate Chamber. Eight members of the committee were present. Senator Brad Miller, Chair, presided.

Senator Miller recognized Senator Fletcher Hartsell who, having voted with the majority, moved to reconsider the vote by which House Bill 786 had passed the Committee on Wednesday, July 30, 1997. The motion carried unanimously.

Senator Hartsell sent forth an amendment to the bill at Senator Wib Gulley's request to add some provisions to House Bill 786 that affect the City and County of Durham that are included in bills being held in the House without action and moved adoption of the amendment. The motion carried unanimously.

Senator Hartsell moved giving the bill an unfavorable report as to original bill, but favorable report to the bill as engrossed into a Senate Committee Substitute. The motion carried unanimously.

Senator Miller adjourned the meeting at 11:00 a.m.

Senator Brad Miller, Chair

Dot Waugaman, Acting Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT

Senator Brad Miller, Chairman

Monday, August 04, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. 269 Burlington Habitat Property.

Draft Number:	PCS2379
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

H.B. 786 Concord Charter.

Draft Number:	PCS6312
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 786

Short Title: Concord Charter. (Local)

Sponsors: Representatives Moore, Tallent (Cosponsors); and Barbee.

Referred to: Local and Regional Government II.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK.

The General Assembly of North Carolina enacts:

Section 1. Section 4.2 of the Charter of the City of Concord, being Chapter 861 of the 1985 Session Laws, as amended, reads as rewritten:

"Sec. 4.2. City Manager. The Board of Aldermen shall appoint a City Manager who shall be the chief administrator of city government, and who shall be responsible to the Board for the proper administration of the affairs of the city. The Manager shall be appointed on the basis of merit only, and he shall serve at the pleasure of the Board. Although he need not be a resident at the time of his appointment, the Manager shall become a resident of the city after his appointment. In exercising his duties as chief administrator, the Manager shall have the following powers and duties:

(a) He shall appoint, suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the ~~City Attorney, City Finance Director, Tax Collector, and City Clerk,~~ City Attorney and Tax Collector, in accordance with such general personnel rules, regulations, policies, or ordinances as the Board may adopt.

(b) He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the Board, except as otherwise provided by law.

(c) He shall attend all meetings of the Board and recommend any measures that he deems expedient.

(d) He shall see that all laws of the State, the City Charter and the ordinances, resolutions and regulations of the Board are faithfully executed within the city.

(e) He shall prepare and submit the annual budget and capital program to the city.

(f) He shall annually submit to the Board and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.

(g) He shall make any other reports that the Board may require concerning the operations of the city departments, offices, and agencies subject to his direction and control.

(h) He shall perform any other duties that may be required and authorized by the Board."

Section 2. Sections 4.5 and 4.6 of the Charter of the City of Concord, being Chapter 861 of the 1985 Session Laws, as amended, are repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 786
Proposed Senate Committee Substitute H786-PCS6312

Short Title: Concord Charter. (Local)

Sponsors:

Referred to:

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK; TO PROVIDE FOR INITIATIVE AND REFERENDUM AUTHORITY FOR THE CONCORD CITY COUNCIL AND THE CABARRUS COUNTY BOARD OF COMMISSIONERS; AND AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM AS IT RELATES TO VOLUNTARY ANNEXATIONS, PROTEST PETITIONS, THE APPROVAL OF PAYMENT OF FACILITIES FEES, AND THE RENAMING OF THE SUBDIVISION REVIEW BOARD.

The General Assembly of North Carolina enacts:

Section 1. Section 4.2 of the Charter of the City of Concord, being Chapter 861 of the 1985 Session Laws, as amended, reads as rewritten:

"Sec. 4.2. City Manager. The ~~Board of Aldermen~~ City Council shall appoint a City Manager who shall be the chief administrator of city government, and who shall be responsible to the ~~Board~~ Council for the proper administration of the affairs of the city. The Manager shall be appointed on the basis of merit only, and he shall serve at the pleasure of the ~~Board~~ Council. Although he need not be a resident at the time of his appointment, the Manager shall become a resident of the city after his appointment. In exercising his duties as chief administrator, the Manager shall have the following powers and duties:

(a) He shall appoint, suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided

effective throughout the county on the date the results are certified unless the measure contains another effective date.

(b) The Cabarrus County Board of Commissioners may, by majority vote, repeal an ordinance for a direct vote on issues by the people it has adopted under subsection (a) of this section.

Section 5. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is amended by adding a new section to read:

"Sec. 2.6. Petition Annexation Appeals. Any judicial action contesting the validity of an annexation by the City pursuant to Part 1 or 4 of Article 4A of Chapter 160A of the General Statutes shall be filed within 30 days after the adoption of the annexation ordinance."

Section 6. Section 115.6(b) of the Charter of the City of Durham, being Chapter 671 of the 1995 Session Laws, as added by Chapter 476 of the 1989 Session Laws and rewritten by Chapter 992 of the 1991 Session Laws, reads as rewritten:

"(b) The City Council may permit the payment of a facilities fee in a lump sum or in equal monthly or annual installments over a period of time not to exceed 10 years. The City Council may delegate authority to the city manager, or designee of the city manager, to authorize the payment of a facilities fee in installments when requested by the person who is responsible for paying the fee. If paid in installments, such installments shall bear interest at a rate fixed by the City Council of not more than nine percent (9%) per annum from the date when ~~payment by lump sum would have otherwise been due.~~ the City approves payment of the facilities fee in installments. The facilities fee, with accrued interest, may be paid in full at any time."

Section 7. Subsection (3) of Section 97 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, reads as rewritten:

"(3) The City Council may provide for the appointment of a board to be known as a ~~Subdivision Review Board consisting of not less than four nor more than six members~~ Development Review Board consisting of four or more members who shall serve without pay as such members, each of whom shall be appointed by the Council for a term of years or for a term at the will of the Council, as may be determined by the Council; in the event the Council appoints such Board for a term of years, the term of the office of each member shall be three years. ~~Such Subdivision~~ The Development Review Board shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of any ordinance adopted pursuant to this section. It shall also hear and decide all matters referred to in or upon which it is required to pass under any such ordinance. The affirmative vote of a majority of members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or to effect

any variation in any of the provisions of such ordinance. Every decision of such Board shall, however, be subject to review by proceedings in the nature of certiorari. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the City. Such appeal shall be taken within such time as shall be prescribed by the ~~Subdivision~~ Development Review Board by general rule, by filing with the officer from whom the appeal is taken and with the ~~Subdivision~~ Development Review Board a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal from the administrative official to the ~~Subdivision~~ Development Review Board stays all proceedings in furtherance of the action appealed from until the decision of the ~~Subdivision~~ Development Review Board is rendered, at which time the stay of proceedings shall cease, unless the proceedings shall be further stayed by a restraining order granted by a court of record or by the ~~Subdivision~~ Development Review Board. The ~~Subdivision~~ Development Review Board shall fix a reasonable time for the hearing of the appeal from the administrative official and shall give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The ~~Subdivision~~ Development Review Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, action or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all of the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinances, the ~~Subdivision~~ Development Review Board shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of such ordinances relating to subdivisions, plats, maps and all other requirements of the ordinance, in harmony with the general purpose and intent of this section, so that the spirit of the ordinance may be observed, public safety, convenience and welfare secured and substantial justice done."

Section 8. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, is amended by adding the following new section:

"Section 94.4. Protest Petitions.

The provisions of G.S. 160A-386, as applied to the City of Durham, are modified to require that protest petitions be received by the city clerk in sufficient time to

allow the City at least four normal work days, excluding Saturdays, Sundays, and legal holidays, before the date established for a public hearing on the proposed charge or amendment to determine the sufficiency and accuracy of the petition."

Section 9. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 786

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

H786-ALM-1 Page 1 of __

Date_____,1997

Comm. Sub. [ ]
Amends Title [YES]

Senator Miller

moves to amend the bill on page 1, line 4,
by adding before the period:
"AND AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM AS IT RELATES TO VOLUNTARY ANNEXATIONS, PROTEST PETITIONS, THE APPROVAL OF PAYMENT OF FACILITIES FEES, AND THE RENAMING OF THE SUBDIVISION REVIEW BOARD."

and to amend the bill on page 2, line 15,
by rewriting the line to read:
"Section 3. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is amended by adding a new section to read:
'Sec. 2.6. Petition Annexation Appeals. Any judicial action contesting the validity of an annexation by the City pursuant to Part 1 or 4 of Article 4A of Chapter 160A of the General Statutes shall be filed within 30 days after the adoption of the annexation ordinance.'
"Section 4. Section 115.6(b) of the Charter of the City of Durham, being Chapter 671 of the 1995 Session Laws, as added by Chapter 476 of the 1989 Session Laws and rewritten by Chapter 992 of the 1991 Session Laws, reads as rewritten:
'(b) The City Council may permit the payment of a facilities fee in a lump sum or in equal monthly or annual installments over a period of time not to exceed 10 years. The city council may delegate authority to the city manager, or designee of the city manager, to authorize the payment of a facilities fee in installments when requested by the person who is responsible for paying the fee. If paid in installments, such installments shall bear interest at a rate fixed by the City Council of not more than

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 786

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

H786-ALM-1 Page 2 of __

nine percent (9%) per annum from the date when ~~payment by lump sum would have otherwise been due.~~ the City approves payment of the facilities fee in installments. The facilities fee, with accrued interest, may be paid in full at any time.'

"Section 5. Subsection (3) of Section 97 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, reads as rewritten:

'(3) The City Council may provide for the appointment of a board to be known as a ~~Subdivision Review Board consisting of not less than four nor more than six members~~ Development Review Board consisting of four or more members who shall serve without pay as such members, each of whom shall be appointed by the Council for a term of years or for a term at the will of the Council, as may be determined by the Council; in the event the Council appoints such Board for a term of years, the term of the office of each member shall be three years. ~~Such Subdivision~~ The Development Review Board shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of any ordinance adopted pursuant to this section. It shall also hear and decide all matters referred to in or upon which it is required to pass under any such ordinance. The affirmative vote of a majority of members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or to effect any variation in any of the provisions of such ordinance. Every decision of such Board shall, however, be subject to review by proceedings in the nature of certiorari. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the City. Such appeal shall be taken within such time as shall be prescribed by the ~~Subdivision~~ Development Review Board by general rule, by filing with the officer from whom the appeal is taken and with the ~~Subdivision~~ Development Review Board a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal from the administrative official to the ~~Subdivision~~ Development Review Board stays all proceedings in furtherance of the action appealed from until the decision of the ~~Subdivision~~ Development Review Board is rendered, at which time the stay of proceedings

shall cease, unless the proceedings shall be further stayed by a restraining order granted by a court of record or by the ~~Subdivision~~ Development Review Board. The ~~Subdivision~~ Development Review Board shall fix a reasonable time for the hearing of the appeal from the administrative official and shall give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The ~~Subdivision~~ Development Review Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, action or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all of the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinances, the ~~Subdivision~~ Development Review Board shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of such ordinances relating to subdivisions, plats, maps and all other requirements of the ordinance, in harmony with the general purpose and intent of this section, so that the spirit of the ordinance may be observed, public safety, convenience and welfare secured and substantial justice done.'

"Section 6. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, is amended by adding the following new section:

'Section 94.4. Protest Petitions.

~~(a). For purposes of interpreting G.S. 160A-385, the City's determinations concerning the eligibility of owners of property to protest rezonings shall be conclusive in any judicial appeal, in the absence of arbitrary or capricious action.~~

~~(b)~~ The provisions of G.S. 160A-386, as applied to the City of Durham, are modified to require that protest petitions be received by the city clerk in sufficient time to allow the City at least four normal work days, excluding Saturdays, Sundays, and legal holidays, before the date established for a public hearing on the proposed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 786

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

H786-ALM-1 Page 4 of __

charge or amendment to determine the sufficiency and accuracy of the petition.'

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, AUGUST 13, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, August 13, 1997 at 12:00 p.m. in the Senate Chamber. Ten members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

Senator Soles moved to adopt a Proposed Committee Substitute for **HB 116,** Wilson Deer Hunting. The motion carried unanimously. Senator Soles then moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to Committee Substitute bill #A, but favorable as to Senate Committee Substitute.**

HB 836, Airport Econ. Develop. Zone Act, was explained by Senator Jordan, who moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Jordan moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to Committee Substitute bill #A, but favorable as to Senate Committee Substitute.**

Brad Miller
Senator Brad Miller, Chairman

Cornelia McMillan
Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Thursday, August 14, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1)**116** Wilson Deer Hunting.

Draft Number:	PCSA414
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

H.B.(CS #1)**836** Airport Econ. Develop. Zone Act.

Draft Number:	PCS7369
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 116*
Committee Substitute Favorable 2/26/97

Short Title: Wilson Deer Hunting. (Local)

Sponsors:

Referred to:

February 12, 1997

A BILL TO BE ENTITLED

AN ACT TO REGULATE DEER HUNTING IN WILSON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to take or to hunt deer with rifles, except from a stationary stand elevated at least eight feet above the ground. The height of the stand described in this section shall be such that the bottoms of the hunter's feet when standing are at least eight feet above the ground. As used in this section, the terms "to hunt" and "to take" are used as those terms are defined in G.S. 113-130(5a) and G.S. 113-130(7), respectively.

Section 2. Section 1 of Chapter 294 of the 1989 Session Laws reads as rewritten:

"Section 1. It is unlawful to shine a light intentionally upon a deer or to sweep a light in search of deer between the hours of ~~11:00 p.m.~~ one-half hour after sunset and one-half hour before sunrise."

Section 3. Violation of this act is a Class 3 misdemeanor.

Section 4. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, by officers of the State Highway Patrol, and by other peace officers with general subject matter jurisdiction.

Section 5. This act applies only to Wilson County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 116*
Committee Substitute Favorable 2/26/97
Proposed Senate Committee Substitute H116-PCSA414

Short Title: Columbus/No Feeding of Alligators. (Local)

Sponsors:

Referred to:

February 12, 1997

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE FEEDING OF ALLIGATORS IN COLUMBUS COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to intentionally feed, or to entice with food, any wild American alligator, Alligator mississippiensis.

Section 2. This act does not apply to:

(1) Persons feeding alligators that are lawfully maintained in protected captivity for educational, scientific, commercial, or recreational purposes; or

(2) Officers of the Wildlife Resources Commission, persons licensed or otherwise authorized by the Commission, or local animal control officers, when relocating alligators by baiting or enticement.

Section 3. Violation of this act is a Class 3 misdemeanor.

Section 4. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Section 5. This act applies only to Columbus County.

Section 6. This act becomes effective December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 836*
Committee Substitute Favorable 4/16/97

Short Title: Airport Econ. Develop. Zone Act. (Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE THE NEW HANOVER INTERNATIONAL AIRPORT ECONOMIC DEVELOPMENT ZONE.

The General Assembly of North Carolina enacts:

Section 1. No municipality may annex any of the following described property in New Hanover County, North Carolina, pursuant to Article 4A of Chapter 160A of the General Statutes, or pursuant to any other provision of law, as long as the described property is used as part of an airport economic development zone:

Legal Description Fee Property - New Hanover International Airport. Cape Fear Township, New Hanover County, North Carolina.

Tract 1

Beginning at an existing concrete monument at the point of intersection of a segment of the New Hanover International Airport property line with the eastern right-of-way line of the CSX Transportation, Inc. Railroad right-of-way (130.0' right-of-way). Said existing concrete monument being located North 79 degrees 06 minutes 51 seconds East - 82.23' from an existing nail at the point of intersection of the centerline of Secondary Road #1385. Hall Drive (60.0' right-of-way) with the centerline of the CSX Transportation, Inc. Railroad right-of-way and having North Carolina grid coordinates: North = 192.858.98. East = 2.326.559.18. Running thence from said point of beginning 20.0' north east of and parallel with the northern right-of-way line of Secondary Road #1385. South 63 degrees 19 minutes 30 seconds East - 592.10' to

a point; thence North 29 degrees 27 minutes 00 seconds East - 687.57' to a point; thence North 75 degrees 48 minutes 15 seconds East - 999.87' to a point; thence north 77 degrees 03 minutes 15 seconds East - 101.03' to a point; thence North 01 degrees 38 minutes 45 seconds West - 210.20' to a point; thence South 75 degrees 48 minutes 15 seconds West - 97.16' to a point; thence North 01 degrees 04 minutes 30 seconds West - 558.28' to a point; thence South 84 degrees 27 minutes 15 seconds West - 198.68' to a point; thence North 05 degrees 52 minutes 45 seconds East - 247.96' to a point; thence North 19 degrees 12 minutes 45 seconds East - 256.94' to a point; thence South 64 degrees 17 minutes 15 seconds East - 107.04' to a point; thence North 01 degrees 05 minutes 30 seconds West - 508.71' to a point; thence North 68 degrees 32 minutes 45 seconds East - 423.97' to a point; thence North 21 degrees 23 minutes 45 seconds West - 1199.66' to a point in the eastern right-of-way line of the CSX Transportation, Inc. Railroad right-of-way; thence with said right-of-way line North 26 degrees 35 minutes 15 seconds East - 407.42' to a point; thence leaving said right-of-way line and running South 55 degrees 20 minutes 45 seconds East - 98.99' to a point; thence North 58 degrees 58 minutes 15 seconds East - 204.35' to a point; thence North 26 degrees 49 minutes 15 seconds East - 79.26' to a point; thence South 56 degrees 23 minutes 45 seconds East - 82.69' to a point; thence North 68 degrees 37 minutes 15 seconds East - 282.77' to a point; thence South 57 degrees 45 minutes 45 seconds East - 278.20' to a point; thence South 21 degrees 22 minutes 45 seconds East - 424.81' to a point; thence South 58 degrees 14 minutes 45 seconds East - 288.14' to a point; thence South 58 degrees 52 minutes 20 seconds East - 193.79' to a point; thence North 66 degrees 40 minutes 36 seconds East - 109.09' to a point; thence North 68 degrees 35 minutes 30 seconds East - 279.59' to a point; thence South 19 degrees 49 minutes 45 seconds East - 79.70' to a point; thence South 68 degrees 31 minutes 45 seconds West - 277.32' to a point; thence south 64 degrees 31 minutes 45 seconds West - 106.12' Chord Distance to a point; thence South 14 degrees 47 minutes 30 seconds East - 886.49' to a point; thence South 21 degrees 23 minutes 00 seconds East - 628.90' to a point; thence South 87 degrees 50 minutes 53 seconds East - 123.13' to a point; thence South 61 degrees 11 minutes 16 seconds East.- 65.18' to a point; thence South 45 degrees 08 minutes 30 seconds East - 58.02' to a point; thence south 50 degrees 14 minutes 29 seconds East - 130.84' to a point; thence South 56 degrees 05 minutes 02 seconds East - 82.04' to a point; thence South 52 degrees 57 minutes 42 seconds East 86.04' to a point; thence South 45 degrees 15 minutes 36 seconds East 181.86' to a point; thence South 52 degrees 22 minutes 37 seconds East - 146.74' to a point; thence South 56 degrees 31 minutes 30 seconds East - 96.66' to a point; thence South 57 degrees 14 minutes 05 seconds East - 218.04' to a point; thence South 17 degrees 11 minutes 54 seconds East - 512.64' to a point; thence North 72 degrees 60 minutes 36 seconds West - 800.85' to a point; thence South 21 degrees 23 minutes 00 seconds East - 211.13' to a point; thence South degrees 52 minutes 00 seconds East - 136.98' to a point; thence South 18 degrees 20 minutes 45 seconds East - 1532.59' to a point; thence South 73 degrees 10 minutes 45 seconds East - 606.40' to a point; thence South 17 degrees 11 minutes 54 seconds East - 151.27' to a point; thence North 47 degrees 41 minutes 30 seconds East - 1361.25 to a

point; thence North 14 degrees 53 minutes 00 seconds East - 273.44' to a point; thence North 14 degrees 55 minutes 15 seconds East - 238.61' to a point; thence North 79 degrees 36 minutes 30 seconds East - 34.60' to a point; thence North 48 degrees 09 minutes 00 seconds East - 1420.38' to a point; thence North 17 degrees 27 minutes 00 seconds East - 203.95' to a point; thence North 16 degrees 23 minutes 58 seconds East - 640.89' to a point; thence South 73 degrees 14 minutes 30 seconds East - 139.90' to a point; thence North 17 degrees 00 minutes 30 seconds East - 292.65' to a point; thence South 52 degrees 19 minutes 07 seconds East - 325.43' to a point; thence South 17 degrees 40 minutes 45 seconds East - 118.43' Chord Distance to point; thence South 16 degrees 57 minutes 36 seconds West - 79.76' to a point; thence South 73 degrees 08 minutes 15 seconds East - 42.36' to a point; thence North 17 degrees 38 minutes 45 seconds East - 72.43' to a point; thence North 47 degrees 44 minutes 00 seconds East - 1053.66 to a point; thence South 42 degrees 14 minutes 45 seconds East - 673.92' to a point; thence South 42 degrees 14 minutes 45 seconds East - 228.33' to a point; thence North 72 degrees 59 minutes 15 seconds East - 232.96' to a point; thence North 72 degrees 59 minutes 15 seconds East - 227.01' to a point; thence South 66 degrees 59 minutes 45 seconds East - 508.72' to a point in the western line of Futch Avenue; thence with western line of Futch Avenue South 08 degrees 49 minutes 15 seconds West - 801.08' to a point; thence South 88 degrees 03 minutes 00 seconds West - 77.89' to a point; thence South 10 degrees 00 minutes 30 seconds West -141.01' to a point in the northern right-of-way line of Kerr Avenue; thence with the northern right-of-way line of Kerr Avenue South 47 degrees 45 minutes 15 seconds West - 2091.59' to a point; thence South 47 degrees 45 minutes 15 seconds West -- 170.76' to a point; thence South 25 degrees 16 minutes 21 seconds West - 381.93' to a point; thence leaving the northern right-of-way line of Kerr Avenue and running North 43 degrees 58 minutes 00 seconds West - 261.44' to a point; thence South 54 degrees 35 minutes 00 seconds West -251.37' to a point; thence North 72 degrees 38 minutes 00 seconds West - 398.34' to a point; thence South 24 degrees 56 minutes 15 seconds West - 357.52' to a point of the western right-of-way line of the old Winter Park - Wrightsboro Road (00.0' right-of-way); thence with said right-of-way line South 07 degrees 05 minutes 15 seconds East - 721.22' to a point; thence leaving the right-of-way line of the old Winter Park -Wrightsboro Road and running North 82 degrees 23 minutes 15 seconds East - 622.58', along the northern line of Morris Road, to a point in the western right-of-way line of North Kerr Avenue; thence with the western right-of-way line of North Kerr Avenue South 14 degrees 47 minutes 30 seconds West - 986.16' to a point; thence South 03 degrees 31 minutes 15 seconds West - 395.69' Chord Distance to a point; thence leaving the right-of-way line of North Kerr Avenue and running South 14 degrees 41 minutes 45 seconds West - 409.16' to a point; thence South 43 degrees 03 minutes 30 seconds East - 1012.80' to a point; thence South 51 degrees 15 minutes 00 seconds East - 529.58' to a point; thence continuing the same course approximately 100' to the center of the run of Smith Creek; thence in a south westerly direction with the meanders of the centerline of the run of Smith Creek, approximately 3750' to a point that bears North 21 degrees 23 minutes 45 seconds

West from a point on the bank of Smith Creek; thence South 21 degrees 23 minutes 45 seconds East - approximately 200.0' to a point of the bank of Smith Creek; thence South 21 degrees 23 minutes 45 seconds East - 951.54' to a point; thence South 68 degrees 35 minutes 45 seconds West - 400.00' to a point; thence North 21 degrees 23 minutes 45 seconds West - 1434.65' to a point on the bank of Smith Creek; thence continuing the same course approximately 150' to the centerline of the run of Smith Creek; thence with the centerline of the run of Smith Creek as it meanders in a more or less southwesterly direction approximately 9750' to the point of intersection of the centerline of said run with the eastern right-of-way line of North 23rd Street; thence leaving the run of Smith Creek and running North 02 degrees 38 minutes 35 seconds East - approximately 60' to a point on the bank of Smith Creek; thence continuing with the right-of-way line of North 23 Street, North 02 degrees 38 minutes 35 seconds East - 753.21' to a point; thence South 89 degrees 24 minutes 45 seconds East -162.28' to a point; thence North 14 degrees 57 minutes 30 seconds East - 2124.43' to a point; thence South 87 degrees 38 minutes 00 seconds West - 42.01' to a point; thence South 81 degrees 53 minutes 00 seconds west - 1035.91' to a point in the eastern right-of-way line of North 23rd Street; thence with the said right-of-way line North 28 degrees 21 minutes 30 seconds West -423.67' Chord Distance to a point; thence North 31 degrees 29 minutes 45 seconds West - 593.46' to a point; thence leaving the right-of-way line of North 23rd Street and running North 58 degrees 31 minutes 00 seconds East - 599.87' to a point; thence South 02 degrees 07 minutes 15 seconds East - 21.10' to a point; thence North 87 degrees 37 minutes 00 seconds East - 180.51' to a point; thence North 00 degrees 36 minutes 00 seconds West - 979.17' to a point; thence North 63 degrees 19 minutes 45 seconds West - 320.87' to a point in the eastern right-of-way line of the CSX Railroad right-of-way; thence with said Railroad right-of-way North 26 degrees 38 minutes 00 seconds East - 1372.47' to the point of beginning and containing 1498.13 acres more or less. The basic Airport Tract being subject to the North Carolina National Guard Lease Tract (41.27 acres). Tracts 2, 3, and 4 as shown on the Airport Exhibit A are included in acreage total. However, tracts are not included in meets and bounds description of basic tract because tracts were plotted from deed references and are not shown as a result of an actual field survey.

Tract 2

Beginning at an existing iron pipe in the eastern right-of-way line of the old Winter Park - Wrightsboro Road (60.0' right-of-way). Said point of beginning being located North 35 degrees 21 minutes 40 seconds East - 88.83' from an existing concrete monument at the point of intersection of the western right-of-way line of the old Winter Park - Wrightsboro Road with the northern line extended of Morris Road (50.0' right-of-way). Running thence from said point of beginning with the eastern right-of-way line of the old Winter Park - Wrightsboro Road North 07 degrees 04 minutes 30 seconds West - 80.0' to a point; thence leaving said right-of-way line and running South 82 degrees 39 minutes 37 seconds West - 384.25' to a point; thence South 01 degrees 30 minutes 45 seconds West - 80.00' to a point; thence South 82

degrees 30 minutes 47 seconds West - 372.31' to the point of beginning and containing 691 acres more or less and representing all of Lot 3, of the John R. Morris Division as shown on a map of said division Recorded in Deed Book 671 at Page 296 1/2 of the New Hanover Registry.

Tract 3

Beginning at an existing iron pipe in the eastern right-of-way line of the old Winter Park - Wrightsboro Road (60.0' right-of-way). Said point of beginning being located North 05 degrees 51 minutes 58 seconds East - 267.60' from an existing concrete monument at the point of intersection of the western right-of-way line of the old Winter Park - Wrightsboro Road with the northern right-of-way line extended of Morris Road (50.0' right-of-way). Running thence from said point of beginning with the eastern right-of-way line of the old Winter Park - Wrightsboro Road, North 07 degrees 04 minutes 45 seconds West - 252.96' to a point; thence leaving said right-of-way line and running along an old ditch North 61 degrees 56 minutes 39 seconds East - 138.50 feet to a point; thence North 48 degrees 03 minutes 30 seconds East - 279.00' to a point; thence North 63 degrees 30 minutes 37 seconds East - 195.76' to a point; thence leaving said ditch and running South 05 degrees 35 minutes 40 seconds South 05 degrees 35 minutes West - 243.15' to a point; thence North 84 degrees 25 minutes 15 seconds West - 16.0' to a point in the western line of a 15.0' wide alley; thence with the western line of said alley South 05 degrees 36 minutes 15 seconds West - 360.33' to a point, said point being at the PC of a radius in said alley right-of-way line; thence continuing with said right-of-way line as it curves to the west to a point that bears South 49 degrees 18 minutes 45 seconds West - 20.74' Chord Distance from the preceding point; thence with the northern line of another 15.0' wide alley North 86 degrees 57 minutes 45 seconds West - 161.81' to a point, said point being at the PC of a curve to the North; thence continuing with the line of said alley as it curves to the north to a point that bears North 45 degrees 25 minutes 15 seconds West - 19.90' Chord Distance from the preceding point; thence continuing with the eastern line of said alley North 03 degrees 52 minutes 45 seconds West - 121.73' to a point; thence crossing said alley South 82 degrees 57 minutes 47 seconds West - 15.02' to a point; thence with the western line of said alley South 03 degrees 52 minutes 44 seconds East - 121.73' to a point, the PC of a curve in said right-of-way line; thence continuing with said right-of-way line as it curves to the west to a point that bears South 46 degrees 08 minutes 17 seconds West - 21.88' Chord Distance form the preceding point; thence continuing with the northern line of said alley North 86 degrees 57 minutes 45 seconds West - 175.55' to the point of beginning and containing 5.0781 acres more or less and being all of tract 1 and the Home Place Tract of the John R. Morris Division as said division is shown on a map Recorded in Deed Book 671 at Page 296 1/2 of the New Hanover County Registry.

Tract 4

Beginning at a point in the western right-of-way line of Farley Drive (60.0' right-of-way). Said point or beginning being located North 76 degrees 42 minutes 45 seconds West - 31.10' from a point on the centerline of Farley Drive which is located North 28 degrees 34 minutes 19 seconds East - 846.71', as measured along said centerline, from the point of intersection of said centerline, with the centerline of Gordon Road extended. Running thence from said point beginning with the western right-of-way line of Farley Drive South 28 degrees 34 minutes 19 seconds West - 302.40' to a point, thence leaving said right-of-way line and running North 80 degrees 07 minutes 09 seconds West - 1711.40' to a point in the eastern line of Futch Avenue; thence with the eastern line of Futch Avenue North 08 degrees 49 minutes 15 seconds east - 302.74' to a point; thence leaving the eastern line of Futch Avenue and running South 76 degrees 42 minutes 45 seconds East - 274.10' to the point of beginning and containing 1.51 acres more or less.

Tract 5

Beginning at a point in the western right-of-way line of North 23rd Street, said point being located South 81 degrees 53 minutes 00 seconds West - 104.69' from an existing concrete monument at the point of intersection of a segment of the New Hanover International Airport property line with the eastern right-of-way line on North 23rd Street. Said concrete monument in the eastern right-of-way line of North 23rd Street being located approximately 2750' as measured along said right-of-way line from the point of intersection of said right-of-way line with the centerline of Smith Creek. Running thence from said point of beginning South 81 degrees 53 minutes 00 seconds West - 178.66' to a point; thence North 39 degrees 19 minutes 15 seconds East - 158.11' to a point; thence North 18 degrees 08 minutes 15 seconds East - 34.98' to a point in the western right-of-way line of North 23rd Street; thence with the western right-of-way line of North 23rd Street as it curves to the south to a point that bears South 26 degrees 48 minutes 00 seconds East - 146.01' Chord Distance from the preceding point.

Tract 6

Area to be acquired in accordance with the Airport Development Plan (1995-2015) on file with the Federal Aviation Administration further described as:

Airport Development Plan (1995-2015), New Hanover
International Airport, Wilmington, North Carolina.

Phase 1 (1995-2000)

Tract 1

Beginning at the point of intersection of the northern right-of-way line of Morris Road with the western right-of-way line of North Kerr Avenue. Running thence from said point of beginning with the existing property line of the New Hanover International Airport, South 82 degrees 23 minutes 15 seconds East - 622.58' to a point; thence North 07 degrees 05 minutes 15 seconds West - 721.22' to a point; thence North 24 degrees 56 minutes 15 seconds East - 357.52' to a point; thence South 72 degrees 38 minutes 00 seconds East - 398.34' to a point; thence North 54 degrees 35 minutes 00 seconds East - 251.27' to a point; thence South 43 degrees 58 minutes 00 seconds East - 261.44' to a point in the western right-of-way line of North Kerr Avenue; thence in a southwesterly direction with the western right-of-way line of North Kerr Avenue 875' more or less to the point of beginning and containing 13.6 acres more or less.

Tract 2

Beginning at an existing concrete monument at the point of intersection of the western line of Futch Avenue with the northern line of Old Gordon Road. Running thence from said point of beginning with the western right-of-way line of Futch Avenue North 08 degrees 49 minutes 15 seconds East - 500' more or less to a point; thence South 80 degrees 07 minutes 09 seconds East - 191.40' more or less to the western right-of-way line of Farley Drive; thence North 28 degrees 34 minutes 19 seconds East - 302.40' to a point; thence leaving said right-of-way line and running North 76 degrees 42 minutes 45 seconds West - 294.10' to a point in the northeastern line of the New Hanover International Airport; thence with said Airport property line, North 66 degrees 59 minutes 45 seconds West - 508.72' to a point; thence South 72 degrees 59 minutes 15 seconds West - 459.97' to a point; thence North 42 degrees 14 minutes 45 seconds West - 802.25' to a point; thence in a northeasterly direction and parallel with the centerline of the existing northeast - southwest runway 3400' more or less to the point of intersection of said line with the southern right-of-way line of North Kerr Avenue; thence with the southern right-of-way line of North Kerr Avenue as it curves to the south and to the west 5625' to the point of intersection of said right-of-way line with the northeastern property line of the New Hanover International Airport; thence North 10 degrees 00 minutes 30 seconds West - 141.01' to a point; thence North 88 degrees 03 minutes 00 seconds East - 77.89' to the point of beginning and containing 157 acres more or less.

Tract 3

Beginning at the point of intersection of the southern right-of-way line of secondary road #1370 with the western right-of-way line of secondary road #1319. Running thence from said point of beginning with the western right-of-way line of secondary road #1319 in a southeasterly direction, approximately 2000' to the point of intersection of said right-of-way line with the southern right-of-way line of secondary road #1320 if said right-of-way line were extended in a northwesterly direction;

thence with the western right-of-way line of secondary road #1320 as it curves to the south and to the east approximately 2375' to the point of intersection of said right-of-way line with the property line of the New Hanover International Airport; thence with the property line of the New Hanover International Airport South 14 degrees 53 minutes 00 seconds West - 300' more or less to a point; thence South 47 degrees 41 minutes 30 seconds West - 1361.25' to a point; thence South 47 degrees 41 minutes 32 seconds West - 143.48' to a point; thence North 73 degrees 10 minutes 12 seconds West - 442.36' to a point; thence North 18 degrees 20 minutes 45 seconds West - 303.93' to a point; thence North 18 degrees 20 minutes 45 second West - 1532.59' to a point; thence North 72 degrees 52 minutes 00 seconds West - 136.98' to a point; thence North 21 degrees 23 minutes 00 seconds West - 1806.80' to a point; thence North 14 degrees 47 minutes 30 seconds West - 886.49' to a point in the southern right-of-way line of secondary road #1370; thence North 64 degrees 31 minutes 45 seconds East - 106.12' Chord Distance to a point; thence North 68 degrees 31 minutes 45 seconds East - 277.32' to the point of beginning and containing 100 acres more or less.

Tract 4

Beginning at the point of intersection of the northern right-of-way line of secondary road #1370 with the western right-of-way line of secondary road #1319. Running thence from said point of beginning with the property line of the New Hanover International Airport South 68 degrees 35 minutes 30 seconds West - 279.59' to a point; thence South 66 degrees 40 minutes 36 seconds West - 109.09' to a point; thence South 58 degrees 11 minutes 36 seconds West - 88.42' Chord Distance to a point; thence South 54 degrees 07 minutes 05 seconds West - 31.10' Chord Distance to a point; thence South 53 degrees 03 minutes 30 seconds West - 148.73' to a point; thence North 21 degrees 24 minutes 45 seconds West - 182.97' to a point; thence North 53 degrees 34 minutes 15 seconds East - 145.53' to a point; thence North 58 degrees 14 minutes 45 seconds West - 288.14' to a point; thence north 21 degrees 22 minutes 45 seconds West - 424.81' to a point; thence North 57 degrees 45 minutes 45 seconds West - 278.20' to a point; thence South 68 degrees 37 minutes 15 seconds West - 282.77' to a point; thence North 56 degrees 23 minutes 45 seconds West - 92.69' to a point; thence South 26 degrees 49 minutes 15 seconds West - 79.26' to a point; thence South 58 degrees 58 minutes 15 seconds West - 204.35' to a point; thence North 55 degrees 20 minutes 45 seconds West - 98.99' to a point in the southeastern right-of-way line of the now or formerly CSX Railroad; thence with the southeastern right-of-way line of the now or formerly CSX Railroad in a northeasterly direction 1300' more or less to the point of intersection of said right-of-way line with the southern right-of-way line of secondary road #1322 (North Kerr Avenue); thence with the southern right-of-way line of North Kerr Avenue 50' more or less to the point of intersection of said right-of-way line with the western right-of-way of secondary road #1319; thence with the western right-of-way line of secondary road #1319, 2125' more or less to the point of beginning.

Tract 4 A

Beginning at the point of intersection of the northern right-of-way line of Blue Clay Road with the southern right-of-way line of North Kerr Avenue. Running thence from said point of beginning with the northern right-of-way line of Blue Clay Road 1600' more or less to the point of intersection of said right-of-way line with the western flare line of the proposed clear zone for the northwest - southeast runway of the New Hanover International Airport; thence with said flare line in a northwesterly direction 1450' more or less to the point of intersection with said flare line with the southern right-of-way line of North Kerr Avenue; thence with the southern right-of-way line of North Kerr Avenue in a southeasterly direction 1425' more or less to the point of beginning. Tract 4 and Tract 4A contain 47 acres more or less.

Tract 5

Beginning at a point in the southern right-of-way line of the now or formerly CSX Railroad that is located 4000' more or less, as measured along said right-of-way line, from the point of intersection of said right-of-way line with the centerline of secondary road #1386. Said point of beginning also being the point of intersection of said Railroad right-of-way line with the property line of the New Hanover International Airport. Running thence from said point of beginning with the property line of the New Hanover International Airport South 21 degrees 23 minutes 45 seconds East - 1199.66' to a point; thence South 68 degrees 32 minutes 45 seconds West - 423.97' to a point; thence South 01 degrees 05 minutes 30 seconds East - 300' more or less to a point; thence leaving said property line and running in a southwesterly direction, and perpendicular to the centerline of the southeast-northwest runway of the New Hanover International Airport 250' more or less to a point; thence in a northwesterly direction and parallel with the centerline of the southeast-northwest runway 250' more or less to a point; thence in a southwesterly direction and perpendicular to the runway centerline 650' more or less to a point; thence in a southeasterly direction and parallel with said runway centerline 1300' more or less to a point; thence in a northeasterly direction and perpendicular to the centerline of said runway 450' more or less to a point in the western property line of the New Hanover International Airport; thence South 01 degrees 04 minutes 30 seconds East - 75' more or less to a point; thence North 75 degrees 48 minutes 15 seconds East - 97.16' to a point; thence South 01 degrees 38 minutes 45 seconds East - 210.20' to a point; thence South 77 degrees 03 minutes 15 seconds West - 101.03' to a point; thence South 75 degrees 48 minutes 15 seconds West - 999.87' to a point; thence South 29 degrees 27 minutes 00 seconds West - 687.57' to a point in the northern right-of-way line of secondary road #1386; thence with the northern right-of-way line of secondary road #1386 North 63 degrees 19 minutes 30 seconds West - 592.10' to the point of intersection of said right-of-way line with the southern right-of-way line of the now or formerly CSX Railroad; thence with the southern right-of-way

line of the CSX Railroad in a northeasterly direction 3970' more or less to the point of beginning and containing 71 acres more or less.

Phase 2 (2001-2005)

Tract 1

Beginning at a point in the northwestern property line of the New Hanover International Airport, said point of beginning being located South 01 degree 05 minutes 30 seconds East - 300.0' more or less as measured along said property line, from property corner #1025. Said property corner being shown on an exhibit A property map of the New Hanover International Airport. Running thence from said point of beginning in a southwesterly direction and perpendicular to the northwest-southeast runway of said airport 250' more or less to a point; thence in a northwesterly direction and parallel with the northwest-southeast runway centerline 250.0' more or less to a point; thence in a southwesterly direction and perpendicular to the centerline of said northwest-southeast runway 650.0' to a point; thence in a southeasterly direction and parallel with the centerline of said runway 650.0' to a point; thence in a northeasterly direction and perpendicular to the centerline of said runway 550' more or less to a point in the northwestern property line of the New Hanover International Airport; thence with said property line North 05 degrees 52 minutes 45 seconds East - 125' more or less to a point; thence North 19 degrees 12 minutes 45 seconds East - 256.94' to a point; thence South 64 degrees 17 minutes 15 seconds East - 107.04' to a point; thence North 01 degrees 05 minutes 30 seconds West - 208.71' to the point of beginning.

Phase 3 (2006-2015)

Tract 1

Beginning at a point in the northwestern property line of the New Hanover International Airport. Said point of beginning being located North 01 degree 04 minutes 30 seconds West -75' more or less from a concrete monument at property corner 1019 of the New Hanover International Airport. Said property corner being shown on an exhibit A property map of the New Hanover International Airport. Running thence from said point of beginning in a southwesterly direction and perpendicular to the centerline of the northwest-southeast runway 450' more or less to a point; thence in a northwesterly direction and parallel with the centerline of the northwest-southeast runway 650' more or less to a point; thence in a northeasterly direction and perpendicular to the northwest-southeast runway 550' to a point in the northwestern property line of the New Hanover International Airport; thence with said property line South 05 degrees 52 minutes 45 seconds West - 122.96' more or less to a point; thence North 84 degrees 27 minutes 15 seconds East - 198.68' to a

point; thence South 01 degrees 04 minutes 30 seconds East - 483.28' to the point of beginning.

Tract 2

Beginning at the point or intersection of the northern right-of-way line of North Kerr Avenue with the western right-of-way line of Blue Clay Road. Running thence with the northern right-of-way line of North Kerr Avenue in a northwesterly direction 1450' more or less to a point in the flare line of the clear zone for the northwest-southeast runway of the New Hanover International Airport; thence with said flare line in a northwesterly direction 300' to a point; thence in a northeasterly direction with the end line of said clear zone 1750' to a corner of said clear zone; thence in a southwesterly direction with the flare line of said clear zone 500' more or less to a point in the northern right-of-way line of Blue Clay Road; thence with the northern right-of-way line of Blue Clay Road 300' more or less to the point of beginning.

Ultimate

Tract 1

Beginning at the point of intersection of the western right-of-way line of secondary road #1319 with the southern right-of-way line of North Kerr Avenue (secondary road #1322). Running thence from said point of beginning with the southern right-of-way line of North Kerr Avenue as it curves to the south 600' more or less to a point; thence leaving said right-of-way line and running with the southern right-of-way line of the proposed relocated North Kerr Avenue in a northeasterly direction 1400' more or less to the point of intersection of said right-of-way line with the western flare line of a proposed clear zone for a proposed northwest-southeast parallel runway; thence with the flare line of said clear zone in a northwesterly direction 1200' more or less to a point; thence in a northeasterly direction in the end line of said clear zone 1750' to a point in the eastern flare line of said clear zone; thence with said flare line in a southwesterly direction 1450' more or less to the point of intersection of said flare line with the southern right-of-way line of the proposed relocated North Kerr Avenue; thence in a southeasterly direction 2375' more or less to the point of intersection of said relocated North Kerr Avenue with the existing right-of-way line of North Kerr Avenue; thence continuing with the southern right-of-way line of North Kerr Avenue as it now exists 4500' more or less to the point of intersection of said right-of-way line with the proposed extension of the northeast property line of the New Hanover International Airport; thence in a southwesterly direction and parallel with the centerline of the northeast-southwest runway 3400' more or less to a point, a property corner of the New Hanover International Airport; thence with the property line of the New Hanover International Airport South 47 degrees 44 minutes 00 seconds West - 1053.66' to a point; thence South 17 degrees 38 minutes 45 seconds West - 72.43' to a point; thence North 73 degrees 08 minutes 15

seconds West - 42.36' to a point; thence North 16 degrees 57 minutes 36 seconds East - 79.76' to a point; thence North 17 degrees 40 minutes 45 seconds West - 118.43' Chord Distance to a point; thence North 52 degrees 19 minutes 07 seconds West - 325.43' to a point; thence South 17 degrees 00 minutes 30 seconds West - 292.65' to a point; thence North 73 degrees 14 minutes 30 seconds West - 139.90' to a point; thence South 16 degrees 23 minutes 58 seconds West - 640.89' to a point; thence South 17 degrees 27 minutes 00 seconds West - 203.95' to a point; thence South 48 degrees 09 minutes 00 seconds West - 1420.38' to a point; thence South 79 degrees 36 minutes 30 seconds West - 34.60' to a point; thence South 14 degrees 55 minutes 15 seconds West - 200' more or less to the point of intersection of said line with the western right-of-way line of secondary road #1320; thence with the western right-of-way line of secondary road #1320 in a northwesterly direction as it curves to the north 2375' more or less to the point of intersection of said right-of-way line with the western right-of-way line of secondary road #1319; thence with the western right-of-way line of secondary road #1319 in a northwesterly direction 4125' more or less to the point of beginning and containing 530 acres more or less.

Tract 2

Beginning at the point of intersection of the northern right-of-way line of Morris Road with the northwestern right-of-way line of North Kerr Avenue. Running thence from said point of beginning with the northwestern right-of-way line of North Kerr Avenue South 14 degrees 47 minutes 30 seconds West - 986.16' to a point; thence South 03 degrees 31 minutes 15 seconds West - 395.69' Chord Distance to a point; thence South 14 degrees 41 minutes 45 seconds West - 409.16' to a point; thence South 43 degrees 03 minutes 30 seconds East - 1100' more or less to a point; thence leaving said airport line and running in a north northeasterly direction 350.0' to a point in the end line of a proposed clear zone for the proposed northwest-southeast parallel runway; thence with the end line of said clear zone in a northeasterly direction 1100' more or less to a point; thence with the eastern flare line of said clear zone in a northwesterly direction 1750' more or less to a point in the proposed eastern right-of-way line of the proposed relocated North Kerr Avenue; thence with the proposed right-of-way line of the relocated North Kerr Avenue and crossing the existing North Kerr Avenue 2125' more or less to a point in the existing airport property line; thence with said property line South 47 degrees 45 minutes 15 seconds West - 850' more or less to a point; thence South 47 degrees 45 minutes 15 seconds West - 170.76' to a point; thence South 25 degrees 16 minutes 21 seconds West - 381.93' to a point; thence continuing with the existing western right-of-way line of North Kerr Avenue in a southwesterly direction 875' more or less to the point of beginning and containing 70 acres more or less.

Section 2. The boundary of the area described in Section 1 of this act shall be considered "municipal boundary" of the City of Wilmington for the purposes of Part 3 of Article 4A of Chapter 160A of the General Statutes with respect to future annexations by the City of Wilmington.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 836
H836-CSLK-2
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: New Hanover Airport Develop Zone. (Local)

Sponsors:

Referred to: Local and Regional Government I

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE THE NEW HANOVER INTERNATIONAL AIRPORT ECONOMIC DEVELOPMENT ZONE.

The General Assembly of North Carolina enacts:

Section 1. No municipality may annex any of the area currently part of, or the area which is described in the Airport Development Plan (1995-2015) for expansion of the New Hanover International Airport, pursuant to Article 4A of Chapter 160A of the General Statutes, or pursuant to any other provision of law, as long as the described property is owned by a governmental entity, without the approval of the governing board of the New Hanover International Airport.

Section 2. The boundary of the area described in Section 1 of this act shall be considered "municipal boundary" of the City of Wilmington for the purposes of Part 3 of Article 4A of Chapter 160A of the General Statutes with respect to future annexations by the City of Wilmington.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H D

HOUSE BILL 836*
Committee Substitute Favorable 4/16/97
Proposed Senate Committee Substitute H836-PCS7369

Short Title: New Hanover Airport Develop Zone. (Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO CREATE THE NEW HANOVER INTERNATIONAL AIRPORT ECONOMIC DEVELOPMENT ZONE.

The General Assembly of North Carolina enacts:

Section 1. No municipality may annex any of the area currently part of, or the area which is described in the Airport Development Plan (1995-2015) for expansion of the New Hanover International Airport, pursuant to Article 4A of Chapter 160A of the General Statutes, or pursuant to any other provision of law, as long as the described property is owned by a governmental entity, without the approval of the governing board of the New Hanover International Airport.

Section 2. The boundary of the area described in Section 1 of this act shall be considered "municipal boundary" of the City of Wilmington for the purposes of Part 3 of Article 4A of Chapter 160A of the General Statutes with respect to future annexations by the City of Wilmington.

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

STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, AUGUST 20, 1997

MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, August 20, 1997 at 12:15 p.m. in room 414 of the Legislative Office Building. Seven members were present, including Senator Brad Miller, who presided.

HB 661, Henderson Commissioner Districts, was explained by Rep. Justus. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

Franklin Freeman, Governor Hunt's Chief of Staff, was recognized to speak on behalf of the Governor's recommendations for membership on the North Carolina Teachers' and State Employees Retirement System Board: Mr. Ivan Hill and Ms. Carol Ann-Tucker. Senator Jordan moved acceptance of Governor Hunt's nominees. The motion carried unanimously.

Mr. Freeman was again recognized to introduce Governor Hunt's nominees for the North Carolina State Board of Agriculture: Mr. William Earl Holliday, Ms. Peggy Laughter, Mr. Thomas S. Edwards and Mr. Hyman Young, Jr. Senator Moore moved acceptance of the Governor's nominees. The motion carried unanimously.

Brad Stb
Senator Brad Miller, Chairman

Cornelia McMillan
Cornelia McMillan, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL COMMITTEE REPORT
Senator Brad Miller, Chairman

Tuesday, August 26, 1997

SENATOR BRAD MILLER,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS)**661** Henderson Commissioner Districts.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 661
Committee Substitute Favorable 4/10/97

Short Title: Henderson Commissioner Districts. (Local)

Sponsors:

Referred to:

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO REDISTRICT THEIR RESIDENCY DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-22.1(f), as enacted by Chapter 215 of the 1995 Session Laws, reads as rewritten:

"(f) This section applies to ~~Moore County~~ Henderson and Moore Counties only."

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

Loc: Gov/
St. Gov/Pers.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT JR.
GOVERNOR

August 13, 1997

The Honorable Marc Basnight
Senate President Pro Tempore
2007 Legislative Building
Raleigh, NC 27601

Dear Mr. President Pro Tem:

Pursuant to General Statute 135-6, I hereby appoint Mr. Ivan Hill to serve as a member of the North Carolina Teachers' and State Employees' Retirement System Board of Trustees and submit his name for confirmation by the Senate of the North Carolina General Assembly. Mr. Hill will serve a term to expire June 30, 2001.

Please feel free to call on him or members of my staff if you need additional information.

My warmest personal regards.

Sincerely,

James B. Hunt Jr.

cc: The Honorable Dennis Wicker
Ms. Janet Pruitt

Janet Pruitt
AUG 18 1997

AUG 15 1997.

Ivan V. Hill
4/2/96

CIVIC/ASSOCIATION ACTIVITIES AND MEMBERSHIPS

State Employees' Association of North Carolina
- Member approximately 30 years
- State Convention Committee, 75/76 and 76/77
- Resolutions Chairman, Area 5, 77/78
- Delegate and Resolutions Committee member, Area 5, 78/79
- Resolutions Chairman, Area 5, 79/80
- Vice Chairman, Area 5, 80/81
- State Vice President, 81/82
- State President, NCSEA, 82/83
- Past President, 83/84
- President, SEANC, 84/85
- Past President and Legislative Liaison, SEANC, 85/86
- Past President, SEANC, 86/87

Kiwanis International
- Charter member, Ayden-Grifton Kiwanis Club, 75/76 - 85/86
- Board of Directors, A-G Kiwanis Club, 76/77 - 77/78
- Vice President, A-G Kiwanis Club, 78/79
- President, A-G Kiwanis Club, 79/80
- --Recipient of Distinguished Club President's Award for Carolinas District
- --Club received Honorable Mention for Coral Section Award for outstanding club project - Carolinas District
- Immediate Past President, A-G Kiwanis Club, 80/81
- Lt. Governor Designate, 82/83

School
- PTA Chairman, Ayden Elementary School, 75/76
- Member of Ayden Schools and Ayden-Grifton High School Advisory Board, 76/77 - 84/85
- Vice Chairman, Ayden Council, 77/78
- Chairman, Ayden Council, 78/79
- Vice Chairman, Ayden-Grifton Council, 79/80
- Chairman, Ayden-Grifton Council, 80/81

Other
- Board of Directors, International Personnel Management Association (North Carolina Chapter), 80/81; current chapter member
- Board of Directors, Coastal Plain Horse Show Association, 1977-1984
- Pitt Community College Advisory Committee, Human Services/ Mental Health Association Program, 1975-1977
- Greenville Advisory Board - State Employees' Credit Union, January, 1984 - December, 1985
- Associate Member - National Center for State Courts
- Order of Long Leaf Pine - 1985
- N.C. Association of Court Counselors

Attachment A

STATE SPONSORED TRAINING

INSTITUTE AND/OR WORKSHOP	PLACE	DATES	CREDIT
New Careers in Rehabilitation Institute-Dept. of Labor/NRA	Washington, D.C.	04/06/70-04/07/70	N/A
Basic Course in Public Personnel Administration - Public Personnel Association	Williamsburg, VA	01/17/71-01/29/71	Certificate
Unit I-Training for Managers -Personnel Dept., State of NC	Quails Roost, NC	03/23/71-03/24/71	N/A
Group Leader/Instructor Training Program for Management Awareness - R. J. Reynolds Tobacco Co.	Winston-Salem, NC	05/10/71-05/12/71	Certificate
New Careers in Rehabilitation Institute-Dept. of Labor/NRA	Miami, FL	05/18/71-05/20/71	N/A
Conference Leadership - U. S. Civil Service Commission	Raleigh, NC	11/29/71-12/01/71	24 Hours & Certificate
A Systems Approach to Organization Analysis - Upjohn Institute	Raleigh, NC	05/24/72-05/26/72	N/A
Management of Managers/RSA	University of Oklahoma Newman, OK	10/09/72-10/13/72	Certificate
Management and Human Factors in Equal Opportunity - U. S. Civil Service Commission	Atlanta, GA	11/14/72-11/16/72	24 Hours & Certificate
Communication Workshop Personnel Officers - Dept. of Human Resources	Wrightsville Beach, NC	05/31/73-06/01/73	N/A
Techniques of Task Analysis and Job Restructuring	Washington, D.C.	07/30/73-08/03/73	Certificate
Institute for Business and Community Development	University of Richmond Richmond, VA	02/08/75	N/A
Writing Job Descriptions - N. C. Hospital Assoc.	Greenville, NC	06/05/75	N/A
EEO Training Workshop Employment Practices Associates, Inc.	Raleigh, NC	11/06/78-11/08/78 11/20/78-11/21/78	Certificate
Interaction Management Principles	Raleigh, NC -DHR	1983	N/A

(Continued on next page)

Attachment A

STATE SPONSORED TRAINING

INSTITUTE AND/OR WORKSHOP	PLACE	DATES	CREDIT
How to Pay People Padgett-Thompson	Raleigh	11/17/87	0.6 CEU
Interaction Management Program ADC	Raleigh	09/26/90	N/A

Loe-Gov /
Lt. Gov/Pres.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT JR.
GOVERNOR

August 13, 1997

The Honorable Marc Basnight
Senate President Pro Tempore
2007 Legislative Building
Raleigh, NC 27601

Dear Mr. President Pro Tem:

Pursuant to General Statute 135-6, I hereby re-appoint Ms. Carol Ann-Tucker to serve as a member of the North Carolina Teachers' and State Employees' Retirement System Board of Trustees and submit her name for confirmation by the Senate of the North Carolina General Assembly. Ms. Tucker will serve a term to expire June 30, 2001.

Please feel free to call on her or members of my staff if you need additional information.

My warmest personal regards.

Sincerely,

James B. Hunt Jr.

cc: The Honorable Dennis Wicker
Ms. Janet Pruitt

Janet Pruitt
AUG 18 1997

AUG 15 1997

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT JR.
GOVERNOR

August 19, 1997

The Honorable Marc Basnight
Senate President Pro Tempore
2007 Legislative Building
Raleigh, NC 27601

Dear Mr. President Pro Tem:

Pursuant to General Statute 106-2, I hereby re-appoint William Earl Holliday to serve as a member of the North Carolina State Board of Agriculture and submit his name for confirmation by the Senate of the North Carolina General Assembly. Mr. Holliday will serve a term to begin immediately and expire May 1, 2003.

Please feel free to contact my staff if you need additional information.

My warmest personal regards.

Sincerely,

James B. Hunt Jr.

cc: The Honorable Dennis Wicker
Ms. Janet Pruitt

Lt. Hunt / Loc. Hunt / Pres.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT JR.
GOVERNOR

August 19, 1997

The Honorable Marc Basnight
Senate President Pro Tempore
2007 Legislative Building
Raleigh, NC 27601

Dear Mr. President Pro Tem:

Pursuant to General Statute 106-2, I hereby appoint Peggy Laughter (Route 2, Box 346, Edneyville, NC 28727) to serve as a member of the North Carolina State Board of Agriculture and submit her name for confirmation by the Senate of the North Carolina General Assembly. Ms. Laughter will serve a term to begin immediately and expire May 1, 2003.

Please feel free to contact my staff if you need additional information.

My warmest personal regards.

Sincerely,

James B. Hunt Jr.

cc: The Honorable Dennis Wicker
Ms. Janet Pruitt

Janet Pruitt
AUG 21 1997

Lt. Gov. / Sec. Sec. / Pres.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT JR.
GOVERNOR

August 19, 1997

The Honorable Marc Basnight
Senate President Pro Tempore
2007 Legislative Building
Raleigh, NC 27601

Dear Mr. President Pro Tem:

Pursuant to General Statute 106-2, I hereby appoint Hyman Young, Jr. (PO Box 6826, Asheville, NC 28816) to serve as a member of the North Carolina State Board of Agriculture and submit his name for confirmation by the Senate of the North Carolina General Assembly. Mr. Young will serve a term to begin immediately and expire May 1, 2003.

Please feel free to contact my staff if you need additional information.

My warmest personal regards.

Sincerely,

James B. Hunt Jr.

cc: The Honorable Dennis Wicker
Ms. Janet Pruitt

Janet Pruitt
AUG 20 1997

VISITOR REGISTRATION SHEET

ame of Committee | Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Frank Isaacson	Gov.'s office
Leigh Hammond	NC Natural Gas Business Assn
Jack Pruitt	St. Treasurer
Dennis Ducker	" "
[illegible]	[illegible]