

**1998**

**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: LeGrand Webster

## **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: Elaine Funderburk  
(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: Heidi Yates  
(added 8/11/97)

Senator Bob Shaw  
Room 1129  
715-3050  
Clerk: Sheila DeWitt

#### **STAFF**

Barbara Riley  
Room 545  
733-2578

Ed Rossi  
Room 545  
733-2578

NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE SUMMARY REPORT

SENATE: ST GVT, LOCAL GVT & PERSONNEL

Valid Through 22-OCT-1998

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
1997-98	Regular Session				
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	LAKE WACCMAN ANNEXATION	*H -REF TO COM ON LOCERGI	03-10-97	09-03-98
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	*HF-POSTPONED INDEFINITELY	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	*HF-POSTPONED INDEFINITELY	02-27-97	08-04-97
H 275	SHERILL	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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BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.



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1997-98 Regular Session

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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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BILL	INTRODUCER	SENATE: ST GVT, LOCAL GVT & PERSONNEL	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 569	ELLIS		WAKE LOCAL ACT-5	*R-CH. SL 97-0092	05-06-97	05-21-97
H 579	ALLRED		CAMPAIGN FINANCE CHANGES	*S-PASSED 3RD READING	04-23-97	05-12-98
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		MANTHO 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	*R-CH. SL 98-0175	04-15-97	08-26-97
H 661	JUSTUS		HENDERSON COMMISSIONER DISTRICTS	*R-CH. SL 98-0175	08-27-97	09-24-98
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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BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
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&RGIT	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	*HF-POSTPONED INDEFINITELY	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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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 OF 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	*R-CH. SL 98-0107	04-28-97	08-06-98
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
H 1050	97 HSE LOC&RGIII	DONATION OF UNCLAIMED BICYCLES	R-CH. SL 97-0180	04-23-97	05-28-97
H 1069	WOMBLE	ENCOURAGE STATE WORK FIRST HIRES	S-REF TO COM ON ST GVT	05-06-97	
H 1114	EDDINS	SWIFT CREEK MANAGEMENT PLAN	*HA-CONF REPORT ADOPTED	08-18-98	09-08-98
H 1135	CANSLER	STATE EMPLOYEE AMENDMENTS	*HF-POSTPONED INDEFINITELY	05-06-97	06-26-97
H 1247=	BAKER	ABOLISH ASHE COUNTY CORONER	S-REF TO COM ON ST GVT	06-02-98	
H 1251	CRAWFORD	LITTLETON STAGGERED TERMS	*R-CH. SL 98-0011	06-09-98	06-17-98
H 1254	IVES	TRANSLYVANIA COUNTY LAND USE	S-REF TO COM ON ST GVT	06-09-98	
H 1256=	DICKSON	ABOLISH COUNTY CORONERS	*R-CH. SL 98-0090	06-02-98	08-04-98
H 1261	OWENS	PASQUOTANK ELEC. DOG COLLARS	R-CH. SL 98-0006	06-04-98	06-10-98
H 1275	MITCHELL	STATESVILLE AIRPORT LEASE LENGTH	R-CH. SL 98-0102	06-15-98	08-05-98
H 1288	SHERRILL	MONTREAT COMMISSIONERS	R-CH. SL 98-0038	06-02-98	07-09-98
H 1289	GARDNER	ROMAN SCHOOL PROP. CONVEYANCE	R-CH. SL 98-0012	06-02-98	06-17-98
H 1290	BEALL	WAYNESVILLE ABANDONED STRUCTURES	R-CH. SL 98-0026	06-02-98	07-01-98
H 1306	THOMPSON	AVERY SCHOOL CONSTRUCTION	R-CH. SL 98-0007	06-02-98	06-11-98

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H1332	ROGERS	GREENVILLE DOWNTOWN PROJECT	*R-CH. SL 98-0144	09-07-98	09-09-98
H1336	HILL	LAKE WACCAMAW ABC BOARD AUDITS	R-CH. SL 98-0074	06-04-98	07-30-98
H1338	BEALL	JACKSON PERSONAL WATERCRAFT	R-CH. SL 98-0027	06-09-98	07-01-98
H1361=	STARNES	ANNEX & INCORPORATION REVISION	*R-CH. SL 98-0150	07-15-98	09-09-98
H1401	DECKER	PLEASANT GARDEN BOUNDARIES	S-RE-REF COM ON FINANCE	06-24-98	08-05-98
H1407	CULPEPPER	NAGS HEAD SPRINKLER SYSTEMS	R-CH. SL 98-0013	06-11-98	06-17-98
H1453	GARDNER	ROMAN SCHOOL BID EXEMPTION	*R-CH. SL 98-0078	06-23-98	08-05-98
H1469	SHERRILL	STATE PERSONNEL COMM'N REORGANIZED	*R-CH. SL 98-0181	08-13-98	09-24-98
H1494	MITCHELL	STATESVILLE CHARTER	R-CH. SL 98-0079	06-15-98	08-05-98
H1504	SUTTON	PEMBROKE ANNEXATION	*R-CH. SL 98-0039	06-29-98	07-01-98
H1505	SUTTON	INDIAN CULTURAL CTR BOARD/FUNDS	R-CH. SL 98-0019	06-09-98	06-17-98
H1508	ALDRIDGE	GREENVILLE MV TOWING HEARINGS	R-CH. SL 98-0080	06-09-98	08-05-98
H1524	CHURCH	MORGANTON MAYOR	*R-CH. SL 98-0081	06-22-98	08-05-98
H1540	WAINWRIGHT	HAVELOCK COUNCIL VACANCIES	*R-CH. SL 98-0088	06-23-98	08-06-98
H1554	HIATT	MT. AIRY PRIVATE SALE	R-CH. SL 98-0082	06-22-98	08-05-98
H1567	HIGHTOWER	ANSON LEGAL ADVERTISING	*S-REF TO COM ON ST GVT	06-30-98	
H1570	REDWINE	LONG BEACH STREET END PARKS	R-CH. SL 98-0083	06-11-98	08-05-98
H1591	INSKO	LOCAL CONDEMNATION RESTRICTION	*R-CH. SL 98-0110	06-23-98	07-30-98
H1593=	BAKER	ALLEGANY/SPARTA BILL EXEMPTION	*R-CH. SL 98-0018	06-15-98	06-24-98
H1595	MCCOMAS	WRIGHTSVILLE BEACH SPRINKLER SYSTEMS	R-CH. SL 98-0085	06-22-98	08-05-98
H1596	MCCOMAS	WRIGHTSVILLE BEACH PARKING PROCEEDS	R-CH. SL 98-0086	06-22-98	08-05-98
H1610	WAINWRIGHT	NEW BERN PRIVATE SALE	R-CH. SL 98-0029	06-23-98	07-01-98
H1613	ROGERS	MARTIN AND ROCKINGHAM CORONER	*R-CH. SL 98-0145	08-24-98	09-09-98
H1618	SEXTON	EDEN ABANDONED STRUCTURES	*R-CH. SL 98-0087	07-06-98	08-05-98
H1622=	WATSON	WALLACE/FAISON PRIVATE SALE	*R-CH. SL 98-0040	06-29-98	07-09-98
H1624	HARDAWAY	REPEAL NORTHAMPTON FISHING LAW	R-CH. SL 98-0094	06-29-98	08-05-98
H1625	HARDAWAY	MODIFY HALIFAX TOURISM AUTHORITY	*R-CH. SL 98-0109	07-06-98	08-11-98
H1629	CULP	ASHEBORO ANNEXATIONS	*S-PASSED 2ND READING	08-03-98	08-05-98
H1637	SMITH	CAPE CARTERET ANNEXATION REPEAL	*R-CH. SL 98-0041	06-24-98	07-01-98
H1638	SMITH	MOREHEAD CITY SATELLITE ANNEXATIONS	*R-CH. SL 98-0042	06-24-98	07-01-98

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NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE SUMMARY REPORT

1997-98 Regular Session

SENATE: ST GVT, LOCAL GVT & PERSONNEL

Valid Through 22-OCT-1998

<u>BILL</u>	<u>INTRODUCER</u>	<u>SHORT TITLE</u>	<u>LATEST ACTION ON BILL</u>	<u>IN DATE</u>	<u>OUT DATE</u>
H1639	SMITH	NEWPORT LEASE	*R -CH. SL 98-0030	06-11-98	07-01-98
H1647	NESBITT	AMEND ASHEVILLE CHARTER	R -CH. SL 98-0031	06-15-98	07-01-98
H1661=	MILLER G	DURHAM DUMPSTER SERVICE	R -CH. SL 98-0050	06-29-98	07-15-98
S 30	JORDAN	SPEEDING IN A WORK ZONE	*R -CH. SL 97-0488	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 EMPLOYEE WORKPLACE HARASSMENT	*R -CH. SL 98-0135	02-10-97	03-24-97
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	DELAY GASTON PROPERTY TAX INTEREST	*R -CH. SL 98-0067	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	02-26-97
S 229=	RAND	FAYETTEVILLE RECALL	HF-FAILED 2ND READING	02-24-97	03-12-97
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

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1997-98 Regular Session

NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE SUMMARY REPORT

Valid Through 22-OCT-1998

SENATE: ST GVT, LOCAL GVT & PERSONNEL

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S 291=	WELLOS	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	
<b>S 302</b>	<b>RAND</b>	<b>COORDINATE SPECIAL AUDITS/FUNDS</b>	<b>S -RE-REF COM ON APPROP</b>	<b>03-05-97</b>	<b>03-19-97</b>
S 321	KERR	MODIFY WAYNE AIRPORT LEGISLATION	*R -CH. SL 98-0020	03-06-97	03-19-97
S 321	KERR	MODIFY WAYNE AIRPORT LEGISLATION	*R -CH. SL 98-0020	06-23-98	06-25-98
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. ACQUISITION	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	
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	WILLAMSTON EXTRATERRITORIAL JURIS	*S -RE-REF COM ON ST GVT	03-18-97	03-27-97
S 411=	MARTIN R	WILLAMSTON 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

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COMMITTEE SUMMARY REPORT

1997-98 Regular Session

SENATE: ST GVT, LOCAL GVT & PERSONNEL

Valid Through 22-OCT-1998

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
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 ACQUSTION	*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	
S 548	FOX	STOKES/DELINQUENT PROP. TAXES	S-REF TO COM ON FINANCE	03-27-97	
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	*R-CH. SL 97-0510	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
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	CONSTRUCTION LAW CHANGES	*S-PRES. TO GOV. 10-16	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	RALEIGH/PINEHURST LOCAL ACT	*S-CONCURRED ON 2ND READING	04-02-97	04-09-97
S 672	ODOM	CHARLOTTE-DOUGLAS CONSTRUCTION EXEMT	*R-CH. SL 98-0173	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

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1997-98 Regular Session

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Valid Through 22-OCT-1998

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
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	FOX	ASHE USE OF MOTOR FLEET VEHICLES	S -REF TO COM ON ST GVT	04-07-97	
S 723=	FOX	STONEVILLE FOUR-YEAR TERMS	H -REF TO COM ON RULES	04-07-97	04-24-97
S 725	MILLER B	STATE EMPLOYEE INCENTIVE BONUS	*R -CH. SL 97-0513	04-29-97	04-30-97
S 726=	MILLER B	ESTABLISH SWIFT CREEK JOINT ZONING	*S -REF TO COM ON RULES &	04-07-97	04-28-97
S 731=	MILLER B	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	UNION BOARD OF E & R-2	*H -CAL PURSUANT RULE 36 (A)	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	04-24-97
S 875	KERR	REVISE RECORDS LAWS-2	*R -CH. SL 97-0309	04-15-97	04-24-97
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
S 1024=	COOPER	SHERIFFS' COMM'N AMENDMENTS	S -RE-REF COM ON ST GVT	04-28-97	
S 1028	MILLER B	SUBCONTRACTOR CLAIMS AGAINST OWNERS	H -REF TO COM ON RULES	04-28-97	04-29-97
S 1030	MILLER B	PUBLIC CONTRACT DISPUTES	*H -REF TO COM ON RULES	04-21-97	04-24-97
S 1049	KINNAIRD	CAMPUS SATELLITE POLLING PLACES	H -REF TO COM ON RULES	04-28-97	04-30-97
S 1051	PAGE	OSP REVIEW CERTAIN JOB CLASSES	S -REF TO COM ON ST GVT	04-21-97	
S 1052	PAGE	BOOK PURCHASING BOARD	S -REF TO COM ON ST GVT	04-21-97	

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1997-98 Regular Session

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BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S1053	PAGE	COMPUTERIZED VOTER REG.	S - REF TO COM ON ST GVT	04-21-97	
S1054	PAGE	ALLOW BURMA DIVERSITY	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	
S1097=	FOXX	ABOLISH ASHE COUNTY CORONER	S - REF TO COM ON ST GVT	05-13-98	
S1103	CARPENTER R	FRANKLIN ANNEXATION	R - CH. SL 98-0051	05-13-98	05-27-98
S1104	WEINSTEIN	LUMBERTON ECON/TOURIST DISTRICT	H - REF TO COM ON LOC&RGI	05-13-98	06-24-98
S1112	PURCELL	LAURINBURG ABSENTEE VOTING	*R - CH. SL 98-0103	05-13-98	05-28-98
S1123=	FORESTER	ABOLISH GASTON COUNTY CORONER	H - REF TO COM ON RULES	05-14-98	05-27-98
S1142=	LEDBETTER	REVALUATION & ANNEX TAX NOTICE	S - REF TO COM ON ST GVT	05-18-98	
S1166=	MARTIN R	FARMVILLE ANNEXATION	*R - CH. SL 98-0032	05-19-98	06-10-98
S1198=	PURCELL	ANNEX & INCORPORATION REVISION	S - REF TO COM ON ST GVT	05-21-98	
S1222=	ODOM	MECK NECK	*R - CH. SL 98-0015	05-21-98	05-27-98
S1238	HORTON	FORSYTH BID EXEMPTION	*R - CH. SL 98-0104	05-21-98	07-30-98
S1248	LEE	CARTHAGE CHARTER CONSOLIDATION	H - REF TO COM ON LOC&RGI	05-21-98	06-10-98
S1273	HORTON	KERNERSVILLE ATTORNEY APPOINTMENT	R - CH. SL 98-0115	05-27-98	07-01-98
S1333	HARTSELL	LANDIS ANNEXATION	*R - CH. SL 98-0065	05-27-98	06-10-98
S1351	KERR	WAYNESBOROUGH PROPERTY SALE	*R - CH. SL 98-0114	05-27-98	06-11-98
S1356	FOXX	MODIFY BOONE TOURISM AUTHORITY	R - CH. SL 98-0035	05-27-98	06-17-98
S1360	PLYLER	UNION BOARD OF E & R	*R - CH. SL 98-0174	05-27-98	06-10-98
S1398	GULLEY W	RDU CONSTRUCTION BID EXEMPTIONS	*R - CH. SL 98-0141	05-27-98	08-06-98
S1417=	ALBERTSON	WALLACE PRIVATE SALE	H - REF TO COM ON LOC&RGI	05-28-98	06-10-98
S1420	BALLANCE	HALIFAX MOBILE STRUCTURES ALLOWED	*R - CH. SL 98-0004	05-27-98	05-27-98
S1442	PLYLER	UNION TECH. LAND SALE	R - CH. SL 98-0101	05-28-98	06-10-98
S1451	BALLANTINE	SLOOP POINT VILLAGE CHARTER REPEAL	*R - CH. SL 98-0054	05-28-98	06-11-98
S1466=	JENKINS	TRIBAL BUILDING INSPECTIONS	R - CH. SL 98-0021	05-28-98	06-10-98
S1494	KINNAIRD	LEE COUNTY HUNTING	*H - REF TO COM ON RULES	05-28-98	
S1500=	FOXX	ALLEGHANY/SPARTA BID EXEMPTION	S - REF TO COM ON ST GVT	05-28-98	

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\* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.

BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE SUMMARY REPORT

1997-98 Regular Session		SENATE: ST GVT, LOCAL GVT & PERSONNEL		Valid Through 22-OCT-1998	
BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S1509	GULLEY W	DURHAM CITIZEN REVIEW BOARD	*R -CH. SL 98-0142	05-28-98	08-06-98
S1511=	GULLEY W	DURHAM DUMPSTER SERVICE	S -REF TO COM ON ST GVT	05-28-98	
S1512=	GULLEY W	DURHAM COUNTY BIKEWAYS FUNDS	S -RE-REF COM ON APPROPR	08-04-98	08-06-98
S1518	PLYLER	STANLY CO. SUBDIVISION DEFINITION	R -CH. SL 98-0037	05-28-98	06-10-98
S1539	REEVES	URBAN REDEVELOPMENT ABC SALES	*S -RE-REF COM ON APPROPR	06-01-98	06-17-98
S1539	REEVES	URBAN REDEVELOPMENT ABC SALES	*S -RE-REF COM ON APPROPR	07-14-98	09-08-98
S1557	RAND	DENTAL, VISION, HEARING BENEFITS	H -REF TO COM ON INS	06-01-98	06-24-98

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.  
 \* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.  
 BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**WEDNESDAY, MAY 27, 1998**

**MINUTES**

The Senate State Government, Local Government and Personnel Committee met on Wednesday, May 27, 1998 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:

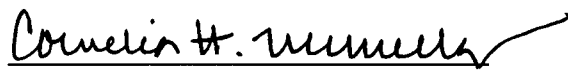
**SB 1103, Franklin Annexation**, was explained by Senator Carpenter. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.** The bill was re-referred to the Finance Committee.

**SB 1112, Laurinburg Absentee Voting**, was explained by Senator Purcell. Senator Jenkins moved adoption of an amendment to add the phrase "and Articles 20 and 21 of Chapter 163 of the General Statutes" after the phrase "G.S. 163-302." The motion carried unanimously. Senator Ballance moved that the bill as amended be rolled into a committee substitute and given a favorable report. The motion carried unanimously. **Unfavorable as to bill but favorable as to committee substitute.**

**SB 1123, Abolish Gaston County Coroner**, was explained by Senator Forrester. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**SB 1222, Meck Neck**, was explained by Senator Odom. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable report.** The bill was referred to the Finance Committee.

  
\_\_\_\_\_  
Senator Brad Miller, Chairman

  
\_\_\_\_\_  
Cornelia McMillan, Clerk

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**WEDNESDAY, MAY 27, 1998**

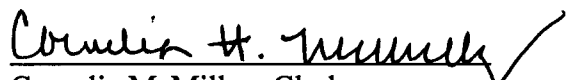
**MINUTES**

The Senate State Government, Local Government and Personnel Committee met on Wednesday, May 27, 1998 at 2:15 p.m. in the Senate Chamber. Twelve members were present, including Senator Brad Miller, who presided.

Action was taken on the following bill:

**SB 1420, Halifax Mobile Structures Allowed**, was explained by Senator Ballance. Senator Hartsell 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, May 27, 1998

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

**FAVORABLE**

S.B.	1103	Franklin Annexation.	
		Sequential Referral:	Finance
		Recommended Referral:	None
S.B.	1123	Abolish Gaston County Coroner.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	1222	Meck Neck.	
		Sequential Referral:	None
		Recommended Referral:	Finance

**TOTAL REPORTED: 3**

Committee Clerk Comment:

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

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

Wednesday, May 27, 1998

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

**FAVORABLE**

<b>S.B. 1420</b>	Halifax Mobile Structures Allowed.
	Sequential Referral: None
	Recommended Referral: None

**TOTAL REPORTED: 1**

Committee Clerk Comment:

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

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

Thursday, May 28, 1998

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

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

<b>S.B. 1112</b>	<b>Laurinburg Absentee Voting.</b>
	Draft Number: PCS4683
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No

**TOTAL REPORTED: 1**

Committee Clerk Comment:



**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**WEDNESDAY, MAY 27, 1998**

**ROOM 414**

<b>SB 1097</b>	<b>Abolish Ashe County Coroner</b>	<b>Senator Foxx</b>
<b>SB 1103</b>	<b>Franklin Annexation</b>	<b>Senator Carpenter Senator Jenkins</b>
<b>SB 1112</b>	<b>Laurinburg Absentee Voting</b>	<b>Senator Purcell</b>
<b>SB 1123</b>	<b>Abolish Gaston County Coroner</b>	<b>Senator Forrester Senator Hoyle</b>
<b>SB 1166</b>	<b>Farmville Annexation</b>	<b>Senator Martin</b>
<b>SB 1222</b>	<b>Meck Neck</b>	<b>Senator Odom</b>

**Adjournment**

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1097

Short Title: Abolish Ashe County Coroner.

(Local)

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Sponsors: Senators Foxx; and East.

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Referred to: State Government, Local Government and Personnel.

---

May 13, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT ABOLISHING THE OFFICE OF CORONER IN ASHE COUNTY.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. The office of coroner in Ashe County is abolished.  
5 Section 2. Chapter 152 of the General Statutes is not applicable to Ashe  
6 County.  
7 Section 3. This act becomes effective upon the expiration of the term of  
8 the current coroner in Ashe County.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1103

Short Title: Franklin Annexation.

(Local)

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Sponsors: Senators Carpenter and Jenkins. (By request)

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Referred to: State Government, Local Government and Personnel.

---

May 13, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE  
3 LIMITS OF THE TOWN OF FRANKLIN.

4 The General Assembly of North Carolina enacts:

5 Section 1. The following described property is added to the corporate  
6 limits of the Town of Franklin:

7 BEGINNING at a point on the Existing Primary Corporate Limit, Town of Franklin,  
8 N.C., said point also being on the western property line of parcel 2662 as shown on  
9 Macon County property map 6584.12; thence running from said point with said  
10 property line in a southern direction 160' to the southwestern property corner of said  
11 parcel 2662; thence running from said southwestern property corner with the  
12 southern property line of said parcel 2662 in a southeast direction 80' to a point in  
13 the western right-of-way of US Hwy. 23/441, said point also being the southeast  
14 property corner of said parcel 2662; thence running from said point with said western  
15 right-of-way in a southwest direction 400' to a point; thence leaving said western  
16 right-of-way line and continuing on the same course in a straight line 840' to a point  
17 where the straight line again intersects the western right-of-way line of said US Hwy.  
18 23/441, said straight line also crossing US Hwy. 64, said point also being the  
19 northernmost corner of parcel 6840 and also being on the Existing Satellite Corporate  
20 Limit, Town of Franklin, N.C., as shown on Macon County property map 6584.16;  
21 thence running from said northernmost property corner with the western property  
22 line of said parcel 6840 and the Existing Satellite Corporate Limit, Town of Franklin,  
23 N.C., said line and said limit being one in the same, and running in a southwestern  
24 direction to a point in the western right-of-way of Dryman Road (SR 1156), said

1 point also being the southernmost property corner of said parcel 6840 as shown on  
2 Macon County property map 6584.15; thence running from said property corner with  
3 the same course 35' to a point in the center of Dryman Road (SR 1156); thence  
4 running with the center of Dryman Road (SR 1156) in a northeast direction 225' to a  
5 point, said center of Dryman Road (SR 1156) also being the Existing Satellite  
6 Corporate Limit, Town of Franklin, N.C.; thence continuing from said point in a  
7 southern direction 30' to a point in the eastern right-of-way of Dryman Road (SR  
8 1156), said point also being the northwest property corner of parcel 6068 as shown on  
9 Macon County property map 6584.16; thence running from said northwest property  
10 corner with the western property line of said parcel 6068 in a southern direction to  
11 the southwest property corner, said western property line also being the Existing  
12 Satellite Corporate Limit, Town of Franklin, N.C., and said southwest property  
13 corner also being on the northern property line of parcel 6835; thence leaving the  
14 Existing Satellite Corporate Limit, Town of Franklin, N.C., and running from said  
15 southwest property corner with said northern property line in a northwest direction  
16 45' to the northwest property corner of said parcel 6835; thence running from said  
17 northwest property corner with the western property line of parcels 6835 and 6623 in  
18 a southeast direction 495' to a property corner, said property corner being the  
19 northwest property corner of parcel 5495 as shown on Macon county property map  
20 6584.20, said parcel 5495 also being the Existing Satellite Corporate Limit, Town of  
21 Franklin, N.C.; thence running from said northwest property corner with the western  
22 property line of said parcel 5495 in a southern direction 100' to the southwest  
23 property corner of said parcel 5495, said southwest property corner also being in the  
24 northern property line of parcel 5333; thence leaving the Existing Satellite Corporate  
25 Limit, Town of Franklin, N.C., and running with a portion of said northern property  
26 line and the western property line of said parcel 5333 in a southern direction 130' to  
27 the southwest property corner of said parcel 5333; thence running from said  
28 southwest property corner with the southern property line of parcels 5333 and 6303  
29 in an easterly direction 130' to the southeast property corner of said parcel 6303, said  
30 southeast property corner being in the western right-of-way of Old Georgia Road (SR  
31 1152); thence running from said southeast property corner with said western right-of-  
32 way in a southern, western and southern direction  $1,000' \pm$  to a point in the center of  
33 Cartoogechaye Creek; thence running from said point with the center of  
34 Cartoogechaye Creek in a southeast direction 800' downstream to a point, said point  
35 being the intersection of the center of Cartoogechaye Creek and the eastern right-of-  
36 way of US Highway 23/441, said point being shown on Macon County property map  
37 6584.20; thence running from said point of intersection with the eastern right-of-way  
38 of US Hwy. 23/441 in a northeast direction 515' to a point, said point also being the  
39 southwest property corner of parcel 3201 as shown on Macon County property map  
40 6584.20; thence running from said property corner with the southern property line of  
41 said parcel 3201 in a southeast direction to a point in the western right-of-way of  
42 Allman Drive (SR 1687); thence continuing on the same course 30' to a point in the  
43 center of Allman Drive (SR 1687); thence running from said point with the center of  
44 Allman Drive (SR 1687) in a northwest direction  $975' \pm$  to a point, said point being

1 the beginning of a portion of the Existing Satellite Corporate Limit, Franklin, N.C.;  
2 thence continuing with the center of Allman Drive (SR 1687) and the Existing  
3 Satellite Corporate Limit, Franklin, N.C., 675'  $\pm$  to a point, said point being  
4 perpendicular to the southeast property corner of parcel 9087 as shown on Macon  
5 County property map 6584.16; thence leaving said Existing Satellite Corporate Limit,  
6 Franklin, N.C., and running from said point in a northern direction 30' to said  
7 southeast property corner of parcel 9087; thence running from said southeast property  
8 corner with the eastern property line of parcel 9087 in a northern direction 185' to  
9 the northeast property corner of parcel 9087; thence running from said northeast  
10 property corner with the northern property line of parcel 9087 in a western direction  
11 170' to a property corner, said property corner also being in the eastern right-of-way  
12 of US Hwy. 23/441; thence running from said property corner with said eastern right-  
13 of-way in a northeast direction 470' to the southeast property corner of parcel 0657,  
14 said property corner also being in the northern right-of-way of Siler Road (SR 1660);  
15 thence running from said southeast corner with the eastern property line and the  
16 northern right-of-way of Siler Road (SR 1660), both being one and the same, and  
17 running in a northeast direction 180' to the eastern property corner of parcel 0657;  
18 thence running from said eastern property corner with the northern property line of  
19 parcel 0657 in a northwest direction 200' to a property corner in the eastern right-of-  
20 way of US Hwy. 23/441; thence running from said property corner with the said right-  
21 of-way of US Hwy. 23/441 in a northeast direction 50' to a point; thence running  
22 from said point and leaving said eastern right-of-way line and running a straight line  
23 in a northeast direction 1,300'  $\pm$  to a point where the straight line again intersects  
24 the eastern right-of-way of said US Hwy. 23/441, said straight line also crossing US  
25 Hwy. 23/441/64, and said point also being shown on Macon County property map  
26 6584.12; thence running from said point with the said eastern right-of-way of US  
27 Hwy. 23/441 in a northeast direction 440'  $\pm$  to the Existing Primary Corporate Limit,  
28 Town of Franklin, N.C.; thence running with said Existing Primary Corporate Limit  
29 in a northwest direction to point of BEGINNING.

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1997

S

1

SENATE BILL 1112

Short Title: Laurinburg Absentee Voting.

(Local)

---

Sponsors: Senators Purcell; and Plyler.

---

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

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May 13, 1998

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW ABSENTEE VOTING IN LAURINBURG CITY  
3 ELECTIONS CONDUCTED BY THE MUNICIPAL BOARD OF ELECTIONS.  
4 The General Assembly of North Carolina enacts:  
5           Section 1. The Charter of the City of Laurinburg, being Chapter 586,  
6 Session Laws of 1989, is amended by adding a new section to read:  
7   "Sec. 4-2. **Absentee Voting.** Absentee voting shall be allowed in the City of  
8 Laurinburg if city elections are conducted by a municipal board of elections, and any  
9 references in G.S. 163-302 that refer to the county board of elections shall, for the  
10 City of Laurinburg, refer to the municipal board of elections if city elections are  
11 conducted by a municipal board of elections. The State Board of Elections may  
12 adopt rules to regulate this section."  
13           Section 2. This act becomes effective with respect to all elections held on  
14 or after January 1, 1999.

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1112

S1112-SD-001

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)  
Page 1 of \_\_\_\_

Date \_\_\_\_\_, 1998

Comm. Sub. []  
Amends Title []

1 moves to amend the bill on page 1, line 9,  
2 by adding the phrase "and Articles 20 and 21 of Chapter 163 of the  
3 General Statutes" after the phrase "G.S. 163-302."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 1997**

S

1

SENATE BILL 1123\*

Short Title: Abolish Gaston County Coroner.

(Local)

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Sponsors: Senators Forrester and Hoyle.

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Referred to: State Government, Local Government and Personnel.

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May 14, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT ABOLISHING THE OFFICE OF CORONER IN GASTON COUNTY.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. The office of coroner in Gaston County is abolished.  
5 Section 2. Chapter 152 of the General Statutes is not applicable to  
6 Gaston County.  
7 Section 3. This act becomes effective upon the expiration of the term of  
8 the current coroner in Gaston County.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1166

Short Title: Farmville Annexation.

(Local)

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Sponsors: Senator Martin of Pitt.

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

---

May 19, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE  
3 LIMITS OF THE TOWN OF FARMVILLE.

4 The General Assembly of North Carolina enacts:

5 Section 1. The following described property is added to the corporate  
6 limits of the Town of Farmville:

7 BEING a portion of Greenfield Heights Subdivision in Farmville  
8 Township, Pitt County, North Carolina, and bounded on the south by the northern  
9 line of US Highway 264 Alternate, on the west by Henry L. Smith, on the north by  
10 R. K. Britt heirs, and on the east by Carolyn D. Mewborn, and being more  
11 particularly described as follows:

12 BEGINNING at a concrete monument marking the southwest corner of  
13 Greenfield Heights Subdivision, said concrete monument being located \*S 57 26 58 E  
14 7201.223 feet from a bronze disk in a traffic island marking North Carolina Geodetic  
15 Survey Station "MARLBORO" having North Carolina Coordinate System  
16 Coordinates of  $x = 2,418, 132.697$  feet,  $y = 669,537.965$  feet, North American Datum  
17 of 1927, and running thence with the west line of Greenfield Heights and with Henry  
18 L. Smith's east line N 12-42-45 E 1011.355 feet to an iron pipe, a corner with the R.  
19 K. Britt heirs; thence with the said Britt heirs south line and along the north lines of  
20 lot 109 and lot 110 N 87-53-02 E 225.000 feet to an iron pipe; thence with the  
21 common line between lot 110 and lot 111 S 22-43-58 E 186.974 feet to an iron pipe in  
22 the north line of Brooks Drive; thence crossing Brooks Drive S 41-00-55 E 74.769 feet  
23 to the northeast corner of lot 73; thence with the east line of lot 73, S 11-26-43 W  
24 197.970 feet to a point at the southeast corner of lot 73; thence with the east line of

1 lot 76 and lot 77, S 24-20-07 W 235.066 feet to the southeast corner of lot 77; thence  
2 along the south line of lot 78, S 57-36-29 E 115.391 feet to the western line of a street;  
3 thence along the western line of said street N 36-47-45 E 105.680 feet; thence crossing  
4 said street S 56-56-15 E 60.127 feet to the northwest corner of lot 62; thence along the  
5 northern line of lot 62 S 56-56-15 E 175.000 feet; thence along the west line of lot 56,  
6 lot 55, lot 54, and lot 53, N 36-47-45 E 344.000 feet; thence along the west line of lot  
7 52, N 27-00-45 E 86.300 feet; thence along the north line of lot 52, S 56-56-15 E  
8 189.700 feet to a point in the west line of Shackleford Street; thence crossing said  
9 street S 56-56-09 E 60.122 feet to a point in the east line of said street; thence along  
10 the north line of lot 44 S 56-56-15 E 175.000 feet; thence along the west line of lots  
11 28, 27, and 26, N 36-47-45 E 258.000 feet to the northwest corner of lot 26; thence  
12 along the west line of lot 25, N 54-03-45 E 108.000 feet; thence along the west line of  
13 lots 24 and 21, N 01-49-15 W 157.930 to the southern line of Brooks Drive; thence  
14 along the south line of Brooks Drive N 88-10-45 E 382.590 feet to northeast corner of  
15 lot 19; thence along the east line of lot 19, S 01-49-15 E 163.860 feet to a point in the  
16 north line of lot 17; thence along the north line of lot 17 S 67-41-15 E 49.260 feet to a  
17 point in the west line of the Carolyn D. Mewborn tract; thence along the eastern line  
18 of Greenfield Heights and the west line of Carolyn D. Mewborn the following 6  
19 courses: (1) S 36-43-00 W 916.838 to a corner of lot 9; (2) thence with lot 9, S 58 20-  
20 28 E 49.773 feet, (3) thence S 40-30-32 W 285.016, (4) thence S 40-30-32 W 42.002  
21 feet, (5) thence S 43-14-11 W 338.901 feet to a concrete monument, (6) thence S 49-  
22 13-04 W 97.908 feet to a concrete monument of the north line of US 264A; thence  
23 with the north line of US 264A along a curve whose chord bears N 52-34-01 W  
24 169.830 feet to the intersection of the eastern line of Hagan Street with the north line  
25 of US 264A; thence with the north line of US 264A N 56-39-13 W 61.041 feet to the  
26 western line of Hagan Street; thence along the northern line of US 264A N 56-58-51  
27 W 1015.451 to the point of beginning containing 37.74 acres, all according to a survey  
28 and plat by McDavid Associates, Inc. dated May 6, 1998 entitled "Annexation Survey  
29 Town of Farmville, Part of Greenfield Heights Subdivision."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1222\*

Short Title: Meck Neck.

(Local)

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

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Referred to: State Government, Local Government and Personnel.

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May 21, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO ANNEX THE MECK NECK AREA OF MECKLENBURG COUNTY  
3 TO IREDELL COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. (a) The boundary line between Mecklenburg County and  
6 Iredell County is hereby changed and relocated so as to divest Mecklenburg County  
7 of all the territory now and heretofore embraced in the bounds of Meck Neck as  
8 defined in subsection (b) of this section, and vest and include all of said territory in  
9 Iredell County, and the said territory shall become and be a part of Iredell County.

10 (b) "Meck Neck" is that area commonly known as the Meck Neck, and  
11 surrounding waters, being all that land in Mecklenburg County which is connected by  
12 land to Iredell County and not connected by land to Mecklenburg County, and the  
13 area of Lake Norman in Mecklenburg County extending out 300 feet from such land.  
14 Such area also includes the area of Lake Norman in Mecklenburg County beginning  
15 at a point 300 feet south of the southernmost point of the Meck Neck land area,  
16 running due west to the Lincoln-Mecklenburg County line, following that line to the  
17 Iredell-Mecklenburg-Lincoln corner, thence along the Iredell-Mecklenburg County  
18 line to a point 300 feet west of land, thence along a line 300 feet from land to the  
19 beginning point of description in this sentence.

20 Section 2. Courts. All civil and criminal cases now pending in the  
21 Superior Court of Mecklenburg County, or in any other courts held in Mecklenburg  
22 County which would have been properly triable in Iredell County, if the territory  
23 affected by this act had been a part of Iredell County at the time the cause was  
24 instituted, or the right of action therein accrued, or where the criminal offense

1 charged was committed in the territory affected by this act, shall upon motion of any  
2 defendant in any criminal case pending, or upon motion of any party in a civil cause,  
3 be transferred to the Superior Court or other proper court of Iredell County. Such  
4 motion for removal shall be made no later than the first day of the session of court at  
5 which such case would be tried. It shall be the duty of the Clerk of the Superior  
6 Court of Mecklenburg County to transmit the original papers in all such cases  
7 removed, together with a proper record of all such causes removed, to the Clerk of  
8 the Superior Court of Iredell County. All actions, causes or proceedings, matters,  
9 and things pending before the Clerk of the Superior Court of Mecklenburg County,  
10 which would have been within the jurisdiction of the Clerk of the Superior Court of  
11 Iredell County, had the territory affected by this act been a part of Iredell County at  
12 the time said cause, proceeding, matter, or thing was begun, or the right therein  
13 accrued, shall upon motion of any party thereto or interested therein be transferred  
14 to Iredell County and the jurisdiction of the Clerk of the Superior Court of Iredell  
15 County to be heard, determined, or proceeded with before him in all respects as if  
16 the said cause, matter, or proceeding had originally been begun in Iredell County.  
17 Upon such removal, it shall be the duty of the Clerk of the Superior Court of  
18 Mecklenburg County from which the removal is made to transmit to the Clerk of the  
19 Superior Court of the County of Iredell the original papers in such cause, matter, or  
20 proceeding, together with the proper record thereof.

21 Section 3. Taxes. All taxes levied by Mecklenburg County on the real  
22 and personal property located in the territory described in subsection (b) of Section 1  
23 of this act, for the fiscal year beginning July 1, 1997, and for all prior years shall be  
24 collected and retained by Mecklenburg County.

25 Section 4. Juries. The Jury Commission of Iredell County shall include  
26 persons within the territory affected by this act on jury lists in Iredell County  
27 beginning July 1, 1998, and no person resident in such area shall be included on jury  
28 lists in Mecklenburg County after that date.

29 Section 5. Voter Registration. The Mecklenburg County Board of  
30 Elections shall transfer to Iredell County all voter registrations for persons in the  
31 territory affected by this act, and such persons shall be registered to vote in Iredell  
32 County as of July 1, 1998, without any action on the part of the voter. This act does  
33 not affect the boundaries of any State House, State Senate, or Congressional district.

34 Section 6. (a) Iredell County shall pay to Mecklenburg County for fiscal  
35 year 1998-99 and the next nine succeeding fiscal years the annual sum of one  
36 hundred thousand dollars (\$100,000), plus for the second through tenth fiscal years  
37 an additional amount as defined by subsection (b) of this section.

38 (b) For each year, the additional amount is calculated by FIRST taking  
39 the value of the property in the Meck Neck subject to ad valorem taxation minus the  
40 value of property in the Meck Neck subject to ad valorem taxation as of January 1,  
41 1998, then DIVIDING that number by the value of the property in the Meck Neck  
42 subject to ad valorem taxation minus the value of property in the Meck Neck subject  
43 to ad valorem taxation as of January 1, 1998, then MULTIPLYING that number times  
44 one hundred thousand dollars (\$100,000).

1 (c) Each payment required by this section shall be made on or before  
2 January 15 of each fiscal year.

3 Section 7. Iredell County shall pay, on behalf of residents of the Meck  
4 Neck, all tuition charges which might have been imposed by the Iredell County  
5 Board of Education on children living in the Meck Neck who attended schools  
6 operated by the Iredell County Board of Education prior to July 1, 1998.

7 Section 8. Any child who was a resident of the area annexed by Section  
8 1 of this act on its date of ratification and who was a student in the Charlotte-  
9 Mecklenburg school system during the 1997-98 school year, and the younger sibling  
10 of any such person, may attend school in the Charlotte-Mecklenburg school system  
11 without necessity of a release or payment of tuition. Such student, while attending  
12 the Charlotte-Mecklenburg school system, shall be considered a resident of  
13 Mecklenburg County for all public school purposes, including transportation,  
14 athletics, and funding formulas. Notice must be given to both school systems by the  
15 parent or guardian in order to exercise the privilege granted by this section.

16 Section 9. This act is effective when it becomes law, except that for the  
17 purposes of ad valorem property tax situs, listing, and appraisal, the boundary  
18 changes in this act are effective as of January 1, 1998, and apply to the 1998-99 tax  
19 year and all subsequent tax years.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1420

Short Title: Halifax Mobile Structures Allowed.

(Local)

---

Sponsors: Senators Ballance and Cooper.

---

Referred to: Rules Suspended; State Government, Local Government and Personnel.

---

May 27, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO PERMIT THE SHORT-TERM USE OF MOBILE STRUCTURES  
3 WHEN NONRESIDENTIAL STRUCTURES ARE DAMAGED BY FIRE OR  
4 ACTS OF GOD.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Notwithstanding any zoning, occupancy, or other ordinance or  
7 statute to the contrary, when a nonresidential building in Halifax County is damaged  
8 by fire or an "act of God," the structure may be temporarily replaced with a mobile  
9 home or similar manufactured structure for a period of one year to allow for  
10 continued operations while the damaged building is repaired or rebuilt.  
11 Section 2. This act applies to Halifax County only.  
12 Section 3. This act is effective when it becomes law and expires on June  
13 31, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 1420  
Second Edition Engrossed 5/27/98

Short Title: Halifax Mobile Structures Allowed.

(Local)

---

Sponsors: Senators Ballance and Cooper.

---

Referred to: Rules Suspended; State Government, Local Government and Personnel.

---

May 27, 1998

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10 continued operations while the damaged building is repaired or rebuilt.  
11                   Section 2. This act applies to Halifax County only.  
12                   Section 3. This act is effective when it becomes law and expires on June  
13 30, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

98-LT-211(5.21)  
(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Halifax Mobile Structures Allowed. (Local)

---

Sponsors: Senators Ballance and Cooper.

---

Referred to:

---

1 A BILL TO BE ENTITLED  
2 AN ACT TO PERMIT THE SHORT-TERM USE OF MOBILE STRUCTURES WHEN  
3 NONRESIDENTIAL STRUCTURES ARE DAMAGED BY FIRE OR ACTS OF GOD.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Notwithstanding any zoning, occupancy, or  
6 other ordinance or statute to the contrary, when a nonresidential  
7 building in Halifax County is damaged by fire or an "act of God,"  
8 the structure may be temporarily replaced with a mobile home or  
9 similar manufactured structure for a period of one year to allow  
10 for continued operations while the damaged building is repaired  
11 or rebuilt.  
12 Section 2. This act applies to Halifax County only.  
13 Section 3. This act is effective when it becomes law  
14 and expires on June 31, 1999.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1112  
Proposed Committee Substitute S1112-PCS4683

Short Title: Laurinburg Absentee Voting.

(Local)

Sponsors:

Referred to:

May 13, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW ABSENTEE VOTING IN LAURINBURG CITY  
3 ELECTIONS CONDUCTED BY THE MUNICIPAL BOARD OF ELECTIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the City of Laurinburg, being Chapter 586,  
6 Session Laws of 1989, is amended by adding a new section to read:

7 "Sec. 4-2. **Absentee Voting.** Absentee voting shall be allowed in the City of  
8 Laurinburg if city elections are conducted by a municipal board of elections, and any  
9 references in G.S. 163-302 and Articles 20 and 21 of Chapter 163 of the General  
10 Statutes that refer to the county board of elections shall, for the City of Laurinburg,  
11 refer to the municipal board of elections if city elections are conducted by a  
12 municipal board of elections. The State Board of Elections may adopt rules to  
13 regulate this section."

14 Section 2. This act becomes effective with respect to all elections held on  
15 or after January 1, 1999.



**North Carolina General Assembly  
Legislative Services Office**

George R. Hall, Legislative Services Officer  
(919) 733-7044

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Suite 545, LOB  
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(919) 733-2578

May 26, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** Senate Bill 1097: Abolish Ashe Coroner  
Senate Bill 1123: Abolish Gaston Coroner

Senate Bills 1097 and 1123 abolish the office of coroner in Ashe and Gaston counties. Chapter 152 of the General Statutes, Coroners, will not apply in Ashe or Gaston County.

The acts become effective upon the expiration of the term of the current county coroner.



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(919) 733-2578

May 27, 1998

**MEMORANDUM**

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

FROM: Ed Rossi, Committee Counsel

RE: Senate Bill 1112: Laurinberg Absentee Voting

This Act amends the Laurinburg city charter by adding a new section to allow for absentee voting in city elections conducted by a municipal board of elections.



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(919) 733-2578

May 27, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** Senate Bill 1222: Meck Neck

Senate Bill 1222 changes the boundary between Mecklenburg County and Iredell County such that the area known as Meck Neck becomes a part of Iredell County.

The bill provides that Iredell County will make payments to Mecklenburg County in the amount of \$100,000 for a period of ten years beginning with the 1998-1999 fiscal year. In years 2 through 10 there shall be additional payments to Mecklenburg County based on the increased value of property in the Meck Neck area subject to ad valorem taxes.

Iredell County shall also pay , on behalf of residents, all tuition charges which might have been imposed by the Iredell County Board of Education on children living in Meck Neck who attended Iredell County schools before July 1, 1998.

Any child living in the Meck Neck area who was a student in the Charlotte-Mecklenburg school system during the 1997-1998 school year, and the younger siblings of such students, may continue to go to school in the Charlotte-Mecklenburg school system without a release or the payment of tuition. Any such students shall be considered residents of Mecklenburg County for all public school purposes including transportation, athletics, and funding formulas.

The act is effective when it becomes law, except for the purposes of ad valorem tax situs, listing and appraisal , the boundary changes in the act are effective July 1, 1998.

## PROPERTY OWNERS TO BE ANNEXED

Bates Septic Systems  
1559 Georgia Road  
Franklin, NC 28734

Modern Globe Incorporated  
P.O. Box 190  
North Wilkesboro, NC 28659

Sheffield Backhoe  
1439 Snow Hill Road  
Franklin, NC 28734

Dairy Queen  
c/o Nancy Jacobs Paris  
2880 Old Murphy Rd.  
Franklin, NC 28734

Carolina Pizza Company  
c/o The Deland Company  
P.O. Box 22845  
Oklahoma City, OK 73123

X-Press Lube Center  
35 Belden Circle  
Franklin, NC 28734

B & E Grocery Incorporated  
P.O. Box 1359  
Franklin, NC 28734

Three Eagles Outfitters  
78 Siler road  
Franklin, NC 28734

Jenson Insurance  
409 Georgia Road  
Franklin, NC 28734



# Town of Franklin

188 West Main Street  
Franklin, North Carolina 28734  
(704) 524-2516

## RESOLUTION REQUESTING ANNEXATION FOR THE TOWN OF FRANKLIN BY SPECIAL ACT OF THE N.C. GENERAL ASSEMBLY

**WHEREAS**, the Town of Franklin provides the Town's municipal services to an area along US 441 and immediately south of the present primary corporate limits; and

**WHEREAS**, this area is fully developed with all lots developed for commercial and industrial purposes, and adjacent to satellite annexations conducted by the Town in recent years; and

**WHEREAS**, this area is accurately presented and described by a written description and accurately depicted on maps provided by the Town of Franklin; and

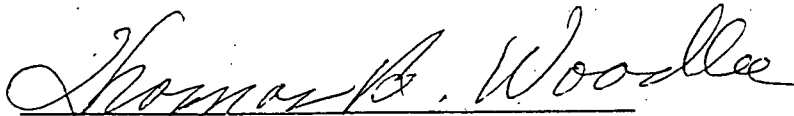
**WHEREAS**, the benefit of annexation of this area to the Town is to provide for the efficient delivery of municipal services to urbanized areas and provide for the orderly growth and development of the community; and

**WHEREAS**, this area does not qualify for annexation by the involuntary or standards and services method of annexation; and

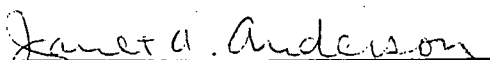
**WHEREAS**, the North Carolina General Assembly may enlarge the boundaries of a municipality by a special act of the legislature.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Alderman of the Town of Franklin that The Town of Franklin hereby respectfully requests the General Assembly's assistance with this annexation by passing a special act to incorporate the area delineated in the attached written description and map into the corporate limits of the Town of Franklin, N.C.

Adopted this the 6th day of April, 1998.

  
Thomas B. Woodlee, Mayor

Attest:

  
Janet A. Anderson, Town Clerk

# **REQUEST FOR ANNEXATION BY SPECIAL ACT OF THE NORTH CAROLINA GENERAL ASSEMBLY**

## **SUBMITTED BY THE TOWN OF FRANKLIN, NORTH CAROLINA**

The North Carolina General Assembly may enlarge the boundaries of a municipality by a special act of the legislature. This method of annexation is especially useful in annexing territory that cannot be annexed under one of the general law procedures provided for municipalities in the N.C. General Statutes.

The Town of Franklin requests the General Assembly assist the Town by passing a special act to annex into the corporate limits of Franklin an area along highway U.S. 441 South and immediately south of the present primary corporate limits of the Town. This area is described by an attached written description and shown on an attached map. This area is adjacent to the Town and is completely developed. There are a total number of nine lots in this area. All these lots are developed for commercial and industrial purposes. These lots are adjacent to or in close proximity to satellite annexations conducted by the Town in recent years.

This area does not qualify for annexation by the involuntary or standards and services method of annexation provided to municipalities in G.S. 160A-36. Specifically, the area cannot meet the required one-eighth contiguity requirement, i.e., at least one-eighth of the aggregate external boundaries of the area must coincide with the existing primary corporate limit. Also, large tracts of undeveloped property contiguous to the existing primary corporate boundary prohibit involuntary annexation. Therefore, the Town respectfully requests the General Assembly's assistance with this annexation.

The proposed annexation area is currently provided with Town of Franklin municipal services. Town of Franklin water and sewer services are currently available to all these lots. The Town Police and Fire services are currently available to this area. Routine patrol of the areas contained in the satellite annexation areas requires officers to pass by most of these unincorporated lots. The only municipal services not provided to these lots at this time is municipal garbage collection services and street lighting.

The described area is urban in character, fully developed, adjacent to the Town and currently receives most of the Town's municipal services. The benefit of annexation of this area to the Town is to provide for the efficient delivery of municipal services to urbanized areas and provide for orderly growth and development of the community. The benefit to the property owners will be the opportunity to receive complete municipal services for a modest increase in property taxes. This increase in property taxes will be offset to some degree by a reduction in water and sewer rates for inside corporate customers. Presently, outside city customers pay a higher rate for water and sewer services.

The area described herein is a logical extension of the Town of Franklin corporate limits. The annexation of these lots combined with the satellite annexations that already occurred in this area will provide a uniform and serviceable corporate boundary for the Town of Franklin.



# STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, JUNE 10, 1998

## MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, June 10, 1998 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 1166, Farmville Annexation**, was explained by Senator R. Martin. Senator Jenkins moved to adopt a proposed committee substitute. The motion carried unanimously. Senator Jenkins moved to give the committee substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.** SB 1166 was re-referred to the Finance Committee.

**SB 1248, Carthage Charter Consolidation**, was explained by Senator Lee. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**SB 1333, Landis Annexation**, was explained by Senator Hartsell. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.** The bill was re-referred to the Finance Committee.

**SB 1351, Waynesborough Property Sale**, was explained by Senator Kerr. Senator Jenkins moved to adopt a proposed committee substitute. The motion carried unanimously. Senator Jenkins moved to give the committee substitute a favorable report. The motion carried unanimously. **Favorable report.**

**SB 1360, Union Board of E & R**, was explained by Senator Plyler. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**SB 1417, Wallace Private Sale**, was explained by Senator Albertson. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**


**SB 1442, Union Tech. Land Sale Ok'd**, was explained by Senator Plyler. Senator Moore moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

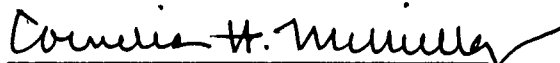
**SB 1451, Sloop Point Village Charter Repeal**, was explained by Senator Ballantine. Senator Jenkins moved to adopt an amendment to place a period after the word "purpose" and to delete the remainder of that line. The motion carried unanimously. Senator Ledbetter moved that the bill as amended be put into a committee substitute and given a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**

**SB 1466, Tribal Building Inspections**, was explained by Senator Jenkins. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**SB 1518, Stanly Co. Subdivision Definition**, was explained by Senator Plyler. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**HB 1261, Pasquotank Elec. Dog Collars**, was explained by Representative Owens. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

  
\_\_\_\_\_  
Senator Brad Miller, Chairman

  
\_\_\_\_\_  
Cornelia McMillan, Clerk

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**WEDNESDAY, JUNE 10, 1998**

**MINUTES**

The Senate State Government, Local Government and Personnel Committee met on Wednesday, June 10, 1998 at 3:40 p.m. in the Senate Chamber. Seven members were present, including Senator Brad Miller, who presided.

Action was taken on the following bill:

**HB 1306, Avery School Construction Ok'd**, was explained by Senator Moore. Senator Jenkins 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, June 10, 1998

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

**FAVORABLE**

H.B.	1261	Pasquotank Elec. Dog Collars.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	1248	Carthage Charter Consolidation.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	1333	Landis Annexation.	
		Sequential Referral:	Finance
		Recommended Referral:	None
S.B.	1360	Union Board of E & R.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	1417	Wallace Private Sale.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	1442	Union Tech. Land Sale Ok'd.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	1466	Tribal Building Inspections.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	1518	Stanly Co. Subdivision Definition.	
		Sequential Referral:	None
		Recommended Referral:	None

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

June 10, 1998

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S.B. 1166

Farmville Annexation.

Draft Number:	PCS1997
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 9

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 11, 1998

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

**FAVORABLE**

H.B. 1306 Avery School Construction OK'd.  
Sequential Referral: None  
Recommended Referral: None

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

S.B. 1351 Waynesborough Property Sale.  
Draft Number: PCS4689  
Sequential Referral: None  
Recommended Referral: None  
Long Title Amended: No

S.B. 1451 Sloop Point Village Charter Repeal.  
Draft Number: PCSA862  
Sequential Referral: None  
Recommended Referral: None  
Long Title Amended: No

**TOTAL REPORTED: 3**

Committee Clerk Comment: Sen. Miller to sign.

**STATE GOVERNMENT, LOCAL GOVERNMENT AND  
PERSONNEL**

**WEDNESDAY, JUNE 10, 1998**

**ROOM 414**

SB 1097	Abolish Ashe County Coroner	Senator Foxx
SB 1166	Farmville Annexation	Senator R. Martin
SB 1248	Carthage Charter Consolidation	Senator Lee
SB 1333	Landis Annexation	Senator Hartsell
SB 1351	Waynesborough Property Sale	Senator Kerr
SB 1360	Union Board of E & R	Senator Plyler
SB 1417	Wallace Private Sale	Senator Albertson
SB 1442	Union Tech. Land Sale Ok'd	Senator Plyler
SB 1451	Sloop Point Village Charter Repeal	Senator Ballantine
SB 1466	Tribal Building Inspections	Senator Jenkins
SB 1494	Lee County Hunting	Senator Kinnaird
SB 1518	Stanly Co. Subdivision Definition	Senator Plyler
HB 1261	Pasquotank Elec. Dog Collars	Rep. Owens

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1097

Short Title: Abolish Ashe County Coroner.

(Local)

---

Sponsors: Senators Foxx; and East.

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Referred to: State Government, Local Government and Personnel.

---

May 13, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT ABOLISHING THE OFFICE OF CORONER IN ASHE COUNTY.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. The office of coroner in Ashe County is abolished.  
5 Section 2. Chapter 152 of the General Statutes is not applicable to Ashe  
6 County.  
7 Section 3. This act becomes effective upon the expiration of the term of  
8 the current coroner in Ashe County.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1166

Short Title: Farmville Annexation.

(Local)

---

Sponsors: Senator Martin of Pitt.

---

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

---

May 19, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE  
3 LIMITS OF THE TOWN OF FARMVILLE.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. The following described property is added to the corporate  
6 limits of the Town of Farmville:  
7 BEING a portion of Greenfield Heights Subdivision in Farmville  
8 Township, Pitt County, North Carolina, and bounded on the south by the northern  
9 line of US Highway 264 Alternate, on the west by Henry L. Smith, on the north by  
10 R. K. Britt heirs, and on the east by Carolyn D. Mewborn, and being more  
11 particularly described as follows:  
12 BEGINNING at a concrete monument marking the southwest corner of  
13 Greenfield Heights Subdivision, said concrete monument being located \*S 57 26 58 E  
14 7201.223 feet from a bronze disk in a traffic island marking North Carolina Geodetic  
15 Survey Station "MARLBORO" having North Carolina Coordinate System  
16 Coordinates of x = 2,418, 132.697 feet, y = 669,537.965 feet, North American Datum  
17 of 1927, and running thence with the west line of Greenfield Heights and with Henry  
18 L. Smith's east line N 12-42-45 E 1011.355 feet to an iron pipe, a corner with the R.  
19 K. Britt heirs; thence with the said Britt heirs south line and along the north lines of  
20 lot 109 and lot 110 N 87-53-02 E 225.000 feet to an iron pipe; thence with the  
21 common line between lot 110 and lot 111 S 22-43-58 E 186.974 feet to an iron pipe in  
22 the north line of Brooks Drive; thence crossing Brooks Drive S 41-00-55 E 74.769 feet  
23 to the northeast corner of lot 73; thence with the east line of lot 73, S 11-26-43 W  
24 197.970 feet to a point at the southeast corner of lot 73; thence with the east line of

1 lot 76 and lot 77, S 24-20-07 W 235.066 feet to the southeast corner of lot 77; thence  
2 along the south line of lot 78, S 57-36-29 E 115.391 feet to the western line of a street;  
3 thence along the western line of said street N 36-47-45 E 105.680 feet; thence crossing  
4 said street S 56-56-15 E 60.127 feet to the northwest corner of lot 62; thence along the  
5 northern line of lot 62 S 56-56-15 E 175.000 feet; thence along the west line of lot 56,  
6 lot 55, lot 54, and lot 53, N 36-47-45 E 344.000 feet; thence along the west line of lot  
7 52, N 27-00-45 E 86.300 feet; thence along the north line of lot 52, S 56-56-15 E  
8 189.700 feet to a point in the west line of Shackelford Street; thence crossing said  
9 street S 56-56-09 E 60.122 feet to a point in the east line of said street; thence along  
10 the north line of lot 44 S 56-56-15 E 175.000 feet; thence along the west line of lots  
11 28, 27, and 26, N 36-47-45 E 258.000 feet to the northwest corner of lot 26; thence  
12 along the west line of lot 25, N 54-03-45 E 108.000 feet; thence along the west line of  
13 lots 24 and 21, N 01-49-15 W 157.930 to the southern line of Brooks Drive; thence  
14 along the south line of Brooks Drive N 88-10-45 E 382.590 feet to northeast corner of  
15 lot 19; thence along the east line of lot 19, S 01-49-15 E 163.860 feet to a point in the  
16 north line of lot 17; thence along the north line of lot 17 S 67-41-15 E 49.260 feet to a  
17 point in the west line of the Carolyn D. Mewborn tract; thence along the eastern line  
18 of Greenfield Heights and the west line of Carolyn D. Mewborn the following 6  
19 courses: (1) S 36-43-00 W 916.838 to a corner of lot 9; (2) thence with lot 9, S 58 20-  
20 28 E 49.773 feet, (3) thence S 40-30-32 W 285.016, (4) thence S 40-30-32 W 42.002  
21 feet, (5) thence S 43-14-11 W 338.901 feet to a concrete monument, (6) thence S 49-  
22 13-04 W 97.908 feet to a concrete monument of the north line of US 264A; thence  
23 with the north line of US 264A along a curve whose chord bears N 52-34-01 W  
24 169.830 feet to the intersection of the eastern line of Hagan Street with the north line  
25 of US 264A; thence with the north line of US 264A N 56-39-13 W 61.041 feet to the  
26 western line of Hagan Street; thence along the northern line of US 264A N 56-58-51  
27 W 1015.451 to the point of beginning containing 37.74 acres, all according to a survey  
28 and plat by McDavid Associates, Inc. dated May 6, 1998 entitled "Annexation Survey  
29 Town of Farmville, Part of Greenfield Heights Subdivision."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1166  
Proposed Committee Substitute S1166-PCS1997

Short Title: Farmville Annexation.

(Local)

Sponsors:

Referred to:

May 19, 1998

A BILL TO BE ENTITLED

1  
2 AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE  
3 LIMITS OF THE TOWN OF FARMVILLE AND TO EXTEND THE TERMS  
4 OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF  
5 LEGGETT FROM TWO TO FOUR YEARS.

6 The General Assembly of North Carolina enacts:

7 Section 1. The following described property is added to the corporate  
8 limits of the Town of Farmville:

9 BEING a portion of Greenfield Heights Subdivision in Farmville  
10 Township, Pitt County, North Carolina, and bounded on the south by the northern  
11 line of US Highway 264 Alternate, on the west by Henry L. Smith, on the north by  
12 R. K. Britt heirs, and on the east by Carolyn D. Mewborn, and being more  
13 particularly described as follows:

14 BEGINNING at a concrete monument marking the southwest corner of  
15 Greenfield Heights Subdivision, said concrete monument being located \*S 57 26 58 E  
16 7201.223 feet from a bronze disk in a traffic island marking North Carolina Geodetic  
17 Survey Station "MARLBORO" having North Carolina Coordinate System  
18 Coordinates of  $x = 2,418, 132.697$  feet,  $y = 669,537.965$  feet, North American Datum  
19 of 1927, and running thence with the west line of Greenfield Heights and with Henry  
20 L. Smith's east line N 12-42-45 E 1011.355 feet to an iron pipe, a corner with the R.  
21 K. Britt heirs; thence with the said Britt heirs south line and along the north lines of  
22 lot 109 and lot 110 N 87-53-02 E 225.000 feet to an iron pipe; thence with the  
23 common line between lot 110 and lot 111 S 22-43-58 E 186.974 feet to an iron pipe in

1 the north line of Brooks Drive; thence crossing Brooks Drive S 41-00-55 E 74.769 feet  
2 to the northeast corner of lot 73; thence with the east line of lot 73, S 11-26-43 W  
3 197.970 feet to a point at the southeast corner of lot 73; thence with the east line of  
4 lot 76 and lot 77, S 24-20-07 W 235.066 feet to the southeast corner of lot 77; thence  
5 along the south line of lot 78, S 57-36-29 E 115.391 feet to the western line of a street;  
6 thence along the western line of said street N 36-47-45 E 105.680 feet; thence crossing  
7 said street S 56-56-15 E 60.127 feet to the northwest corner of lot 62; thence along the  
8 northern line of lot 62 S 56-56-15 E 175.000 feet; thence along the west line of lot 56,  
9 lot 55, lot 54, and lot 53, N 36-47-45 E 344.000 feet; thence along the west line of lot  
10 52, N 27-00-45 E 86.300 feet; thence along the north line of lot 52, S 56-56-15 E  
11 189.700 feet to a point in the west line of Shackleford Street; thence crossing said  
12 street S 56-56-09 E 60.122 feet to a point in the east line of said street; thence along  
13 the north line of lot 44 S 56-56-15 E 175.000 feet; thence along the west line of lots  
14 28, 27, and 26, N 36-47-45 E 258.000 feet to the northwest corner of lot 26; thence  
15 along the west line of lot 25, N 54-03-45 E 108.000 feet; thence along the west line of  
16 lots 24 and 21, N 01-49-15 W 157.930 to the southern line of Brooks Drive; thence  
17 along the south line of Brooks Drive N 88-10-45 E 382.590 feet to northeast corner of  
18 lot 19; thence along the east line of lot 19, S 01-49-15 E 163.860 feet to a point in the  
19 north line of lot 17; thence along the north line of lot 17 S 67-41-15 E 49.260 feet to a  
20 point in the west line of the Carolyn D. Mewborn tract; thence along the eastern line  
21 of Greenfield Heights and the west line of Carolyn D. Mewborn the following 6  
22 courses: (1) S 36-43-00 W 916.838 to a corner of lot 9; (2) thence with lot 9, S 58 20-  
23 28 E 49.773 feet, (3) thence S 40-30-32 W 285.016, (4) thence S 40-30-32 W 42.002  
24 feet, (5) thence S 43-14-11 W 338.901 feet to a concrete monument, (6) thence S 49-  
25 13-04 W 97.908 feet to a concrete monument of the north line of US 264A; thence  
26 with the north line of US 264A along a curve whose chord bears N 52-34-01 W  
27 169.830 feet to the intersection of the eastern line of Hagan Street with the north line  
28 of US 264A; thence with the north line of US 264A N 56-39-13 W 61.041 feet to the  
29 western line of Hagan Street; thence along the northern line of US 264A N 56-58-51  
30 W 1015.451 to the point of beginning containing 37.74 acres, all according to a survey  
31 and plat by McDavid Associates, Inc. dated May 6, 1998 entitled "Annexation Survey  
32 Town of Farmville, Part of Greenfield Heights Subdivision."

33 Section 2. Section 3 of the Charter of the Town of Leggett, being  
34 Chapter 4 of the Local Laws of 1973, reads as rewritten:

35 "Sec. 3. The town shall be governed by a mayor and a board of commissioners who  
36 shall be elected from the town at large for terms of ~~two~~ four years. The powers and  
37 duties of the mayor shall be those conferred by law, together with such powers and  
38 duties as the board of commissioners may confer upon him pursuant to law. The  
39 government and general management of the town shall be vested in the board of  
40 commissioners."

41 Section 3. Section 1 of this act is effective when it becomes law. Section  
42 2 of this act is effective for elections beginning with the next general election in  
43 November 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1248

Short Title: Carthage Charter Consolidation.

(Local)

Sponsors: Senators Lee and Kinnaird.

Referred to: State Government, Local Government and Personnel.

May 21, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN  
3 OF CARTHAGE.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. The Charter of the Town of Carthage is revised and  
6 consolidated to read as follows:  
7 "THE CHARTER OF THE TOWN OF CARTHAGE.  
8 "ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.  
9 "Section 1.1. **Incorporation.** The Town of Carthage, North Carolina, in Moore  
10 County and the inhabitants thereof shall continue to be a municipal body politic and  
11 corporate, under the name of the 'Town of Carthage,' hereinafter at times referred to  
12 as the 'Town.'  
13 "Section 1.2. **Powers.** The Town shall have and may exercise all of the powers,  
14 duties, rights, privileges and immunities conferred upon the Town of Carthage  
15 specifically by this Charter or upon municipal corporations by general law. The term  
16 'general law' is employed herein as defined in G.S. 160A-1.  
17 "Section 1.3. **Corporate Limits.** The corporate limits shall be those existing at the  
18 time of ratification of this Charter, as set forth on the official map of the Town and as  
19 they may be altered from time to time in accordance with law. An official map of  
20 the Town, showing the current municipal boundaries, shall be maintained  
21 permanently in the office of the Town Clerk and shall be available for public  
22 inspection. Upon alteration of the corporate limits pursuant to law, the appropriate  
23 changes to the official map shall be made and copies shall be filed in the office of the

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

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

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

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

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

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

19 **"Section 2.5. Meetings.** In accordance with general law, the Council shall  
20 establish a suitable time and place for its regular meetings. Special and emergency  
21 meetings may be held as provided by general law.

22 **"Section 2.6. Quorum; Voting.** Official actions of the Council and all votes shall  
23 be taken in accordance with the applicable provisions of general law, particularly  
24 G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

25 **"Section 2.7. Compensation; Qualifications for Office; Vacancies.** The  
26 compensation and qualifications of the Mayor and Council members shall be in  
27 accordance with general law. Vacancies that occur in any elective office of the Town  
28 shall be filled by majority vote of the remaining members of the Council and shall be  
29 filled for the remainder of the unexpired term, despite the contrary provisions of G.S.  
30 160A-63.

31 **"ARTICLE III. ELECTIONS.**

32 **"Section 3.1. Regular Municipal Elections.** Regular municipal elections shall be  
33 held in each odd-numbered year in accordance with the uniform municipal election  
34 laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the  
35 results determined using the nonpartisan plurality method as provided in G.S. 163-  
36 292.

37 **"Section 3.2. Election of Mayor.** A Mayor shall be elected in the regular  
38 municipal election in 1999 and each four years thereafter.

39 **"Section 3.3. Election of Council Members.** In the regular municipal election in  
40 1997, the three candidates for Council member who receive the highest number of  
41 votes shall be elected for four-year terms, while the two candidates who receive the  
42 next highest number of votes shall be elected for two-year terms. In the regular  
43 municipal election in 1999, and in each regular municipal election thereafter, persons

1 shall be elected to serve four-year terms in those positions whose terms are then  
2 expiring.

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

6 "ARTICLE IV. TOWN MANAGER.

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

10 "Section 4.2. **Town Manager; Appointment; Powers and Duties.** The Council shall  
11 appoint a Town Manager who shall be responsible for the administration of all  
12 departments of the Town government. The Town Manager shall have all the powers  
13 and duties conferred by general law, except as expressly limited by the provisions of  
14 this Charter, and the additional powers and duties conferred by the Council, so far as  
15 authorized by general law.

16 "Section 4.3. **Settlement of Claims by Town Manager.** The Council may authorize  
17 the Town Manager to settle claims against the Town for (i) personal injuries or  
18 damages to property when the amount involved does not exceed the sum of two  
19 thousand five hundred dollars (\$2,500) and does not exceed the actual loss sustained,  
20 including loss of time, medical expenses, and any other expenses actually incurred;  
21 and (ii) the taking of small portions of private property which are needed for the  
22 rounding of corners at intersections of streets, when the amount involved in any such  
23 settlement does not exceed two thousand five hundred dollars (\$2,500) and does not  
24 exceed the actual loss sustained. Settlement of a claim by the Town Manager  
25 pursuant to this section shall constitute a complete release of the Town from any and  
26 all damages sustained by the person involved in such settlement in any manner  
27 arising out of the incident, occasion, or taking complained of. All such settlements  
28 and all such releases shall be approved in advance by the Town Attorney.

29 "ARTICLE V. ADMINISTRATIVE OFFICERS AND EMPLOYEES.

30 "Section 5.1. **Town Attorney.** The Council shall appoint a Town Attorney  
31 licensed to practice law in North Carolina. It shall be the duty of the Town Attorney  
32 to represent the Town, advise Town officials and perform other duties required by  
33 law or as the Council may direct.

34 "Section 5.2. **Town Clerk.** The Town Manager shall appoint a Town Clerk to  
35 keep a journal of the proceedings of the Council, to maintain official records and  
36 documents, to give notice of meetings, and to perform such other duties required by  
37 law or as the Manager may direct. The Manager may appoint an Assistant or Deputy  
38 Town Clerk.

39 "Section 5.3. **Tax Collector.** The Town shall have a Tax Collector to collect all  
40 taxes owed to the Town and perform those duties specified in G.S. 105-350 and such  
41 other duties as prescribed by law or assigned by the Town Manager. Notwithstanding  
42 the contrary provisions of G.S. 105-349, the Manager may appoint and remove the  
43 Tax Collector and one or more Deputy Tax Collectors.

1 "Section 5.4. **Other Administrative Officers and Employees.** The Council may  
2 authorize other positions to be filled by appointment by the Town Manager, and may  
3 organize the Town government as deemed appropriate, subject to the requirements of  
4 general law.

5 "Section 5.5. **Manager's Authority; Role of Elected Officials.** As chief  
6 administrator, the Town Manager shall have the power to appoint, suspend, and  
7 remove all nonelected officers, department heads and employees of the Town, except  
8 the Town Attorney, who shall be appointed as provided in Section 5.1 of this  
9 Charter. Neither the Mayor nor the Council nor any of its committees or members  
10 shall take part in the appointment or removal of officers, department heads and  
11 employees in the administrative service of the Town, except as provided by this  
12 Charter. Except for the purpose of inquiry, or for consultation with the Town  
13 Attorney, the Mayor and the Council and its members shall deal with officers and  
14 employees in the administrative service only through the Manager, Acting Manager  
15 or Interim Manager, and neither the Mayor nor the Council nor any of its members  
16 shall give orders or directions to any subordinate of the Manager, Acting Manager or  
17 Interim Manager, either publicly or privately.

18 "ARTICLE VI. STREET IMPROVEMENTS.

19 "Section 6.1. **Assessments for Street Improvements; Petition Unnecessary.** In  
20 addition to any authority granted by general law, the Council may, without the  
21 necessity of a petition, order street improvements and assess the costs thereof against  
22 abutting property, exclusive of the costs incurred at street intersections, according to  
23 one or more of the assessment bases set forth in Article 10 of Chapter 160A of the  
24 General Statutes, upon the following findings of fact:

25 (1) The street improvement project does not exceed 3,000 linear feet;  
26 and

- 27 (2) a. The street or part thereof is unsafe for vehicular traffic or  
28 creates a safety or health hazard, and it is in the public  
29 interest to make such improvement;  
30 b. It is in the public interest to connect two streets, or portions  
31 of a street already improved; or  
32 c. It is in the public interest to widen a street, or part thereof,  
33 which is already improved; provided, that assessments for  
34 widening any street or portion of a street without a petition  
35 shall be limited to the cost of widening and otherwise  
36 improving such street in accordance with street classification  
37 and improvement standards established by the Town's  
38 thoroughfare or major street plan for the particular street or  
39 part thereof.

40 "Section 6.2. **Street Improvement Defined.** For the purposes of this Article, the  
41 term 'street improvement' shall include excavation, grading, regrading, surfacing,  
42 resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the  
43 construction or reconstruction of curbs, gutters and street drainage facilities; including  
44 legal and engineering fees, charges and costs.



1     "Section 6.3. **Procedure; Effect of Assessment.** In ordering street improvements  
2 without a petition and assessing the costs thereof under authority of this Article, the  
3 Council shall comply with the procedures provided by Article 10 of Chapter 160A of  
4 the General Statutes, except those provisions relating to petitions of property owners  
5 and the sufficiency thereof. The effect of the act of levying assessments under  
6 authority of this Article shall be the same as if the assessments were levied under  
7 authority of Article 10 of Chapter 160A of the General Statutes.

8                     **"ARTICLE VII. SIDEWALKS.**

9     "Section 7.1. **Assessments for Sidewalk Improvements; Petition Unnecessary.** In  
10 addition to any authority granted by general law, the Council may, without the  
11 necessity of a petition, order sidewalk improvements or repairs according to standards  
12 and specifications of the Town, and assess the total costs thereof against abutting  
13 property, according to one or more of the assessment bases set forth in Article 10 of  
14 Chapter 160A of the General Statutes; provided, however, that regardless of the  
15 assessment basis or bases employed, the Council may order the costs of sidewalk  
16 improvements made only on one side of a street to be assessed against property  
17 abutting both sides of such street. In ordering sidewalk improvements or repairs  
18 without a petition and assessing the costs thereof under authority of this Article, the  
19 Council shall comply with the procedures provided by Article 10 of Chapter 160A of  
20 the General Statutes, except those provisions relating to petitions of property owners  
21 and the sufficiency thereof. The effect of levying assessments under authority of this  
22 Article shall be the same as if the assessments were levied under authority of Article  
23 10 of Chapter 160A of the General Statutes.

24     "Section 7.2. **Property Owner's Responsibility; Costs Become Lien.** It shall be the  
25 duty of every property owner in the Town to keep the sidewalks abutting his or her  
26 property clean and free of debris, trash and other obstacles or impediments. The  
27 Council may by ordinance establish a procedure whereby Town forces may clean any  
28 sidewalk or remove therefrom any debris or trash after failure of the abutting  
29 property owner after 10 days' notice to do so. In such event, the cost of such  
30 cleaning or removal shall become a lien upon the abutting property equal to the lien  
31 for ad valorem taxes and may thereafter be collected either by suit in the name of the  
32 town or by foreclosure of the lien in the same manner and subject to the same rules,  
33 regulations, costs and penalties as provided by law for the foreclosure of the lien on  
34 real estate for ad valorem taxes.

35                     **"ARTICLE VIII. REMOVAL OF MOTOR VEHICLES.**

36     "Section 8.1. **Liens for Removal of Motor Vehicles.** The Council may establish  
37 charges to be made for the cost of removing abandoned, junked or nuisance motor  
38 vehicles from private property. When the town causes the removal of any such  
39 vehicle from private property pursuant to an ordinance permitting such removal, and  
40 the owner or other person having control of said property fails to pay the cost of the  
41 removal within 30 days after it becomes due, the amount of the cost of removal of the  
42 vehicle shall become a lien against the real property from which the vehicle was  
43 removed; said cost shall be placed upon the town's tax books against the property

1 and may be collected and foreclosed in the same manner as taxes are collected and  
2 foreclosed, or by suit, as the town may determine.

3 **"ARTICLE IX. EXTRATERRITORIAL POWERS.**

4 **"Section 9.1. Extraterritorial Jurisdiction.** The Town shall have and may exercise  
5 all of the powers granted by Article 19 of Chapter 160A of the General Statutes  
6 within an extraterritorial area which it shall define. Despite the contrary provisions  
7 of G.S. 160A-360, the Town may, with the approval of the board of county  
8 commissioners, extend its extraterritorial area up to two miles outside the corporate  
9 limits.

10 **"ARTICLE X. MINIMUM HOUSING/ABANDONED BUILDINGS.**

11 **"Section 10.1. Buildings Vacated and Closed for One Year.** The Town may  
12 exercise the authority contained in G.S. 160A-443(5a)."

13 **Section 2.** The purpose of this act is to revise the Charter of the Town of  
14 Carthage and to consolidate certain acts concerning the property, affairs and  
15 government of the Town. It is intended to continue without interruption those  
16 provisions of prior acts which are expressly consolidated into this act, so that all  
17 rights and liabilities which have accrued are preserved and may be enforced.

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

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

23 Chapter 85, Private Laws of 1796

24 Chapter 28, Private Laws of 1803

25 Chapter 113, Private Laws of 1812

26 Chapter 74, Private Laws of 1818, except for Section 1

27 Chapter 89, Private Laws of 1827-28

28 Chapter 30, Private Laws of 1832-33

29 Chapter 207, Private Laws of 1847

30 Chapter 124, Private Laws of 1871-72

31 Chapter 176, Private Laws of 1874-75

32 Chapter 32, Private Laws of 1881

33 Chapter 248, Private Laws of 1901

34 Chapter 299, Private Laws of 1903

35 Chapter 482, Private Laws of 1907, except for Sections 50 through 64

36 Chapter 166, Private Laws of 1909

37 Chapter 209, Private Laws of 1913

38 Chapter 33, Private Laws of 1924 (Extra Session)

39 Chapter 203, Private Laws of 1925

40 Chapter 862, Session Laws of 1945

41 Chapter 962, Session Laws of 1965.

42 **Section 5.** The Mayor and Council members serving on the date of  
43 ratification of this act shall serve until the expiration of their terms or until their

1 successors are elected and qualified. Thereafter those offices shall be filled as  
2 provided in Articles II and III of the Charter contained in Section 1 of this act.

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

5       Section 7. All existing ordinances, resolutions and other provisions of the  
6 Town of Carthage not inconsistent with the provisions of this act shall continue in  
7 effect until repealed or amended.

8       Section 8. No action or proceeding pending on the effective date of this  
9 act by or against the Town or any of its departments or agencies shall be abated or  
10 otherwise affected by this act.

11       Section 9. If any provision of this act or application thereof is held  
12 invalid, such invalidity shall not affect other provisions or applications of this act  
13 which can be given effect without the invalid provision or application, and to this end  
14 the provisions of this act are declared to be severable.

15       Section 10. Whenever a reference is made in this act to a particular  
16 provision of the General Statutes, and such provision is later amended, superseded or  
17 recodified, the reference shall be deemed amended to refer to the amended General  
18 Statute, or to the General Statute which most clearly corresponds to the statutory  
19 provision which is superseded or recodified.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 1997**

**S**

**1**

**SENATE BILL 1333**

**Short Title: Landis Annexation.**

**(Local)**

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**Sponsors: Senator Hartsell.**

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

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**May 27, 1998**

1                                   **A BILL TO BE ENTITLED**  
2 **AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE**  
3 **LIMITS OF THE TOWN OF LANDIS.**  
4 **The General Assembly of North Carolina enacts:**  
5           **Section 1. The following described property is added to the corporate**  
6 **limits of the Town of Landis:**  
7 **BEGINNING at a point in the western margin of Chapel Street, the southeastern**  
8 **corner of Roy Sadruddin (Deed Book 652, page 858, Rowan County Registry) and**  
9 **runs thence a line North 88 deg. 30 min. West 928.20 feet to a point in the eastern**  
10 **margin of the right-of-way of the Norfolk-Southern Railroad; thence with the eastern**  
11 **margin of said right-of-way and the western margin of Troy L. Day in a northerly**  
12 **direction 2600 feet to a point in the current Town Limits of the Town of Landis;**  
13 **thence a line with the Town Limits of the Town of Landis in a southeasterly**  
14 **direction 1180 feet to a point in the western margin of Chapel Street, Georgia**  
15 **Whitaker's eastern boundary; thence a line with the western margin of Chapel Street**  
16 **and the eastern margin of Georgia Whitaker and Troy Day in a southerly direction**  
17 **840 feet to a point, the northeastern corner of James Earl McGee; thence a line with**  
18 **the western margin of Chapel Street and the eastern margin of McGee, Janice Evans**  
19 **and others, Troy Day, David Simpson, Brenda Baxter, Keith Williams, Johnsie Baxter**  
20 **and Roy Sadruddin 1020 feet to a point, Roy Sadruddin's southeastern corner, the**  
21 **point of BEGINNING.**  
22           **Section 2. This act is effective June 30, 1998.**

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1351

Short Title: Waynesborough Property Sale.

(Public)

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Sponsors: Senator Kerr.

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

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May 27, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE DELETION OF LAND AT WAYNESBOROUGH  
3 STATE PARK FROM THE STATE PARKS SYSTEM AND ITS SALE TO THE  
4 CITY OF GOLDSBORO.

5 The General Assembly of North Carolina enacts:

6 Section 1. The General Assembly authorizes the deletion of the  
7 following land from the State Parks System, pursuant to G.S. 113-44.14:

8 The 12.08 acre tract of land at Waynesborough State Park in Wayne  
9 County, Goldsboro Township, shown on a survey titled "Survey for Waynesboro Park  
10 Commission" by Alonzo E. Little, Registered Land Surveyor, December 5, 1997.

11 Section 2. The State of North Carolina shall convey to the City of  
12 Goldsboro the property identified in Section 1 of this act for consideration of five  
13 dollars (\$5.00). This property was donated to the State by the old Waynesborough  
14 Commission.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1351  
Proposed Committee Substitute S1351-PCS4689

Short Title: Waynesborough Property Sale.

(Public)

---

Sponsors:

---

Referred to:

---

May 27, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE DELETION OF LAND AT WAYNESBOROUGH  
3 STATE PARK FROM THE STATE PARKS SYSTEM AND ITS SALE TO THE  
4 CITY OF GOLDSBORO.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. The General Assembly authorizes the deletion of the  
7 following land from the State Parks System, pursuant to G.S. 113-44.14:  
8 The 12.08 acre tract of land at Waynesborough State Park in Goldsboro  
9 Township, Wayne County, shown on a survey titled "Survey for Waynesboro Park  
10 Commission" by Alonzo E. Little, Registered Land Surveyor, dated January 13, 1998  
11 and recorded in Plat Cabinet K, Slide 95B, Wayne County Registry.  
12 Section 2. The State of North Carolina shall convey to the City of  
13 Goldsboro the property identified in Section 1 of this act for consideration of three  
14 hundred dollars (\$300.00).  
15 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

S1351-CSRF-01

PROPOSED COMMITTEE SUBSTITUTE

SENATE BILL 1351

THIS IS A DRAFT 10-JUN-98 10:41:02

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Waynesborough Property Sale.

(Local)

---

Sponsors:

---

Referred to: State Government, Local Government, and Personnel

---

May 27, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE DELETION OF LAND AT WAYNESBOROUGH STATE  
3 PARK FROM THE STATE PARKS SYSTEM AND ITS SALE TO THE CITY OF  
4 GOLDSBORO.

5 The General Assembly of North Carolina enacts:

6 Section 1. The General Assembly authorizes the deletion  
7 of the following land from the State Parks System, pursuant to  
8 G.S. 113-44.14:

9 The 12.08 acre tract of land at Waynesborough State Park  
10 in Goldsboro Township, Wayne County, shown on a survey titled  
11 "Survey for Waynesboro Park Commission" by Alonzo E. Little,  
12 Registered Land Surveyor, dated January 13, 1998 and recorded in  
13 Plat Cabinet K, Slide 95B, Wayne County Registry.

14 Section 2. The State of North Carolina shall convey to  
15 the City of Goldsboro the property identified in Section 1 of  
16 this act for consideration of three hundred dollars (\$300,00).

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

18

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1360

Short Title: Union Board of E & R.

(Local)

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Sponsors: Senators Plyler; and Purcell.

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

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May 27, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION  
3 AND REVIEW.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 105-322 reads as rewritten:  
6 "§ 105-322. County board of equalization and review.  
7 (a) ~~Personnel.~~ Board Composed of Commissioners if Special Board Not  
8 Appointed. -- Except as otherwise provided herein, If the board of county  
9 commissioners does not appoint a special board of equalization and review as  
10 provided in this section or if the board of commissioners rescinds the resolution  
11 establishing a special board of equalization and review pursuant to this section, then  
12 the board of equalization and review of each the county shall be composed of the  
13 members of the board of county commissioners.  
14 (a1) Appointment of Special Board; Quorum. -- Upon the adoption of a resolution  
15 so providing, the board of commissioners is authorized to appoint a special board of  
16 equalization and review to carry out the duties imposed under this section. The  
17 resolution shall provide for the membership, qualifications, terms of office and the  
18 filling of vacancies on the board. The special board shall be composed of five  
19 members to serve solely during a reappraisal year. Each year The the board of  
20 commissioners shall also designate the chairman a chair of the special board. board  
21 from the membership of the board, and the special board shall elect a vice-chair from  
22 its membership. To be eligible for appointment to the special board, a person must  
23 have resided in Union County for a period of at least one year immediately preceding  
24 the appointment and must have such other qualifications as are satisfactory to the



board of commissioners. Members of the special board shall serve a term of three years. Vacancies shall be filled by the board of 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 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 establishing the special board of equalization and review 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.~~

Except as provided in subsection (h) of this section, a majority of the members of the board of equalization and review shall constitute a quorum for the purpose of transacting any business. A decision of the board shall be made by a majority of the members present.

(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, and shall give to the board such information as he may have or can obtain with respect to the listing and valuation of taxable property in the county.

(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 board shall complete its duties on or before the third Monday following its first meeting 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~~ In performing its duties pursuant to subdivisions (g)(1) and (g)(2) of this section, the board shall not sit later than July 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

1 its duties pursuant to subdivisions (g)(1) and (g)(2) of this section on or before  
2 December 1, except that it may sit after that date to hear and determine requests  
3 made under the provisions of subdivision (g)(2), below, when such requests are made  
4 within the time prescribed by law. Following adjournment upon completion of its  
5 duties under subdivisions (g)(1) and (g)(2) of this section, the board shall continue to  
6 meet to carry out the authority granted to the board of county commissioners  
7 pursuant to G.S. 105-325 as provided in subdivision (g)(5) and subsection (i) of this  
8 section. ~~From the time of its first meeting until its adjournment, the~~ The board shall  
9 meet at such times as it deems reasonably necessary to perform its statutory duties  
10 and to receive requests and hear the appeals of taxpayers under the provisions of  
11 subdivision (g)(2), below.

12 (f) Notice of Meetings and Adjournment. -- A notice of the date, hours, place, and  
13 purpose of the first meeting of the board of equalization and review shall be  
14 published at least three times in some newspaper having general circulation in the  
15 county, the first publication to be at least 10 days prior to the first meeting. The  
16 notice shall also state the dates and hours on which the board will meet following its  
17 first meeting and the date on which it expects to adjourn; it shall also carry a  
18 statement that in the event of earlier or later adjournment, notice to that effect will  
19 be published in the same newspaper. Should a notice be required on account of  
20 earlier adjournment, it shall be published at least once in the newspaper in which the  
21 first notice was published, such publication to be at least five days prior to the date  
22 fixed for adjournment. Should a notice be required on account of later adjournment,  
23 it shall be published at least once in the newspaper in which the first notice was  
24 published, such publication to be prior to the date first announced for adjournment.

25 (g) (1) Powers and Duties. -- It shall be the duty of the board of  
26 equalization and review to examine and review the tax lists of the  
27 county for the current year to the end that all taxable property  
28 shall be listed on the abstracts and tax records of the county and  
29 appraised according to the standard required by G.S. 105-283, and  
30 the board shall correct the abstracts and tax records to conform to  
31 the provisions of this Subchapter. In carrying out its  
32 responsibilities under this subdivision (g)(1), the board, on its own  
33 motion or on sufficient cause shown by any person, shall:

- 34 a. List, appraise, and assess any taxable real or personal  
35 property that has been omitted from the tax lists.
- 36 b. Correct all errors in the names of persons and in the  
37 description of properties subject to taxation.
- 38 c. Increase or reduce the appraised value of any property that,  
39 in the board's opinion, shall have been listed and appraised  
40 at a figure that is below or above the appraisal required by  
41 G.S. 105-283; however, the board shall not change the  
42 appraised value of any real property from that at which it  
43 was appraised for the preceding year except in accordance  
44 with the terms of G.S. 105-286 and 105-287.

- 1 d. Cause to be done whatever else shall be necessary to make  
2 the lists and tax records comply with the provisions of this  
3 Subchapter.  
4 e. Embody actions taken under the provisions of subdivisions  
5 (g)(1)a through (g)(1)d, above, in appropriate orders and  
6 have the orders entered in the minutes of the board.  
7 f. Give written notice to the taxpayer at his last-known address  
8 in the event the board shall, by appropriate order, increase  
9 the appraisal of any property or list for taxation any  
10 property omitted from the tax lists under the provisions of  
11 this subdivision (g)(1).  
12 (2) On request, the board of equalization and review shall hear any  
13 taxpayer who owns or controls property taxable in the county with  
14 respect to the listing or appraisal of his property or the property of  
15 others.  
16 a. A request for a hearing under this subdivision (g)(2) shall be  
17 made in writing to or by personal appearance before the  
18 board prior to its adjournment. However, if the taxpayer  
19 requests review of a decision made by the board under the  
20 provisions of subdivision (g)(1), above, notice of which was  
21 mailed fewer than 15 days prior to the board's adjournment,  
22 the request for a hearing thereon may be made within 15  
23 days after the notice of the board's decision was mailed.  
24 b. Taxpayers may file separate or joint requests for hearings  
25 under the provisions of this subdivision (g)(2) at their  
26 election.  
27 c. At a hearing under provisions of this subdivision (g)(2), the  
28 board, in addition to the powers it may exercise under the  
29 provisions of subdivision (g)(3), below, shall hear any  
30 evidence offered by the appellant, the assessor, and other  
31 county officials that is pertinent to the decision of the  
32 appeal. Upon the request of an appellant, the board shall  
33 subpoena witnesses or documents if there is a reasonable  
34 basis for believing that the witnesses have or the documents  
35 contain information pertinent to the decision of the appeal.  
36 d. On the basis of its decision after any hearing conducted  
37 under this subdivision (g)(2), the board shall adopt and have  
38 entered in its minutes an order reducing, increasing, or  
39 confirming the appraisal appealed or listing or removing  
40 from the tax lists the property whose omission or listing has  
41 been appealed. The board shall notify the appellant by mail  
42 as to the action taken on his appeal not later than 30 days  
43 after the board's adjournment.

- 1 (3) In the performance of its duties under subdivisions (g)(1) and  
2 (g)(2), above, the board of equalization and review may exercise  
3 the following powers:  
4 a. It may appoint committees composed of its own members or  
5 other persons to assist it in making investigations necessary  
6 to its work. It may also employ expert appraisers in its  
7 discretion. The expense of the employment of committees  
8 or appraisers shall be borne by the county. The board may,  
9 in its discretion, require the taxpayer to reimburse the  
10 county for the cost of any appraisal by experts demanded by  
11 him if the appraisal does not result in material reduction of  
12 the valuation of the property appraised and if the appraisal  
13 is not subsequently reduced materially by the board or by  
14 the Department of Revenue.  
15 b. The board, in its discretion, may examine any witnesses and  
16 documents. It may place any witnesses under oath  
17 administered by any member of the board. It may subpoena  
18 witnesses or documents on its own motion, and it must do  
19 so when a request is made under the provisions of  
20 subdivision (g)(2)c, above.

21 A subpoena issued by the board shall be signed by  
22 the chairman of the board, directed to the witness or to the  
23 person having custody of the document, and served by an  
24 officer authorized to serve subpoenas. Any person who  
25 willfully fails to appear or to produce documents in response  
26 to a subpoena or to testify when appearing in response to a  
27 subpoena shall be guilty of a Class 1 misdemeanor.

- 28 (4) Upon the completion of its other duties, the board may submit to  
29 the Department of Revenue a report outlining the quality of the  
30 reappraisal, any problems it encountered in the reappraisal process,  
31 the number of appeals submitted to the board and to the Property  
32 Tax Commission, the success rate of the appeals submitted, and the  
33 name of the firm that conducted the reappraisal. A copy of the  
34 report should be sent by the board to the firm that conducted the  
35 reappraisal.

- 36 (5) After adjournment upon completion of its duties under  
37 subdivisions (g)(1) and (g)(2) of this section, the special board of  
38 equalization and review shall exercise the authority granted to the  
39 board of county commissioners under G.S. 105-325. This duty  
40 includes hearing appeals of the appraisal, situs, and taxability of  
41 classified motor vehicles pursuant to G.S. 105-330.2(b).

- 42 (h) Reappraisal Year Panels. -- If during a reappraisal year the board of county  
43 commissioners has appointed additional members to the special board of equalization  
44 and review, the chair of the special board may divide the board into separate panels

1 comprised of not fewer than three members in each panel. The chair shall designate  
2 one member of each panel to serve as its chair and may change the members of the  
3 panels during the year. Three members or a majority of the members of each panel,  
4 whichever is greater, shall constitute a quorum for the purpose of transacting any  
5 business. A decision of the panel shall be made by a majority of the members. A  
6 decision of a panel constitutes a decision of the board of equalization and review.

7 (i) Motor Vehicle Review Subcommittee. -- The chair of the special board of  
8 equalization and review shall appoint a subcommittee at the board's first meeting of  
9 the calendar year. The subcommittee shall hear and decide all appeals relating to the  
10 appraisal, situs, and taxability of the classified motor vehicles under G.S. 105-330.2(b)  
11 and may meet as needed to exercise this authority. The subcommittee shall consist of  
12 three board members, and three members shall constitute a quorum for the purpose  
13 of transacting business. Once the chair has appointed the subcommittee, the  
14 remaining members of the special board of equalization and review shall serve as  
15 alternate members of the subcommittee. A decision of the subcommittee shall be  
16 made by a majority of the members."

17       Section 2. Of the initial five appointees to the special board of  
18 equalization and review, one shall be appointed to serve a one-year term; two shall  
19 be appointed to serve a two-year term; and two shall be appointed to serve a  
20 three-year term.

21       Section 3. Chapter 275 of the 1977 Session Laws is repealed.

22       Section 4. This act applies to Union County only.

23       Section 5. This act becomes effective January 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1417

Short Title: Wallace Private Sale.

(Local)

---

Sponsors: Senator Albertson.

---

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

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May 28, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE TOWN OF WALLACE TO CONVEY CERTAIN  
3 PROPERTY AT A PRIVATE SALE.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Notwithstanding Article 12 of Chapter 160A of the General  
6 Statutes, the Town of Wallace may convey by private negotiation and sale, with or  
7 without monetary consideration, any or all of its right, title, and interest in the  
8 Stevcoknit Fabrics buildings and the land upon which the buildings are situated.  
9 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1442

Short Title: Union Tech. Land Sale Ok'd.

(Local)

---

Sponsors: Senators Plyler; and Purcell.

---

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

---

May 28, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE UNION COUNTY TO SELL LAND THAT IS  
3 CURRENTLY USED FOR COMMUNITY COLLEGE PURPOSES AND USE  
4 THE PROCEEDS FOR COMMUNITY COLLEGE CAPITAL EXPENDITURES.

5 The General Assembly of North Carolina enacts:

6 Section 1. Notwithstanding any other provision of law, Union County  
7 may sell up to two acres of land that is currently used for community college  
8 purposes. Union County shall use the proceeds of the sale only for community  
9 college capital expenditures in Union County. The proceeds of the sale that are used  
10 for this purpose shall not be considered non-State matching funds pursuant to G.S.  
11 115D-31 for purposes of future grants.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1451

Short Title: Sloop Point Village Charter Repeal.

(Local)

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Sponsors: Senator Ballantine.

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

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May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE CHARTER OF THE VILLAGE OF SLOOP POINT.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. Chapter 643 of the 1995 Session Laws is repealed.  
5 Section 2. This act is effective when it becomes law, except that the  
6 governing board of the Village of Sloop Point as of that date is continued in office for  
7 30 days thereafter for the sole purpose of liquidating the assets and liabilities of the  
8 Village and filing any financial reports that may be required by law. Any net assets  
9 of the Village shall be paid over to Pender County, which shall use those funds for  
10 some public purpose in the area of the former Village.



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. \_\_\_\_\_

DATE 6/10/98

S. B. No. 1451

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep. ) \_\_\_\_\_  
Sen. ) \_\_\_\_\_

moves to amend the bill on page 1, line 10

by placing a period after the word

"purpose" and deleting the  
remainder of that line.

SIGNED 

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. \_\_\_\_\_

DATE 6/10/98

S. B. No. 1451

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep. ) \_\_\_\_\_  
Sen. ) \_\_\_\_\_

moves to amend the bill on page 1, line 10

by placing a period after the word

"purpose" and deleting the  
remainder of that line.

SIGNED [Signature]

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. \_\_\_\_\_

DATE 6/10/98

S. B. No. 1451

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep. ) \_\_\_\_\_  
      )  
Sen. ) \_\_\_\_\_

moves to amend the bill on page 1, line 10

by insert a period after the word

"page" and delete the

word "page" from the

SIGNED \_\_\_\_\_

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. \_\_\_\_\_

DATE \_\_\_\_\_

S. B. No. \_\_\_\_\_

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep. )

)

Sen. )

moves to amend the bill on page \_\_\_\_\_, line \_\_\_\_\_

by \_\_\_\_\_

SIGNED \_\_\_\_\_

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

**(Please type or use ballpoint pen)**

DATE \_\_\_\_\_

Amendment No. \_\_\_\_\_

)

)

by \_\_\_\_\_

**SIGNED** \_\_\_\_\_

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1466

Short Title: Tribal Building Inspections.

(Local)

---

Sponsors: Senators Jenkins, Carpenter; Blust, Horton, Kinnaird, and Phillips.

---

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

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May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE EASTERN BAND OF CHEROKEE INDIANS TO  
3 PERFORM BUILDING INSPECTIONS ON TRIBAL LANDS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 18 of Chapter 153A of the General Statutes is  
6 amended by adding a new section to read:

7 "§ 153A-350.1. Tribal lands.

8 (a) As used in this Part, the term:

9 (1) 'County' or 'counties' also means a federally recognized Indian  
10 Tribe, and as to such tribe includes lands held in trust for the tribe.

11 (2) 'Board of commissioners' includes the Tribal Council of such tribe.  
12 (b) This act applies only to Cherokee, Graham, Haywood, Jackson, and Swain  
13 Counties."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1494

Short Title: Lee County Hunting.

(Local)

---

Sponsors: Senators Kinnaird; and Lee.

---

Referred to: State Government, Local Government and Personnel.

---

May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO REGULATE HUNTING IN LEE COUNTY.

3 The General Assembly of North Carolina enacts:

4 Section 1. It is unlawful for any person to hunt with a firearm, bow and  
5 arrow, crossbow, or other deadly weapon while on the land of another unless the  
6 person has, in the person's possession, a paper writing dated and signed by the owner  
7 or lessee of the land granting the person permission to hunt with a firearm, bow and  
8 arrow, crossbow, or other deadly weapon while on the land. If the land is owned by  
9 or leased to a club, the permission shall be signed by the club president or other chief  
10 executive officer of the club. If the land is owned by or leased to a corporation, the  
11 permission shall be signed by the president or the vice president of the corporation,  
12 or by the authorized designee of the president or vice president. Such written  
13 permission shall not be valid for a period of more than one year, but may be valid for  
14 any shorter period stated in the written permission. The written permission shall be  
15 displayed upon request to any law enforcement officer authorized to enforce this  
16 section.

17 Section 2. It is unlawful to hunt, take, or kill with a firearm, bow and  
18 arrow, crossbow, or other deadly weapon or to attempt to hunt, take, or kill with any  
19 such weapon any wild animal or wild bird on, from, or across the right-of-way of any  
20 public road, street, highway, or thoroughfare.

21 Section 3. It is unlawful to discharge a firearm from, onto, across, or  
22 down the right-of-way of any public road, street, highway, or thoroughfare.

23 Section 4. It is unlawful for any person to possess a loaded firearm on  
24 the land of another while under the influence of an impairing substance. For



1 purposes of this section, a person is under the influence of an impairing substance  
2 when the person has consumed a sufficient quantity of any impairing substance to  
3 cause the person to lose the normal control of the person's bodily or mental facilities,  
4 or both, to such an extent that there is an appreciable impairment of either or both of  
5 these facilities.

6           Section 5. Violation of this act is a Class 3 misdemeanor.

7           Section 6. This act is enforceable by law enforcement officers of the  
8 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace  
9 officers with general subject matter jurisdiction.

10           Section 7. This act applies only to Lee County.

11           Section 8. This act becomes effective October 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1518

Short Title: Stanly Co. Subdivision Definition.

(Local)

---

Sponsors: Senators Plyler and Purcell.

---

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

---

May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO THE DEFINITION OF SUBDIVISION FOR THE  
3 PURPOSE OF SUBDIVISION REGULATION IN STANLY COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 930 of the 1987 Session Laws, as amended by  
6 Chapter 504 of the 1991 Session Laws and Chapter 574 of the 1993 Session Laws,  
7 reads as rewritten:

8 "§ 153A-335. 'Subdivision' defined.

9 For purposes of this Part, 'subdivision' means all divisions of a tract or parcel of  
10 land into two or more lots, building sites, or other divisions for the purpose, whether  
11 immediate or future, of sale or building development, and shall include all divisions  
12 of land involving the dedication of a new street or change in existing streets. The  
13 following shall not be included within this definition nor be subject to any regulations  
14 enacted pursuant to this Part:

15 (1) The combination or recombination of portions of previously subdivided and  
16 recorded lots if the total number of lots is not increased and the resultant lots are  
17 equal to or exceed the standards of the county as shown by the regulations prescribed  
18 by this act;

19 (2) The division of land into parcels greater than ~~five acres where the grantor or~~  
20 ~~developer records a right-of-way agreement prior to or simultaneously with the~~  
21 ~~recording of the deed, which said agreement provides for access to the parcel by~~  
22 ~~right-of-way at least 60 feet in width and contains an agreement for construction and~~  
23 ~~maintenance of the road;~~ 10 acres where no street right-of-way dedication is involved;

1 (3) The public acquisition by purchase of strips of land for widening or opening  
2 streets;

3 (4) The conveyance of a tract or parcel of land with a minimum of 20,000 square  
4 feet exclusive of the State right-of-way for a road with at least 100 feet frontage upon  
5 a State-maintained road;

6 (5) The division of land pursuant to an order of the General Court of Justice;

7 (6) The conveyance of a lot or tract for the purpose of dividing land among  
8 tenants in common, all of whom inherited, by intestacy or by will, the land from a  
9 common ancestor; and

10 (7) The division of a tract in single ownership whose entire area is no greater than  
11 two acres into no more than three lots, where no street right-of-way dedication is  
12 involved, and where the resultant lots are equal to or exceed the standards of the  
13 county, as shown by the subdivision regulations contained in this act."

14 Section 2. This act applies to Stanly County only.

15 Section 3. This act is effective when it becomes law and shall not have  
16 any effect on subdivisions submitted for approval to the Stanly County Planning  
17 Department prior to the effective date of this act.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1261

Short Title: Pasquotank Elec. Dog Collars.

(Local)

---

Sponsors: Representative Owens.

---

Referred to: Local and Regional Government I.

---

May 13, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO ADD PASQUOTANK COUNTY TO THOSE COUNTIES IN  
3 WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC  
4 COLLARS ON DOGS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 4 of Chapter 699 of the 1993 Session Laws, as  
7 amended by Chapter 682 of the 1995 Session Laws and by S.L. 1997-150, reads as  
8 rewritten:

9 "Sec. 4. This act applies only to Alamance, Avery, Beaufort, Burke, Caldwell,  
10 Caswell, Craven, Cumberland, Haywood, Hyde, Jackson, McDowell, Orange,  
11 Pasquotank, Pitt, Rockingham, Swain, Macon, Henderson, Transylvania, Union, and  
12 Wilkes Counties."

13 Section 2. This act becomes effective December 1, 1998, and applies to  
14 offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1306

Short Title: Avery School Construction OK'd.

(Local)

---

Sponsors: Representatives Thompson and Buchanan.

---

Referred to: Local and Regional Government II.

---

May 18, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE AVERY COUNTY BOARD OF EDUCATION TO  
3 BUILD A SCHOOL BUILDING ON LAND NOT OWNED IN FEE SIMPLE BY  
4 THE BOARD.

5 The General Assembly of North Carolina enacts:

6 Section 1. Notwithstanding G.S. 115C-521(d), the Avery County Board  
7 of Education may provide for the erection or repair of a school building on a site  
8 donated by the Crossnore School, Inc., whether or not the deed to the property  
9 contains a condition subsequent or possibility of reverter.

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



# North Carolina General Assembly Legislative Services Office

George R. Hall, Legislative Services Officer  
(919) 733-7044

Elaine W. Robinson, Director  
Administrative Division  
Room 5, Legislative Building  
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Thomas L. Covington, Director  
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Terrence D. Sullivan, Director  
Research Division  
Suite 545, LOB  
300 N. Salisbury St.  
Raleigh, NC 27603-5925  
(919) 733-2578

June 10, 1998

## MEMORANDUM

TO: Senate Committee on State Government, Local Gov., & Personnel

FROM: Ed Rossi, Committee Counsel

RE: Senate Bill 1442 / Union Tech. Land Sale Ok'd.  
Senate Bill 1451/ Sloop Point Village Charter Repeal  
Senate Bill 1466/ Tribal Building Inspections

### SB 1442:

This act permits Union County to sell up to 2 acres of land that is currently used for community college purposes. All proceeds of the sale must be used for community college capital expenditures in Union County.

### SB 1451:

This act repeals the charter of the Village of Sloop Point (Topsail Township, Pender County).

### SB 1466:

This bill amends Article 18 of Chapter 153A of the General Statutes by adding a new definitional section which applies only to Cherokee, Graham, Haywood, Jackson, and Swain counties.

Under this new definition, the term "federally recognized Indian Tribe" has the same meaning as the word "county," and the phrase "tribal council" has the same meaning as the phrase "board of commissioners." When applied to Article 18 of Chapter 153A this new definition has the effect of allowing federally recognized tribes to perform building inspections subject to the same provisions that apply to counties.



**North Carolina General Assembly  
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June 10, 1998

**MEMORANDUM**

TO: Senate Committee on State Government, Local Gov., & Personnel

FROM: Ed Rossi, Committee Counsel

RE: Senate Bill 1494 / Lee County Hunting

This bill creates a new set criminal offenses for Lee County.

Section 1. of the bill makes it unlawful to hunt with a deadly weapon on someone else's land without carrying a signed and dated written permission from the owner or lessee of the land. This section also makes provisions as to who's signature should appear on the document granting permission to hunt when the land is owned by a club or corporation. Written permission to hunt with a deadly weapon can only be valid for a period up to one year.

Section 2. of the bill makes it unlawful to hunt, take or kill a wild animal with a deadly weapon, or attempt to do so, from, or across the right of way of any public road, street, highway, or thoroughfare.

Section 3. of the bill makes it unlawful to discharge a firearm from, onto, across, or down the right-of-way of any public road, street, highway, or thoroughfare.

Section 4. of the bill makes it unlawful to be on another's land with a loaded firearm while under the influence of an impairing substance. This prohibition would presumably apply even if the impaired person possessing the loaded firearm was a guest, or otherwise had the owner's permission to be on the land.

It is unclear whether this prohibition would apply to lessees if they are "impaired" on the land they lease while in possession of a loaded firearm. This prohibition would not apply to land owners.

Section 5. of the bill makes a violation of this act a Class 3 Misdemeanor.



North Carolina General Assembly  
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(919) 733-2578

June 10, 1998

**MEMORANDUM**

TO: Senate Committee on State Government, Local Gov., & Personnel

FROM: Ed Rossi, Committee Counsel

RE: Senate Bill 1518 / Stanly Co. Subdivision Definition  
House Bill 1261/ Pasquotank Elec. Dog Collars

**SB 1518**

This bill makes a local modification to G.S. § 153A-355 by changing the definition of what does not constitute a subdivision in Stanley County. For the purposes of Stanley County, a division of land into parcels that are greater than 10 acres, where no street right-of-way dedication is involved, does not constitute a subdivision.

**HB 1261**

This bill adds Pasquotank County to the list of counties where by local act it is, "unlawful to intentionally remove or destroy an electronic collar or other electronic devise placed on a dog by its owner to maintain control of the dog." See Chp. 699 of the 1993 Session Laws.



FROM : AVERYCOUNTYSCHOOLS

PHONE NO. : 704 733 8943

Apr. 28 1998 12:05PM P2



# AVERY COUNTY SCHOOLS

P.O. BOX 1360

NEWLAND, NC 28657

704-733-6006

Fax: 704-733-8943

Dr. Phyllis H. Crain, *Superintendent*

## BOARD OF EDUCATION

Dr. William C. Tate II, *Chair*

Peck Taylor, *Vice-Chair*

Michael M. Lacey

Kevin Frye

Frances H. Barnett

May 4, 1998

Representative Monroe Buchanan  
Representative Greg Thompson  
Senator John Garwood  
Senator Ken Moore

Dear Legislators:

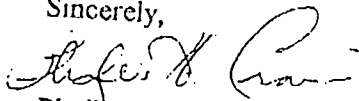
On Saturday, May 2, 1998, the Crossnore School, Inc. Board of Trustees voted to deed to Avery County Schools 13 acres of land for the purpose of constructing a new school for the children of the Crossnore community. This is a wonderful gift. One possible site I had looked at in the Pinola community cost \$30,000 per acre!

However, there is one small problem. This deed, like the old deed for Crossnore Elementary, contains a reversion clause which states -- if the site ceases to be used for a public school, the property will revert back to Crossnore School, Inc. G.S. 115C 521(d) states "Local boards of education shall make no contract for the erection or repair of any school building unless the site upon which it is located is owned in fee simple by the board."

In speaking with the Institute of Government and the Division of School Planning at the Department of Public Instruction, it appears that what we need is a local bill authorizing the Board of Education to construct a new school on this property that is owned by the Board of Education but not owned "fee simple". We need this local bill introduced and passed in this upcoming short session so that we may begin construction by late fall or early winter.

If you need additional information, please do not hesitate to call me or our Board Attorney, Gerald McKinney at (704) 733-5199.

Sincerely,

  
Phyllis H. Crain  
Superintendent

# VISITOR REGISTRATION SHEET

State & Local Soc.

6-10-98

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Zeb Alley

Eastern Band of Cherokees

David Simmons

Zebulon D. Alley, PA

Cam Cove

BPMHL

Andy Romanet

NCLM.

Ed Regan

N.C.A.C.C.

## STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, JUNE 17, 1998

### MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, June 17, 1998 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 1356**, Modify Boone Tourism Authority, was explained by Senator Foxx. Senator moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**SB 1539**, Urban Redevelopment Zoning, was explained by Senators Miller and Reeves. Senator Miller moved to adopt a Proposed Committee Substitute. The motion carried unanimously. The following people spoke in favor of the bill: Octavia Raine, President of the College Park/Idlewild Community Watch; Andy Rominet, North Carolina League of Municipalities; Marshall Harvey, with St. Augustine's College; and Benson Kirkman, Raleigh City Council. The following people spoke to the bill expressing concerns with specific provisions: Fran Preston, NC Retail Merchants Association; Steve Levitas, NC Association of Convenient Stores; and William Potter, ABC Business Group. Senator Reeves moved to amend the bill to apply only to High Schools. The motion carried unanimously. Senator Miller moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. The bill was referred to the Appropriations Committee. **Unfavorable as to bill, but favorable as to Committee Substitute.**

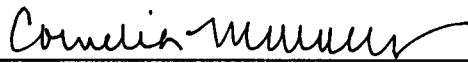
**HB 1251**, Littleton Staggered Terms, was explained by Representative Crawford. Senator Reeves moved to give the bill a favorable report. The motion carried unanimously. **Favorable Report.**

**HB 1289**, Rowan School Property Conveyance, was explained by Representative Gardner. Senator Ledbetter moved to give the bill a favorable report. The motion carried unanimously. **Favorable Report.**

**HB 1407**, Nags Head Sprinkler Systems, was explained by Representative Culpepper. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1505**, Indian Cultural Center Board/Funds, was explained by Representative Sutton. Senator Soles moved a favorable report of the bill. The motion carried unanimously. The bill was referred to the Appropriations Committee. **Favorable Report.**

  
\_\_\_\_\_  
Senator Brad Miller, Chairman

  
\_\_\_\_\_  
Cornelia McMillan, Clerk

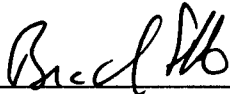
**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**WEDNESDAY, JUNE 17, 1998**

**SENATE CHAMBER**

The Senate State Government, Local Government and Personnel Committee met on Wednesday, June 17, 1998 at 3:45 p.m. in the Senate Chamber. Eight members were present, including Senator Brad Miller, who presided.

**SB 1494**, Lee County Hunting, was explained by Senator Kinnaird. Senator Jenkins moved to adopt an amendment to delete the word "facilities" on line 3 and to insert the word "faculties" in its place. The motion carried. Senator Jenkins moved to adopt a second amendment to insert a new section on page 2, lines 5-6. The motion carried unanimously. Senator Hartsell moved to roll the amendments into a committee substitute and to give the bill a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to committee substitute.**



\_\_\_\_\_  
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 17, 1998

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

**FAVORABLE**

H.B.	1251	Littleton Staggered Terms.	
		Sequential Referral:	None
		Recommended Referral:	None

H.B.	1289	Rowan School Prop. Conveyance.	
		Sequential Referral:	None
		Recommended Referral:	None

H.B.	1407	Nags Head Sprinkler Systems.	
		Sequential Referral:	None
		Recommended Referral:	None

H.B.	1505	Indian Cultural Ctr Board/Funds.	
		Sequential Referral:	Appropriations
		Recommended Referral:	None

S.B.	1356	Modify Boone Tourism Authority.	
		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

Wednesday, June 17, 1998

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

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

<b>S.B. 1539</b>	<b>Urban Redevelopment Zoning.</b>	
	Draft Number:	PCS3625
	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

Thursday, June 18, 1998

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

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

<b>S.B. 1494</b>	Lee County Hunting.	
	Draft Number:	PCSA867
	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, JUNE 17, 1998**

**ROOM 414**

SB 1356	Modify Boone Tourism Authority	Senator Foxx
SB 1494	Lee County Hunting	Senator Kinnaird
SB 1539	Urban Redevelopment Zoning	Senator Reeves
HB 1251	Littleton Staggered Terms	Rep. Crawford
HB 1289	Rowan School Property Conveyance	Rep. Gardner
HB 1407	Nags Head Sprinkler Systems	Rep. Culpepper
HB 1505	Indian Cultural Center Board/Funds	Rep. Sutton
Adjournment		

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1356

Short Title: Modify Boone Tourism Authority.

(Local)

Sponsors: Senator Foxx.

Referred to: State Government, Local Government and Personnel.

May 27, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE COMPOSITION OF THE BOONE TOURISM  
3 DEVELOPMENT AUTHORITY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 2 of Chapter 170 of the 1987 Session Laws reads as  
6 rewritten:

7 "Sec. 2. Tourism Development Authority. (a) Appointment and membership.  
8 When the town council adopts a resolution levying a room occupancy tax under this  
9 act, it shall also adopt a resolution creating the Boone Tourism Development  
10 Authority, which shall be a public authority under the Local Government Budget and  
11 Fiscal Control Act. The Authority shall be composed of ~~seven~~ nine voting members  
12 appointed by the Boone Town Council as follows:

- 13 (1) ~~Two residents of Boone~~ Three individuals who are owners or  
14 operators of ~~hotels, motels, or other~~ taxable tourist  
15 ~~accommodations;~~ accommodations in Boone, one of whom resides  
16 in Boone and two of whom reside in Watauga County.  
17 (2) ~~Two residents of Boone who have demonstrated an interest in~~  
18 ~~tourism development and who do not own or operate hotels,~~  
19 ~~motels, or other taxable tourist accommodations;~~ One resident of  
20 Watauga County who owns or operates a restaurant in Boone.  
21 (3) Two residents of Boone who are members of the Boone Area  
22 Chamber of ~~Commeree;~~ and Commerce.  
23 (4) One member of the Boone Town Council.  
24 (5) Two residents of the Town of Boone.

1 The Finance Officer for the Town of Boone shall be the ex officio finance officer of  
2 the Authority but shall not be a member of the authority.

3 The members of the Authority shall serve without compensation and shall serve  
4 for a term of three years, except that the town council shall designate three of the  
5 initial appointees to serve two-year terms. Vacancies shall be filled in the same  
6 manner as original appointments and members appointed to fill vacancies shall serve  
7 for the remainder of the unexpired term. The Authority shall elect from its  
8 membership a chair; the Authority shall meet at the call of the chair and shall adopt  
9 rules of procedure to govern its meetings.

10 (b) Powers and duties. The Authority may contract with any person, firm, or  
11 organization to advise it and assist it in carrying out its duty to promote travel,  
12 tourism, and conventions for the Town of Boone.

13 (c) Reports. The Authority shall report quarterly and at the close of the fiscal  
14 year to the town council on its receipts and expenditures for the preceding quarter  
15 and for the year in such detail as the Council may require."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1494

Short Title: Lee County Hunting.

(Local)

---

Sponsors: Senators Kinnaird; and Lee.

---

Referred to: State Government, Local Government and Personnel.

---

May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO REGULATE HUNTING IN LEE COUNTY.

3 The General Assembly of North Carolina enacts:

4 Section 1. It is unlawful for any person to hunt with a firearm, bow and  
5 arrow, crossbow, or other deadly weapon while on the land of another unless the  
6 person has, in the person's possession, a paper writing dated and signed by the owner  
7 or lessee of the land granting the person permission to hunt with a firearm, bow and  
8 arrow, crossbow, or other deadly weapon while on the land. If the land is owned by  
9 or leased to a club, the permission shall be signed by the club president or other chief  
10 executive officer of the club. If the land is owned by or leased to a corporation, the  
11 permission shall be signed by the president or the vice president of the corporation,  
12 or by the authorized designee of the president or vice president. Such written  
13 permission shall not be valid for a period of more than one year, but may be valid for  
14 any shorter period stated in the written permission. The written permission shall be  
15 displayed upon request to any law enforcement officer authorized to enforce this  
16 section.

17 Section 2. It is unlawful to hunt, take, or kill with a firearm, bow and  
18 arrow, crossbow, or other deadly weapon or to attempt to hunt, take, or kill with any  
19 such weapon any wild animal or wild bird on, from, or across the right-of-way of any  
20 public road, street, highway, or thoroughfare.

21 Section 3. It is unlawful to discharge a firearm from, onto, across, or  
22 down the right-of-way of any public road, street, highway, or thoroughfare.

23 Section 4. It is unlawful for any person to possess a loaded firearm on  
24 the land of another while under the influence of an impairing substance. For

1 purposes of this section, a person is under the influence of an impairing substance  
2 when the person has consumed a sufficient quantity of any impairing substance to  
3 cause the person to lose the normal control of the person's bodily or mental facilities,  
4 or both, to such an extent that there is an appreciable impairment of either or both of  
5 these facilities.

6           Section 5. Violation of this act is a Class 3 misdemeanor.

7           Section 6. This act is enforceable by law enforcement officers of the  
8 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace  
9 officers with general subject matter jurisdiction.

10           Section 7. This act applies only to Lee County.

11           Section 8. This act becomes effective October 1, 1998.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. \_\_\_\_\_

DATE 6/17/98

S. B. No. \_\_\_\_\_

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep. )

1494

Sen. )

moves to amend the bill on page 2, lines 3-5

by deleting the word "Facilities" on line 3  
and inserting the word "Faculties" in its place,  
and by deleting the word "Facilities" on line  
5 and inserting the word "Faculties" in its place.

SIGNED \_\_\_\_\_

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. \_\_\_\_\_

DATE 6/17/98

S. B. No. \_\_\_\_\_

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep. ) 1474

Sen. )

moves to amend the bill on page 2, line 3-5

by deleting the word "Facilities" on line 3  
and inserting the word "Faculties" in its place,  
and deleting the word "Facilities" on line  
5 and inserting the word "Faculties" in its place

SIGNED 

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. \_\_\_\_\_

DATE 6/17/18

S. B. No. \_\_\_\_\_

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep. ) 1414  
      )  
Sen. ) \_\_\_\_\_

moves to amend the bill on page 2, line 3-5

by \_\_\_\_\_

SIGNED \_\_\_\_\_

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



(Please type or use ballpoint pen)

DATE \_\_\_\_\_

Amendment No. \_\_\_\_\_

Rep. )

Sen. )

**moves to amend the bill on page \_\_\_\_\_, line \_\_\_\_\_**

by \_\_\_\_\_

**SIGNED** \_\_\_\_\_

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. \_\_\_\_\_

DATE \_\_\_\_\_

S. B. No. \_\_\_\_\_

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep. )

)

Sen. )

moves to amend the bill on page \_\_\_\_\_, line \_\_\_\_\_

by \_\_\_\_\_

SIGNED \_\_\_\_\_

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1494

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)  
Page 1 of \_\_\_\_

S1494-ALL-001

Date \_\_\_\_\_, 1998

Comm. Sub. ☐  
Amends Title ☐  
First Edition

1 moves to amend the bill on page 2, lines 5-6,  
2 by inserting a new section to read:  
3 "Section 4.1. Nothing in this act prohibits a person from  
4 entering upon the right-of-way of a public road, street, highway, or  
5 thoroughfare for the sole purpose of retrieving hunting dogs or  
6 retrieving game that has fallen onto the right-of-way as a result of  
7 the person's hunting activity."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1494  
Proposed Committee Substitute S1494-PCSA867-RF

Short Title: Lee County Hunting.

(Local)

---

Sponsors:

---

Referred to:

---

May 28, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REGULATE HUNTING IN LEE COUNTY.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. It is unlawful for any person to hunt with a firearm, bow and  
5 arrow, crossbow, or other deadly weapon while on the land of another unless the  
6 person has, in the person's possession, a paper writing dated and signed by the owner  
7 or lessee of the land granting the person permission to hunt with a firearm, bow and  
8 arrow, crossbow, or other deadly weapon while on the land. If the land is owned by  
9 or leased to a club, the permission shall be signed by the club president or other chief  
10 executive officer of the club. If the land is owned by or leased to a corporation, the  
11 permission shall be signed by the president or the vice president of the corporation,  
12 or by the authorized designee of the president or vice president. Such written  
13 permission shall not be valid for a period of more than one year, but may be valid for  
14 any shorter period stated in the written permission. The written permission shall be  
15 displayed upon request to any law enforcement officer authorized to enforce this  
16 section.  
17 Section 2. It is unlawful to hunt, take, or kill with a firearm, bow and  
18 arrow, crossbow, or other deadly weapon or to attempt to hunt, take, or kill with any  
19 such weapon any wild animal or wild bird on, from, or across the right-of-way of any  
20 public road, street, highway, or thoroughfare.  
21 Section 3. It is unlawful to discharge a firearm from, onto, across, or  
22 down the right-of-way of any public road, street, highway, or thoroughfare.

1           Section 4. It is unlawful for any person to possess a loaded firearm on  
2 the land of another while under the influence of an impairing substance. For  
3 purposes of this section, a person is under the influence of an impairing substance  
4 when the person has consumed a sufficient quantity of any impairing substance to  
5 cause the person to lose the normal control of the person's bodily or mental faculties,  
6 or both, to such an extent that there is an appreciable impairment of either or both of  
7 these faculties.

8           Section 4.1. Nothing in this act prohibits a person from entering upon  
9 the right-of-way of a public road, street, highway, or thoroughfare for the sole  
10 purpose of retrieving hunting dogs or retrieving game that has fallen onto the right-  
11 of-way as a result of the person's hunting activity.

12           Section 5. Violation of this act is a Class 3 misdemeanor.

13           Section 6. This act is enforceable by law enforcement officers of the  
14 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace  
15 officers with general subject matter jurisdiction.

16           Section 7. This act applies only to Lee County.

17           Section 8. This act becomes effective October 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1539

Short Title: Urban Redevelopment Zoning.

(Public)

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Sponsors: Senators Reeves and Miller.

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Referred to: State Government, Local Government and Personnel.

---

June 1, 1998

A BILL TO BE ENTITLED

1  
2 AN ACT TO ALLOW CITIES TO REQUIRE THAT A FOOD OR RETAIL  
3 BUSINESS THAT HOLDS AN ABC PERMIT AND IS LOCATED IN AN  
4 URBAN REDEVELOPMENT AREA OR WITHIN ONE THOUSAND FIVE  
5 HUNDRED FEET OF A SCHOOL OR CHILD CARE CENTER MAY ONLY  
6 BE OPERATED WITH A SPECIAL USE PERMIT OR CONDITIONAL USE  
7 PERMIT.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 160A-381 reads as rewritten:

10 "§ 160A-381. Grant of power.

11 (a) For the purpose of promoting health, safety, morals, or the general welfare of  
12 the community, any city may regulate and restrict the height, number of stories and  
13 size of buildings and other structures, the percentage of lots that may be occupied,  
14 the size of yards, courts and other open spaces, the density of population, and the  
15 location and use of buildings, structures and land for trade, industry, residence or  
16 other purposes and to provide density credits or severable development rights for  
17 dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11. These  
18 regulations may provide that a board of adjustment may determine and vary their  
19 application in harmony with their general purpose and intent and in accordance with  
20 general or specific rules therein contained. The regulations may also provide that the  
21 board of adjustment or the city council may issue special use permits or conditional  
22 use permits in the classes of cases or situations and in accordance with the principles,  
23 conditions, safeguards, and procedures specified therein and may impose reasonable  
24 and appropriate conditions and safeguards upon these permits.

1           Section 4. There is appropriated from the General Fund to the  
2 Department of Crime Control and Public Safety the sum of one hundred forty-nine  
3 thousand two hundred sixteen dollars (\$149,216) for the 1998-99 fiscal year to fund  
4 two additional Alcohol Law Enforcement officers to accomplish the purposes of this  
5 act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1539  
Proposed Committee Substitute S1539-PCS3625-RF1

Short Title: Urban Redevelopment Zoning.

(Public)

Sponsors:

Referred to:

June 1, 1998

A BILL TO BE ENTITLED

AN ACT TO ALLOW CITIES TO REQUIRE THAT A FOOD OR RETAIL BUSINESS THAT HOLDS AN ABC PERMIT AND IS LOCATED IN AN URBAN REDEVELOPMENT AREA OR WITHIN FIFTEEN HUNDRED FEET OF A SCHOOL OR CHILD CARE CENTER SHALL ONLY BE OPERATED WITH A SPECIAL USE PERMIT OR CONDITIONAL USE PERMIT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-381 reads as rewritten:

"§ 160A-381. Grant of power.

(a) For the purpose of promoting health, safety, morals, or the general welfare of the community, any city may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes and to provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11. These regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained. The regulations may also provide that the board of adjustment or the city council may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits.



1 (b) (Expires June 30, 2001) Specifically, the city may require that a pawnshop as  
2 defined in Chapter 91A of the General Statutes may only be operated with a special  
3 use permit or a conditional use permit, or may have an overlay district wherein a  
4 pawnshop as defined in Chapter 91A of the General Statutes may only be operated  
5 with a special use permit or a conditional use permit, and the ordinance may provide  
6 that the permit may be issued only upon a finding that the pawnshop would not be  
7 deleterious to the neighborhood in which it is to be located. Conditions and  
8 safeguards on permits for pawnshops may be imposed notwithstanding G.S. 91A-12.  
9 This subsection applies only to cities with a population of 200,000 or over, which  
10 have a median family income of forty thousand dollars (\$40,000) or over, according  
11 to the most recent decennial federal census.

12 (b1) A city may require, by ordinance, that a food business as defined in G.S. 18B-  
13 1000(3) or a retail business as defined in G.S. 18B-1000(7) that holds an ABC permit  
14 under Chapter 18B of the General Statutes and is located in a part of the city that  
15 has been designated as an Urban Redevelopment Area under Article 22 of Chapter  
16 160A of the General Statutes or within 1500 feet of a high school shall only be  
17 operated with a special use permit or a conditional use permit if the business'  
18 alcoholic beverage sales exceed fifty per cent (50%) of the business' total annual  
19 sales. The ordinance may also require businesses under this subsection to submit to  
20 the city manager a report of their total annual alcohol sales and total sales. The  
21 ordinance may provide that a special use permit or conditional use permit will be  
22 issued only upon a finding that the sale of alcoholic beverages by the food store or  
23 retail business will not be deleterious to the neighborhood in which it is located.  
24 Conditions and safeguards on permits for food businesses and retail businesses may  
25 be imposed notwithstanding Chapter 18B of the General Statutes.

26 (c) Where appropriate, such conditions may include requirements that street and  
27 utility rights-of-way be dedicated to the public and that provision be made of  
28 recreational space and facilities. When issuing or denying special use permits or  
29 conditional use permits, the city council shall follow the procedures for boards of  
30 adjustment except that no vote greater than a majority vote shall be required for the  
31 city council to issue such permits, and every such decision of the city council shall be  
32 subject to review by the superior court by proceedings in the nature of certiorari. Any  
33 petition for review by the superior court shall be filed with the clerk of superior court  
34 within 30 days after the decision of the city council is filed in such office as the  
35 ordinance specifies, or after a written copy thereof is delivered to every aggrieved  
36 party who has filed a written request for such copy with the clerk at the time of the  
37 hearing of the case, whichever is later. The decision of the city council may be  
38 delivered to the aggrieved party either by personal service or by registered mail or  
39 certified mail return receipt requested."

40 Section 2. G.S. 18B-904(e) reads as rewritten:

41 "(e) Business or Location No Longer Suitable. --

42 (1) The Commission may suspend or revoke a permit issued by it if,  
43 after compliance with the provisions of Chapter 150B of the  
44 General Statutes, it finds that the location occupied by the

1 procedures for boards of adjustment except that no vote greater  
2 than a majority vote shall be required for the city council to  
3 issue such permits, and every such decision of the city council  
4 shall be subject to review by the superior court by proceedings  
5 in the nature of certiorari. Any petition for review by the  
6 superior court shall be filed with the clerk of superior court  
7 within 30 days after the decision of the city council is filed in  
8 such office as the ordinance specifies, or after a written copy  
9 thereof is delivered to every aggrieved party who has filed a  
10 written request for such copy with the clerk at the time of the  
11 hearing of the case, whichever is later. The decision of the city  
12 council may be delivered to the aggrieved party either by  
13 personal service or by registered mail or certified mail return  
14 receipt requested."

15 Section 2. G.S. 18B-904(e) reads as rewritten:

16 "(e) Business or Location No Longer Suitable. --

17 (1) The Commission may suspend or revoke a permit  
18 issued by it if, after compliance with the  
19 provisions of Chapter 150B of the General Statutes,  
20 it finds that the location occupied by the  
21 permittee is no longer a suitable place to hold ABC  
22 permits or that the operation of the business with  
23 an ABC permit at that location is detrimental to  
24 the neighborhood. No order revoking or suspending  
25 an ABC permit pursuant to this section may be made  
26 except upon substantial evidence admissible under  
27 G.S. 150B-29(a).

28 (2) The Commission shall suspend or revoke a permit  
29 issued by it if it receives information from the  
30 municipality in which the permittee is located that  
31 the permittee's business is in violation of an  
32 ordinance adopted pursuant to G.S. 160A-381(b1). In  
33 determining whether a permit should be suspended or  
34 revoked under this subdivision, the Commission  
35 shall only consider whether the municipality has  
36 adopted an ordinance pursuant to G.S. 160A-381(b1)  
37 and whether the permittee holds a valid special use  
38 permit or conditional use permit as required by the  
39 ordinance."

40 Section 3. There is appropriated from the General Fund  
41 to the Department of Crime Control and Public Safety the sum of  
42 one hundred forty-nine thousand two hundred sixteen dollars  
43 (\$149,216) for the 1998-99 fiscal year to fund two additional

1 Alcohol Law Enforcement officers to accomplish the purposes of  
2 this act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1539

Proposed Committee Substitute S1539-CSRF-1

WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Urban Redevelopment Zoning.

(Public)

---

Sponsors:

---

Referred to: State Government, Local Government and Personnel.

---

June 1, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW CITIES TO REQUIRE THAT A FOOD OR RETAIL BUSINESS  
3 THAT HOLDS AN ABC PERMIT AND IS LOCATED IN AN URBAN  
4 REDEVELOPMENT AREA OR WITHIN 1500 FEET OF A SCHOOL OR CHILD  
5 CARE CENTER SHALL ONLY BE OPERATED WITH A SPECIAL USE PERMIT OR  
6 CONDITIONAL USE PERMIT.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 160A-381 reads as rewritten:

9 "§ 160A-381. Grant of power.

10 (a) For the purpose of promoting health, safety, morals, or  
11 the general welfare of the community, any city may regulate and  
12 restrict the height, number of stories and size of buildings and  
13 other structures, the percentage of lots that may be occupied,  
14 the size of yards, courts and other open spaces, the density of  
15 population, and the location and use of buildings, structures and  
16 land for trade, industry, residence or other purposes and to  
17 provide density credits or severable development rights for  
18 dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-  
19 66.11. These regulations may provide that a board of adjustment  
20 may determine and vary their application in harmony with their  
21 general purpose and intent and in accordance with general or  
22 specific rules therein contained. The regulations may also

1 provide that the board of adjustment or the city council may  
2 issue special use permits or conditional use permits in the  
3 classes of cases or situations and in accordance with the  
4 principles, conditions, safeguards, and procedures specified  
5 therein and may impose reasonable and appropriate conditions and  
6 safeguards upon these permits.

7 (b) (Expires June 30, 2001) Specifically, the city may require  
8 that a pawnshop as defined in Chapter 91A of the General Statutes  
9 may only be operated with a special use permit or a conditional  
10 use permit, or may have an overlay district wherein a pawnshop as  
11 defined in Chapter 91A of the General Statutes may only be  
12 operated with a special use permit or a conditional use permit,  
13 and the ordinance may provide that the permit may be issued only  
14 upon a finding that the pawnshop would not be deleterious to the  
15 neighborhood in which it is to be located. Conditions and  
16 safeguards on permits for pawnshops may be imposed  
17 notwithstanding G.S. 91A-12. This subsection applies only to  
18 cities with a population of 200,000 or over, which have a median  
19 family income of forty thousand dollars (\$40,000) or over,  
20 according to the most recent decennial federal census.

21 (b1) A city may require, by ordinance, that a food business as  
22 defined in G.S. 18B-1000(3) or a retail business as defined in  
23 G.S. 18B-1000(7) that holds an ABC permit under Chapter 18B of  
24 the General Statutes and is located in a part of the city that  
25 has been designated as an Urban Redevelopment Area under Article  
26 22 of Chapter 160A of the General Statutes or within 1500 feet of  
27 a school or child care center shall only be operated with a  
28 special use permit or a conditional use permit if the business'  
29 alcoholic beverage sales exceed fifty per cent (50%) of the  
30 business' total annual sales. The ordinance may also require  
31 businesses under this subsection to submit to the city manager a  
32 report of their total annual alcohol sales and total sales. The  
33 ordinance may provide that a special use permit or conditional  
34 use permit will be issued only upon a finding that the sale of  
35 alcoholic beverages by the food store or retail business will not  
36 be deleterious to the neighborhood in which it is located.  
37 Conditions and safeguards on permits for food businesses and  
38 retail businesses may be imposed notwithstanding Chapter 18B of  
39 the General Statutes.

40 (c) Where appropriate, such conditions may include  
41 requirements that street and utility rights-of-way be dedicated  
42 to the public and that provision be made of recreational space  
43 and facilities. When issuing or denying special use permits or  
44 conditional use permits, the city council shall follow the

1           permittee is no longer a suitable place to hold ABC permits or that  
2           the operation of the business with an ABC permit at that location  
3           is detrimental to the neighborhood. No order revoking or  
4           suspending an ABC permit pursuant to this section may be made  
5           except upon substantial evidence admissible under G.S. 150B-  
6           29(a).

7           (2) The Commission shall suspend or revoke a permit issued by it if it  
8           receives information from the municipality in which the permittee  
9           is located that the permittee's business is in violation of an  
10          ordinance adopted pursuant to G.S. 160A-381(b1). In determining  
11          whether a permit should be suspended or revoked under this  
12          subdivision, the Commission shall only consider whether the  
13          municipality has adopted an ordinance pursuant to G.S. 160A-  
14          381(b1) and whether the permittee holds a valid special use permit  
15          or conditional use permit as required by the ordinance."

16          Section 3. There is appropriated from the General Fund to the  
17 Department of Crime Control and Public Safety the sum of one hundred forty-nine  
18 thousand two hundred sixteen dollars (\$149,216) for the 1998-99 fiscal year to fund  
19 two additional Alcohol Law Enforcement officers to accomplish the purposes of this  
20 act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1251  
Committee Substitute Favorable 6/3/98

Short Title: Littleton Staggered Terms.

(Local)

Sponsors:

Referred to:

May 12, 1998

1

A BILL TO BE ENTITLED

2

AN ACT TO PROVIDE STAGGERED TERMS FOR THE BOARD OF  
COMMISSIONERS OF THE TOWN OF LITTLETON AND TO PROVIDE A  
FOUR-YEAR TERM FOR THE MAYOR.

3

4 The General Assembly of North Carolina enacts:

5

Section 1. Section 3 of the Charter of the Town of Littleton, being  
Section 3 of Chapter 171 of the Private Laws of 1893, as rewritten by Chapter 399 of  
the 1965 Session Laws, reads as rewritten:

6

"Sec. 3. ~~On Tuesday after the first Monday in May, 1967, and biennially~~  
~~thereafter, there shall be elected a Mayor and five (5) Commissioners for said town,~~  
~~who~~ In 1999 a Mayor shall be elected for a two-year term. In 2001 and quadrennially  
thereafter, a Mayor shall be elected for a four-year term. In 1999, five  
Commissioners shall be elected. The three Commissioners receiving the highest  
numbers of votes are elected to four-year terms, and the two Commissioners receiving  
the next highest numbers of votes are elected to two-year terms. In 2001 and  
quadrennially thereafter, two Commissioners are elected to four-year terms. In 2003  
and quadrennially thereafter, three Commissioners are elected to four-year terms.  
They shall hold office until their successors are elected and qualified."

17

18

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

19

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1289

Short Title: Rowan School Prop. Conveyance.

(Local)

---

Sponsors: Representative Gardner.

---

Referred to: Local and Regional Government II.

---

May 18, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT PERMITTING THE ROWAN-SALISBURY BOARD OF EDUCATION  
3 TO CONVEY TO THE ROWAN COUNTY VOCATIONAL WORKSHOP, INC.,  
4 ITS REMAINING INTEREST IN THE PROPERTY PREVIOUSLY CONVEYED  
5 TO THAT ENTITY.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 212 of the 1973 Session Laws reads as rewritten:

8 "Section 1. The Salisbury City Board of Education is hereby authorized and  
9 empowered to convey any parcel or parcels of surplus real estate which it may now  
10 own to the Rowan County Vocational Workshop, Inc. ~~provided, however, that the~~  
11 ~~deed conveying said land to the Rowan County Vocational Workshop, Inc., shall~~  
12 ~~contain a reversionary or condition subsequent clause which shall provide, in effect,~~  
13 ~~that the fee in the land shall revert to the Salisbury City Board of Education in the~~  
14 ~~event the land is no longer used for the purposes for which the Rowan County~~  
15 ~~Vocational Workshop, Inc., was established. Inc.~~

16 Section 1.1. The Rowan-Salisbury Board of Education may convey to the Rowan  
17 County Vocational Workshop, Inc., for monetary and/or nonmonetary consideration,  
18 any remaining interest in property previously conveyed to the Rowan County  
19 Vocational Workshop, Inc., in accordance with Section 1 of this act.

20 Sec. 2. This act shall become effective July 1, 1973."

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



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1407

Short Title: Nags Head Sprinkler Systems.

(Local)

---

Sponsors: Representative Culpepper.

---

Referred to: Local and Regional Government I.

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May 21, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO ADOPT ORDINANCES  
3 REQUIRING SPRINKLER SYSTEMS IN CERTAIN BUILDINGS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Notwithstanding any provision of the North Carolina State  
6 Building Code or any general or local law to the contrary, including Chapter 143 of  
7 the General Statutes, the Nags Head Board of Commissioners may require, by  
8 ordinance, the installation of sprinkler systems in the following buildings that are  
9 constructed within the corporate limits of the town or within the town's  
10 extraterritorial planning jurisdiction: (i) buildings that are greater than 50 feet in  
11 height, (ii) nonresidential buildings that contain at least 5,000 square feet of floor  
12 surface area, (iii) buildings that are designed for assembly occupancy, as defined in  
13 the North Carolina Building Code, that accommodate more than 50 people, and (iv)  
14 multifamily buildings that have three or more dwelling units. The installation of  
15 sprinkler systems shall be completed within a reasonable period of time, which shall  
16 be provided in any ordinances adopted by the Board. Any ordinances adopted  
17 pursuant to this act shall apply to existing buildings to the extent and under the  
18 circumstances that the provisions of the North Carolina State Building Code apply to  
19 preexisting buildings.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1505

Short Title: Indian Cultural Ctr Board/Funds.

(Public)

Sponsors: Representatives Sutton, Allen; Bonner, Hurley, and Yongue.

Referred to: State Government, if favorable, Appropriations.

May 26, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE USE OF FUNDS APPROPRIATED FOR THE  
3 NORTH CAROLINA INDIAN CULTURAL CENTER AND TO ADD A SEAT  
4 ON THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL  
5 CENTER FOR A REPRESENTATIVE OF THE INDIANS OF PERSON  
6 COUNTY.

7 The General Assembly of North Carolina enacts:

8 Section 1. Section 33(a) of Chapter 561 of the 1993 Session Laws, as  
9 amended by Section 27.7 of S.L. 1997-443, reads as rewritten:

10 "(a) Of the funds appropriated from the General Fund to the Department of  
11 Administration, the sum of seven hundred fifty thousand dollars (\$750,000) for the  
12 1993-94 fiscal year shall be used for ~~the purchase of land as necessary, an~~  
13 ~~environmental study, and design as necessary,~~ development of the North Carolina  
14 Indian Cultural Center in Robeson County. Up to one hundred fifty thousand dollars  
15 (\$150,000) of these funds may be used by the North Carolina Indian Cultural Center,  
16 Inc., for administrative and operating expenses. The remaining funds shall revert on  
17 June 30, ~~1998.~~ 1999."

18 Section 2. Subsection (b) of Section 2 of Chapter 41 of the 1997 Session  
19 Laws reads as rewritten:

20 "(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of  
21 ~~15~~ 16 members, appointed as follows:

22 (1) One member representing each of the following Indian groups  
23 recognized by the State of North Carolina: the Coharie of Sampson  
24 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 Indians of Person County; and the Waccamaw-Siouan from Columbus and Bladen Counties;

(2) One member each from the following Indian organizations: the Cumberland County Association for Indian People, the Guilford Native Americans, and the Metrolina Native Americans;

(3) One member representing the education community of the State;

(4) Two members representing the business community of the State;

(5) Two members representing the government of the State of North Carolina; and

(6) One member representing the federal government.

Each member designated in subdivisions (1) and (2) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the group or organization to be represented by that member. Each member designated in subdivisions (3) through (6) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or organization submits only one nomination or fails to submit nominations for any reason within 30 days after the date designated for submission by the Commission, the Commission shall appoint a member of its choice to fill the requirement. The Board of the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board membership.

Members shall serve two-year terms, except that the initial terms of:

(1) The members representing the Coharie of Sampson and Harnett Counties, the Eastern Band of Cherokees, the Indians of Person County; and the Meherrin of Hertford County; the member representing the Metrolina Native Americans; the member representing the education community of the State; one member representing the government of the State of North Carolina; and one member representing the ~~federal government~~ business community shall be for one year; and

(2) The members representing the Haliwa of Halifax, Warren, and adjoining counties, the Lumbees of Robeson, Hoke, and Scotland Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties; the members representing the Cumberland County Association for Indian People and the Guilford Native Americans; ~~the one~~ member representing the business community of the State; one member representing the government of the State of North Carolina; and one member representing the federal government shall be for two years."

Section 3. In order to provide for appropriate staggering of terms, the term of the member added to the Board of the North Carolina Indian Cultural Center, Inc., pursuant to Section 2 of this act to represent the Indians of Person

1 County shall run concurrently with the terms of the members whose initial terms  
2 were for one year.

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



**North Carolina General Assembly  
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(919) 733-2578

June 15, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1407: Nags Head Sprinkler Systems.

House Bill 1407, introduced by Representative Culpepper, authorizes the Nags Head Board of Commissioners to enact ordinances requiring sprinkler systems in buildings that are:

1. Greater than 50' tall;
2. Nonresidential containing at least 5,000 square feet;
3. Designed for assembly occupancy accomodating 50+ people;
4. Multifamily buildings with 3 or more dwelling units.

Installation is to be completed within a reasonable time. The ordinances may apply to existing buildings to the same extent that the building code applies to existing building.

The act is effective when it becomes law.



**North Carolina General Assembly  
Legislative Services Office**

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June 16, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** Senate Bill 1359; Urban Redevelopment Zoning

Senate Bill 1359, introduced by Senator s Reeves and Miller, would allow local governments to adopt ordinances requiring retail and restaurant businesses located in an Urban Redevelopment Area or within 1,500' of a school or day care center, and who derive more than 50% of their income from alcohol sales, to operate only with a special use permit. The ordinance may also provide that the permit will be issued only on a finding that the sale of alcohol at such business will not be deleterious to the neighborhood.

Section 2 of the bill amends G.S. 18B-904(e) by adding a new subdivision (2) that requires the ABC Commission to suspend the ABC license of a business for violation of an ordinance requiring a special use permit.

Section 3 of the bill appropriates \$149,216 to the Department of Crime Control and Public Safety for 2 additional ALE officers to assist in the enforcement of this act.

The act is effective when it becomes law.



# North Carolina General Assembly Legislative Services Office

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June 16, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** Senate Bill 1356: Modify Boone Tourism Authority

Senate Bill 1356, introduced by Senator Foxx, modifies the composition of the Boone Tourism Authority and increases its membership from 7 to 9 members. The Authority will be composed of:

- Three persons who own or operate taxable tourist accommodations in Boone, one of whom resides in Boone and two of whom reside in Watagua County.
- One resident of Watagua who owns a restaurant in Boone.
- Two residents of Boone who are members of the Boone Area Chamber of Commerce.
- One member of the Boone Town Council., and
- Two residents of Boone.

The act is effective when it becomes law.



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June 15, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1251: Littleton Staggered Terms.

The House Committee Substitute for House Bill 1251 staggers the terms of office for the mayor and the town commissioners beginning in 1999. Once the initial staggering of terms is complete, all persons shall serve 4 year terms.

The act is effective when it becomes law.





**North Carolina General Assembly  
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June 16, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1289: Rowan School Property Conveyance

House Bill 1289, introduced by Representative Gardner, would authorize the Salisbury City Board of Education to transfer to the Rowan County Vocational Workshop, Inc. the reversionary interest that it currently holds in the property. The original transfer of the property to the Rowan County Vocational Workshop was authorized in 1973.

The act is effective when it becomes law.



**North Carolina General Assembly  
Legislative Services Office**

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June 16, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1505: Indian Cultural Ctr. Board/Funds.

House Bill 1505, introduced by Representative Sutton, amends the uses for funds appropriated for the North Carolina Indian Cultural Center in Robeson County and adds a seat to its Board for a representative of the Indians of Person County.

The original uses of funds were specified as land purchase, design, and an environmental study. The amendment changes this to the "development" of the Center.

The act is effective when it becomes law.



North Carolina General Assembly  
Legislative Services Office

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June 10, 1998

**MEMORANDUM**

TO: Senate Committee on State Government, Local Gov., & Personnel

FROM: Ed Rossi, Committee Counsel

RE: Senate Bill 1494 / Lee County Hunting

This bill creates a new set criminal offenses for Lee County.

Section 1. of the bill makes it unlawful to hunt with a deadly weapon on someone else's land without carrying a signed and dated written permission from the owner or lessee of the land. This section also makes provisions as to who's signature should appear on the document granting permission to hunt when the land is owned by a club or corporation. Written permission to hunt with a deadly weapon can only be valid for a period up to one year.

Section 2. of the bill makes it unlawful to hunt, take or kill a wild animal with a deadly weapon ,or attempt to do so, from, or across the right of way of any public road, street, highway, or thoroughfare.

Section 3. of the bill makes it unlawful to discharge a firearm from, onto, across, or down the right-of-way of any public road, street, highway, or thoroughfare.

Section 4. of the bill makes it unlawful to be on another's land with a loaded firearm while under the influence of an impairing substance. This prohibition would presumably apply even if the impaired person possessing the loaded firearm was a guest, or otherwise had the owner's permission to be on the land.

It is unclear whether this prohibition would apply to lessees if they are "impaired" on the land they lease while in possession of a loaded firearm. This prohibition would not apply to land owners.

Section 5. of the bill makes a violation of this act a Class 3 Misdemeanor.

# *City of Raleigh*

**Substance Abuse Advisory Commission**

**P. O. Box 590**

**Raleigh, NC 27602**

June 16, 1998

The Honorable Senator Brad Miller  
North Carolina General Assembly  
Room 621, LOB  
Raleigh, NC 27601

Dear Senator Miller:

The City of Raleigh's Substance Abuse Advisory Commission wishes to endorse Senate Bill 1539  
"Urban Redevelopment Zoning."

As a body charged with aiding to curtail substance abuse in the City of Raleigh, we commend Senators Reeves and Miller for the initiative to hold businesses accountable for creating a public nuisance. Businesses whose primary purpose is to sell large quantities of alcohol to addicts that they help create and maintain, undermine both those individuals and the communities in which those individuals live.

The Substance Abuse Advisory Commission also believes that limiting alcohol sales around schools and child care facilities is an appropriate first step in regulating these type of nuisance businesses. We urge the State Government, Local Government and the Personnel committee to recommend that this bill become a law.

Sincerely,



Rodney Croom, Chairman  
Substance Abuse Advisory Committee  
City of Raleigh

# VISITOR REGISTRATION SHEET

St. Gov. | Loc. Gov. | Personnel

4/17/98

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Octavia Rainey	College Park / Idlewild Community Center 315 1/2 N. Carver St Raleigh, N.C. 27610
James N. Serrell	Central CAC 935 S. East St Raleigh, N.C. 27601
Gwendolyn Haywood Good	Central CAC 901 S. East 27601
Marshall Harvey	St Augustine's College 1513 Oakwood Ave Raleigh, NC 27610-2298
David Ferrell	Hofu, McNamara, Caldwell et al
Crissy Parker	Bone and Associates
K.R. Hoxce, Jr.	LEE COUNTY ATTORNEY P O Box 1968, SANFORD, NC 27331
Mrs. Bert Matthews	P O Box 1968 Lee County Commissioner, Sanford NC 27320
Lusinda H. Farrell	512 Coleman St, Raleigh, N.C. 27610
Lovie Woods	707 S. State St Raleigh, N.C. 27601
Marion McLeod	6 Lincoln Terr, Raleigh, N.C. 27601
Cathy J. Ector	City of Raleigh Substance Abuse Advisory Commission 612 East Davis Street Raleigh, NC 27601

# VISITOR REGISTRATION SHEET

St. Gov. | Loc. Gov. | Personnel

6/17/98

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Cam Crew	NCA CS	MIKE M. ARTHUR CLERK OF COURT CHOWAN COUNTY
Andy Eller	NCRMA	
Mrs. Proger	NORM	
R. Paul Wilms	NCHBA	
Martha Glass	DOA	
Whitney Riddle	NCBWNA	
Chris Valeri	NC Beer & Wine	
Star Levitas	NCA CS	
BE Jones	NC ALE	
Jim Stewart	CCPS	
Benson Kirkman	Raleigh City Council	

Betsy Kane

NC League of Municipalities.

Andy Lomant

N.C. L.M.

Steve Dican

Raleigh City Council Substance Abuse Commission

Barth P. Sanders 908 S. State St.

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**WEDNESDAY, JUNE 24, 1998**

**MINUTES**


The Senate State Government, Local Government and Personnel Committee met on Wednesday, June 24, 1998 at 11:00 a.m. in room 423 of the Legislative Office Building. Seven members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

**SB 1104**, Lumberton Eco./Tourist District, was explained by Senator Weinstein. Senator Jordan moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**SB 1557**, Dental, Vision, Hearing Benefits, was explained by Senator Rand. Speaking on behalf of SEANC in support of SB 1557 was Katherine Joyce. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable report..**

**HB 1593**, Alleghany/Sparta Bill Exemption, was explained by Representative Baker. Senator Webster 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, June 24, 1998

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

**FAVORABLE**

H.B.	1593	Alleghany/Sparta Bid Exemption.	
		Sequential Referral:	None
		Recommended Referral:	None

S.B.	1104	Lumberton Eco./Tourist District.	
		Sequential Referral:	None
		Recommended Referral:	None

S.B.	1557	Dental, Vision, Hearing Benefits.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 3

Committee Clerk Comment: Sen. Miller to sign.



**STATE GOVERNMENT, LOCAL GOVERNMENT AND  
PERSONNEL**

**WEDNESDAY, JUNE 24, 1998**

**ROOM 423**

SB 1104	Lumberton Eco./Tourist District	Senator Weinstein
SB 1509	Durham citizen Review Board	Senator Gulley
SB 1511	Durham Dumpster Service	Senator Gulley
SB 1557	Dental, Vision, Hearing Benefits	Senator Rand
HB 1593	Alleghany/Sparta Bill Exemption	Representative Baker
Adjournment		

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1104

Short Title: Lumberton Eco./Tourist District.

(Local)

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Sponsors: Senator Weinstein.

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Referred to: State Government, Local Government and Personnel.

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May 13, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE BOUNDARIES OF THE LUMBERTON  
3 ECONOMIC DEVELOPMENT AND TOURIST DISTRICT.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Section 2 of S.L. 1997-182 reads as rewritten:  
6 "Section 2. Description of District. -- The Lumberton Economic Development and  
7 Tourist District consists of the following area:  
8 BEGINNING at a point where the western right-of-way line of Interstate 95 intersects  
9 Lumber River and runs thence from said beginning point in a western direction with  
10 Lumber River to the run of Saddletree Swamp; thence in a northern direction with  
11 the run of Saddletree Swamp to the southern right-of-way line of North Carolina  
12 Highway 211 (also known as Roberts Avenue); thence with southern right-of-way line  
13 of North Carolina Highway 211 in an eastern direction to a point where the southern  
14 right-of-way line of said highway intersects the run of Five Mile Branch; thence in a  
15 northern direction with the run of Five Mile Branch to a point in the run of said  
16 branch being located 500 feet west of (perpendicular distance) the western right-of-  
17 way line of Interstate 95; thence leaving said Five Mile Branch in a northern  
18 direction with a line being 500 feet west of and parallel to the western right-of-way  
19 line of Interstate 95 to a point in the eastern property line of Mayfair Subdivision;  
20 thence in a general northern direction with the various eastern property lines of  
21 Mayfair Subdivision to the eastern property line of Mayfair North Subdivision; thence  
22 in a general northern direction with the various eastern property lines of Mayfair  
23 North Subdivision and beyond to a point in a ditch just south of the AA building;  
24 thence in a western direction with said ditch to the run of Saddletree Swamp; thence

1 with the run of Saddletree Swamp in a northern direction approximately 1900 feet to  
2 a point; thence leaving said swamp in an eastern direction to and with the southern  
3 line of property owned by Lumberton Motors (Deed Book 920, Page 557) to a point  
4 in said southern line being 500 feet (perpendicular distance) west of the western  
5 right-of-way line of Interstate 95; thence in a northern direction 500 feet west of and  
6 parallel to the western right-of-way line of Interstate 95 to a point 500 feet south of  
7 and perpendicular to U.S. Highway 301 (also known as Fayetteville Road); thence in  
8 a northwestern direction 500 feet south of and parallel to U.S. Highway 301 to a  
9 point where this line intersects the northwestern line of Lawrence H. Oliver's  
10 property (Deed Book 628, Pages 673 and 674) if it were extended; thence in a  
11 northeastern direction to, with, and beyond Lawrence H. Oliver's northwestern  
12 property line to a point in the northeastern right-of-way line of U.S. Highway 301;  
13 thence with the northeastern right-of-way line of U.S. Highway 301 in a southeastern  
14 direction to the most southern corner of Robeson Community College property;  
15 thence with the southeastern property line of Robeson Community College property  
16 to the western right-of-way line of Interstate 95; thence crossing Interstate 95 to a  
17 point in the eastern right-of-way line of said Interstate 95, said point being Thomas  
18 Carr Gibson's southwest corner (Deed Book 775, Page 665); thence with and beyond  
19 Gibson's southern line (Deed Book 775, Page 665, Deed Book 490, Pages 84 and 85,  
20 and Deed Book 485, Page 335) to a point in the center line of Secondary Road 1005  
21 (also known as Barker Ten Mile Road); thence with the center line of Secondary  
22 Road 1005 in a southern direction to a point at the intersection of the center line of  
23 said Secondary Road 1005 with the northeastern right-of-way line of U.S. Highway  
24 301 (also known as Secondary Road 1997 and Fayetteville Road); ~~thence with the~~  
25 ~~eastern right-of-way line of U.S. Highway 301, in a southeastern direction to a point~~  
26 ~~in the run of Five Mile Branch; thence in a northeastern direction with the run of~~  
27 ~~Five Mile Branch approximately 352.63 feet to a point in the run of said branch;~~  
28 ~~thence leaving said branch 300 feet east of and parallel to U.S. Highway 301~~  
29 ~~approximately 488.4 feet to a point in the northern right-of-way line of a private drive~~  
30 ~~(54 feet in width); thence with the northern right-of-way line of said private drive in a~~  
31 ~~western direction to a point in the western right-of-way line of said U.S. Highway~~  
32 ~~301; thence with said western right-of-way line to a point 300 feet (perpendicular~~  
33 ~~distance) south of the southern right-of-way line of Liberty Hill Road; thence crossing~~  
34 said Fayetteville Road on a westerly direction 100 feet to a point in the western right-  
35 of-way of Fayetteville Road; said point also being the intersection of the northern  
36 right-of-way of Liberty Hill Road and the western right-of-way of Fayetteville Road;  
37 thence with the western right-of-way of Fayetteville Road in a southerly direction  
38 approximately 360 feet to a point in said right-of-way; thence in a western direction  
39 300 feet south of and parallel to the southern right-of-way line of Liberty Hill Road  
40 to a point in the eastern right-of-way line of Independence Drive; thence with the  
41 eastern right-of-way line of Independence Drive in a northern direction to a point in  
42 the southern right-of-way line of Liberty Hill Road; thence with the southern right-of-  
43 way line of Liberty Hill Road in a western direction crossing Independence Drive to  
44 the northwestern property corner of property owned by the Church of Jesus Christ of

1 Latter Day Saints; thence in a southern direction with the western property line of  
2 said church property to a point 300 feet (perpendicular distance) south of Liberty Hill  
3 Road; thence in a western direction 300 feet south of and parallel to the southern  
4 right-of-way line of Liberty Hill Road to a point 500 feet east of (perpendicular  
5 distance) the eastern right-of-way of Interstate 95; thence in a southern direction 500  
6 feet east of and parallel to the eastern right-of-way line of Interstate 95 to a point 500  
7 feet north (perpendicular distance) of North Carolina Highway 211 (also known as  
8 Roberts Avenue); thence in a southeastern direction 500 feet north of and parallel to  
9 North Carolina Highway 211 to a point where if extended the western right-of-way  
10 line of McMillian Avenue would intersect this line; thence in a southern direction to  
11 and with the western right-of-way line of McMillian Avenue to a point being 135 feet  
12 south (perpendicular distance) of North Carolina Highway 211; thence in a western  
13 direction 135 feet southeast of and parallel to North Carolina Highway 211, crossing  
14 Rowland Avenue to a point in the western right-of-way line of Rowland Avenue;  
15 thence in a southern direction with the western right-of-way line of Rowland Avenue  
16 to a point in the northern right-of-way line of a now abandoned V & C S Railroad  
17 right-of-way; thence with said railroad right-of-way line in a southwestern and then  
18 southern direction to a point on the northern line of Jennings Cotton Mills  
19 Subdivision (Map Book 7, Page 48) approximately 80 feet north of West Twenty-  
20 fourth Street; thence in a western direction, with the northern line of said Jennings  
21 Cotton Mills Subdivision line to a point approximately 218.39 feet east of Interstate  
22 95; thence in a southern direction approximately 79.72 feet to a point in the northern  
23 right-of-way line of West Twenty-fourth Street at its intersection with Delmar Street;  
24 thence in a western direction with the northern right-of-way line of Twenty-fourth  
25 Street to a point 200 feet east (perpendicular distance) of the eastern right-of-way line  
26 of Interstate 95; thence in a southern direction 200 feet east of and parallel to  
27 Interstate 95 to a point in the center line of Carthage Road; thence in a western  
28 direction with the center line of Carthage Road to the intersection of the center line  
29 of said Carthage Road with the western right-of-way line of Interstate 95; and thence  
30 in a southern direction to and with the western right-of-way line of Interstate 95 to  
31 the point of beginning."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1509

Short Title: Durham Citizen Review Board.

(Local)

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Sponsors: Senator Gulley.

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

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May 28, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW THE CITY OF DURHAM TO DISCLOSE LIMITED  
3 PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN  
4 REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY  
5 CASES.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 120 of the Charter of the City of Durham, being  
8 Chapter 671 of the 1975 Session Laws, as amended by Chapter 1249 of the 1979  
9 Session Laws, reads as rewritten:

10 "Sec. 120. (a) Personnel Records. -- Notwithstanding any provision of G.S.  
11 160A-168, the city manager may, with the approval of the city council, inform any  
12 person or corporation of any promotion, demotion, suspension, reinstatement,  
13 transfer, separation, dismissal, employment or nonemployment of any applicant,  
14 employee or former employee employed by or assigned to the city or whose  
15 personnel file is maintained by the city and the reasons therefor and may allow the  
16 personnel file of such person or any portion thereof to be inspected and examined by  
17 any person or corporation when the city manager shall determine that the release of  
18 such information or the inspection and examination of such file or portion thereof is  
19 essential to maintaining the integrity of the city or to maintaining the level or quality  
20 of services provided by the city; provided that prior to releasing such information or  
21 making such file or portion thereof available as provided herein, the city manager  
22 shall prepare a memorandum setting forth the circumstances which he deems to  
23 require such disclosure and the information to be disclosed. The memorandum shall  
24 be retained in the files of the city and shall be a public record.

1     **(b) Notwithstanding G.S. 160A-168, the city manager or the city manager's**  
2     **designee may, to facilitate citizen review of the police disciplinary process, release the**  
3     **disposition of disciplinary charges against a police officer and the facts relied upon in**  
4     **determining the disposition to (i) members of the citizen review board and (ii) the**  
5     **person alleged to have been aggrieved by the police officer's action or the person's**  
6     **survivor. The disposition of disciplinary charges includes a determination that the**  
7     **charges were sustained, not sustained, unfounded, exonerated, or the result of a**  
8     **policy failure. If the citizen review board hears an appeal of a police disciplinary**  
9     **case, the disposition of disciplinary charges as well as the facts and circumstances of**  
10    **the case may be released by the city manager or the city manager's designee to any**  
11    **person who is necessary to the appeals process as determined by the city manager or**  
12    **the city manager's designee. Citizen review board members and other persons shall**  
13    **keep confidential all information released to them under this subsection that is not a**  
14    **matter of public record under G.S. 160A-168 or subsection (a) of this section, and**  
15    **any person who violates the confidentiality shall be prosecuted as prescribed in G.S.**  
16    **160A-168(e) and (f)."**

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1511

Short Title: Durham Dumpster Service.

(Local)

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Sponsors: Senators Gulley; and Lucas.

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

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May 28, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO  
3 PROVIDE STATIONARY CONTAINER SERVICE TO HOUSING UNITS  
4 THAT QUALIFY FOR ROLL OUT CART SERVICE WITHOUT CHARGING  
5 ADDITIONAL FEES.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 160A-314 reads as rewritten:

8 "**§ 160A-314. Authority to fix and enforce rates.**

9 (a) A city may establish and revise from time to time schedules of rents, rates,  
10 fees, charges, and penalties for the use of or the services furnished by any public  
11 enterprise. Schedules of rents, rates, fees, charges, and penalties may vary according  
12 to classes of service, and different schedules may be adopted for services provided  
13 outside the corporate limits of the city.

14 (a1) Before it establishes or revises a schedule of rates, fees, charges, or penalties  
15 for structural and natural stormwater and drainage systems under this section, the city  
16 council shall hold a public hearing on the matter. A notice of the hearing shall be  
17 given at least once in a newspaper having general circulation in the area, not less  
18 than seven days before the public hearing. The hearing may be held concurrently  
19 with the public hearing on the proposed budget ordinance.

20 The fees established under this subsection must be made applicable throughout the  
21 area of the city. Schedules of rates, fees, charges, and penalties for providing  
22 structural and natural stormwater and drainage system service may vary according to  
23 whether the property served is residential, commercial, or industrial property, the  
24 property's use, the size of the property, the area of impervious surfaces on the

1 property, the quantity and quality of the runoff from the property, the characteristics  
2 of the watershed into which stormwater from the property drains, and other factors  
3 that affect the stormwater drainage system. Rates, fees, and charges imposed under  
4 this subsection may not exceed the city's cost of providing a stormwater and drainage  
5 system.

6 No stormwater utility fee may be levied under this subsection whenever two or  
7 more units of local government operate separate structural and natural stormwater  
8 and drainage system services in the same area within a county. However, two or more  
9 units of local government may allocate among themselves the functions, duties,  
10 powers, and responsibilities for jointly operating a single structural and natural  
11 stormwater and drainage system service in the same area within a county, provided  
12 that only one unit may levy a fee for the service within the joint service area. For  
13 purposes of this subsection, a unit of local government shall include a regional  
14 authority providing structural and natural stormwater and drainage system services.

15 (a2) A fee for the use of a disposal facility provided by the city may vary based on  
16 the amount, characteristics, and form of recyclable materials present in solid waste  
17 brought to the facility for disposal. This section does not prohibit a city from  
18 providing aid to low-income persons to pay all or part of the cost of solid waste  
19 management services for those persons.

20 (a3) Where housing units qualify under city ordinances for roll out cart solid waste  
21 collection service and the housing units instead choose to be served by stationary  
22 containers in accordance with city ordinances, a city may provide stationary container  
23 collection service without charging fees for such service other than the fees applicable  
24 to roll out cart service.

25 (a4) Nothing in this section shall be construed to impair the authority of a city to  
26 charge customers who do not qualify for service under subsection (a3) of this section  
27 the fees established by city ordinances for stationary container collection service.

28 (b) A city shall have power to collect delinquent accounts by any remedy  
29 provided by law for collecting and enforcing private debts, and may specify by  
30 ordinance the order in which partial payments are to be applied among the various  
31 enterprise services covered by a bill for the services. A city may also discontinue  
32 service to any customer whose account remains delinquent for more than 10 days.  
33 When service is discontinued for delinquency, it shall be unlawful for any person  
34 other than a duly authorized agent or employee of the city to do any act that results  
35 in a resumption of services. If a delinquent customer is not the owner of the premises  
36 to which the services are delivered, the payment of the delinquent account may not  
37 be required before providing services at the request of a new and different tenant or  
38 occupant of the premises, but this restriction shall not apply when the premises are  
39 occupied by two or more tenants whose services are measured by the same meter.

40 (c) Except as provided in subsection (d) and G.S. 160A-314.1, rents, rates, fees,  
41 charges, and penalties for enterprisory services shall be legal obligations of the person  
42 contracting for them, and shall in no case be a lien upon the property or premises  
43 served, provided that no contract shall be necessary in the case of structural and  
44 natural stormwater and drainage systems.



1 (d) Rents, rates, fees, charges, and penalties for enterprisory services shall be legal  
2 obligations of the owner of the premises served when:

3 (1) The property or premises is leased or rented to more than one  
4 tenant and services rendered to more than one tenant are  
5 measured by the same meter.

6 (2) Charges made for use of a sewage system are billed separately from  
7 charges made for the use of a water distribution system.

8 (e) Nothing in this section shall repeal any portion of any city charter inconsistent  
9 herewith."

10 Section 2. This act applies to the City of Durham only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1557

Short Title: Dental, Vision, Hearing Benefits.

(Public)

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Sponsors: Senators Rand; Ballance, Cochrane, Cooper, Hoyle, Lee, Odom, Perdue, Plyler, Soles, and Winner.

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

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June 1, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE DENTAL, VISION, AND HEARING BENEFITS FOR  
3 DEPENDENT CHILDREN UNDER THE AGE OF NINETEEN YEARS IN THE  
4 TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR  
5 MEDICAL PLAN.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. G.S. 135-40.5(e) reads as rewritten:  
8 "(e) Routine Diagnostic Examinations. -- The Plan will pay one hundred percent  
9 (100%) of allowable charges for routine diagnostic examinations and tests, including  
10 Pap smears, breast, colon, rectal, and prostate exams, X rays, mammograms, blood  
11 and blood pressure checks, urine tests, tuberculosis tests, and general health checkups  
12 that are medically necessary for the maintenance and improvement of individual  
13 health but no more often than once every three years for covered individuals age 7  
14 years to age 40 years, once every two years for covered individuals to age 50 years,  
15 and once a year for covered individuals age 6 years and younger and age 50 years  
16 and older, unless a more frequent occurrence is warranted by a medical condition  
17 when such charges are incurred in a medically supervised facility. The following  
18 additional services are covered by the provisions of this section when provided to  
19 dependent children under 19 years of age: (i) dental oral examinations, teeth  
20 cleaning, and scaling twice during a 12-month period, full mouth X rays once every  
21 60 months, supplemental bitewing X rays showing the back of the teeth once during a  
22 12-month period, and fluoride applications once during a 12-month period; (ii)  
23 scheduled routine eye examinations once every 12 months; and (iii) auditory

1 diagnostic testing services. Provided, however, that charges for such examinations  
2 and tests are not covered by the Plan when they are incurred to obtain or continue  
3 employment, to secure insurance coverage, to comply with legal proceedings, to  
4 attend schools or camps, to meet travel requirements, to participate in athletic and  
5 related activities, or to comply with governmental licensing requirements. The  
6 maximum amount payable under this subsection for a covered individual is one  
7 hundred fifty dollars (\$150.00) per fiscal year."

8 Section 2. G.S. 135-40.6(8) is amended by adding a new sub-subdivision  
9 to read:

10 "u. Additional Services and Supplies for Dependent Children  
11 Under 19 Years of Age: The following services and supplies  
12 not otherwise covered by this Part are covered by the Plan  
13 only for dependent children under 19 years of age:

14 1. Dental: Oral examinations, teeth cleaning, and  
15 scaling twice during a 12-month period, full mouth X  
16 rays once every 60 months, supplemental bitewing X  
17 rays showing the back of the teeth once during a 12-  
18 month period, fluoride applications once during a 12-  
19 month period, and routine fillings of amalgam or  
20 other tooth-colored filling material to restore diseased  
21 teeth. No benefits are to be provided for services  
22 under this sub-subdivision that are not performed by  
23 or upon the direction of a dentist, doctor, or other  
24 professional provider approved by the Plan nor for  
25 services and materials that do not meet the standards  
26 accepted by the American Dental Association.

27 2. Vision: Scheduled routine eye examinations once  
28 every 12 months, eyeglass lenses or contact lenses  
29 once every 12 months, routine replacement of  
30 eyeglass frames once every 24 months, and optical  
31 supplies and solutions when needed. Optical services,  
32 supplies, and solutions must be obtained from  
33 licensed or certified ophthalmologists, optometrists, or  
34 optical dispensing laboratories. Eyeglass lenses are  
35 limited to single vision, bifocal, trifocal, or other  
36 complex lenses necessary for a Plan enrollee's visual  
37 welfare. Coverage for oversized lenses and frames,  
38 designer frames, photosensitive lenses, tinted contact  
39 lenses, blended lenses, progressive multifocal lenses,  
40 coated lenses, and laminated lenses is limited to the  
41 coverage for single vision, bifocal, trifocal, or other  
42 complex lenses provided by this sub-subdivision.  
43 Eyeglass frames are limited to those made of zylonite,  
44 metal, or a combination of zylonite and metal. All

1 visual aids covered by this sub-subdivision require  
2 prior approval of the Plan. Upon prior approval by  
3 the Plan, refractions may be covered more often than  
4 once every 12 months.

5 3. Hearing: Auditory diagnostic testing services and  
6 hearing aids and accessories when provided by a  
7 licensed or certified audiologist, otolaryngologist, or  
8 other hearing aid specialist approved by the Plan.  
9 Prior approval of the Plan is required for hearing  
10 aids, accessories, earmolds, repairs, loaners, and rental  
11 aids."

12 Section 3. (a) G.S. 135-40.6(8)f. reads as rewritten:

13 "f. Dental Services: Oral surgery, including extraction of teeth,  
14 necessitated because of medical treatment. Dental surgery  
15 and appliances for mouth, jaw, and tooth restoration  
16 necessitated because of external violent and accidental  
17 means, such as the impact of moving body, vehicle collision,  
18 or fall occurring while an individual is covered under G.S.  
19 135-40.3. No benefits are provided in connection with injury  
20 incurred in the act of chewing, nor for damage or breakage  
21 of an appliance such as bridge or denture being cleaned or  
22 otherwise not in normal mouth usage at the time of  
23 accident, nor for appliances for orthodontic treatment when  
24 a class of malocclusion, other than orthognathic, or cross  
25 bite has been diagnosed. Benefits for temporomandibular  
26 joint (TMJ) disfunction appliance therapy are limited to  
27 cases where the TMJ disfunction has been diagnosed as  
28 solely resulting from accidental means as certified by the  
29 attending practitioner and approved by the Claims  
30 Processor.

31 Benefits shall include extractions, fillings, crowns,  
32 bridges, or other necessary therapeutic and restorative  
33 techniques and appliances to reasonably restore condition  
34 and function to that existing immediately prior to the  
35 accident. Injury or breakage of existing appliances such as  
36 bridges and dentures is limited to repair of such appliances  
37 unless certified as damaged beyond repair.

38 The provisions of this sub-subdivision shall not apply  
39 to the benefits provided in G.S. 135-40.6(8)u."

40 (b) G.S. 135-40.6(9)b. reads as rewritten:

41 "b. Dental care except as covered under ~~subsection (8)f~~ sub-  
42 subdivisions (8)f, and (8)u. and other dental services covered  
43 by the surgical benefits section of this Plan, subsection (5)c  
44 of this section;"

1 (c) G.S. 135-40.6(9)f. reads as rewritten:

2 "f. Eyeglasses or other corrective lenses (except for cataract  
3 lenses certified as medically necessary for aphakia persons),  
4 hearing aids, braces for teeth, dental plates or bridges or  
5 other dental prostheses, air-conditioners, vaporizers,  
6 humidifiers, mattresses (other than as supplied with a  
7 hospital bed) and specially built shoes (other than attached  
8 to artificial limbs or orthopedic ~~braces~~; braces) not covered  
9 by the provisions of G.S. 135-40.6(8)u.."

10 (d) G.S. 135-40.7(11) reads as rewritten:

11 "(11) Charges for or in connection with any dental work or dental  
12 treatment except to the extent that such work or treatment is  
13 specifically provided for under the Plan. Excluded is payment for  
14 surgical benefits for tooth replacement, such as crowns, bridges or  
15 dentures; orthodontic care; filling of teeth; extraction of teeth  
16 (whether or not impacted); root canal therapy; removal of root tips  
17 from teeth; treatment for tooth decay, inflammation of gingiva, or  
18 surgical procedures on diseased gingiva or other periodontal  
19 surgery; repositioning soft tissue, reshaping bone, and removal of  
20 bony projections from the ridges preparatory to fitting of dentures;  
21 removal of cysts incidental to removal of root tips from teeth and  
22 extraction of teeth; or other dental procedures involving teeth and  
23 their bones or tissue supporting ~~structure~~. structure except as  
24 provided by the provisions of G.S. 135-40.6(8)u."

25 (e) G.S. 135-40.7(13) reads as rewritten:

26 "(13) Charges for eyeglasses or other corrective lenses (except for  
27 cataract lenses certified as medically necessary for aphakia persons)  
28 and hearing aids or examinations for the prescription or fitting  
29 ~~thereof~~. thereof except as provided by the provisions of G.S. 135-  
30 40.6(8)u."

31 (f) G.S. 135-40.6(6)a. reads as rewritten:

32 "a. No benefits are provided for dental prostheses such as  
33 crowns, or dentures; orthodontic care; operative restoration  
34 of teeth (fillings); dental extractions (whether impacted or  
35 not impacted); apicoectomies; treatment of dental caries,  
36 gingivitis, or periodontal diseases by gingivectomies or other  
37 periodontal surgery; vestibuloplasties, alveoplasties, removal  
38 of exostosis and tori preparatory to fitting of dentures;  
39 correction of malocclusion by orthognathic surgery or other  
40 procedures by repositioning of bone tissue except as  
41 permitted pursuant to G.S. 135-40.6(5)c; removal of cysts  
42 incidental to apicoectomies or extraction of teeth. Nothing  
43 in this sub-subdivision shall limit the benefits provided by  
44 the provisions of G.S. 135-40.6(8)u."

1

Section 4. This act becomes effective January 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1593  
Committee Substitute Favorable 6/10/98

Short Title: Alleghany/Sparta Bid Exemption.

(Local)

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Sponsors:

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Referred to:

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May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXEMPT ALLEGHANY COUNTY AND THE TOWN OF SPARTA  
3 FROM CERTAIN LAWS RELATED TO THE CONSTRUCTION,  
4 PROCUREMENT, AND LEASING OF CRITICAL INFRASTRUCTURE  
5 NEEDS.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. Alleghany County and the Town of Sparta may contract for  
8 the construction, procurement, and leasing of critical infrastructure needs including  
9 an electrical power substation and water and sewer line extensions related to the  
10 construction and operation of a new manufacturing plant currently under  
11 construction and scheduled for operation by September, 1998. These contracts may  
12 be negotiated and signed without being subject to the requirements of G.S. 143-128,  
13 143-129, 143-131, and 143-132. Construction of the water and sewer line extensions  
14 using force account qualified labor on the permanent payroll of the agency concerned  
15 may be undertaken without respect to the limitations contained in G.S. 143-135.  
16 Section 2. This act is effective when it becomes law and expires on July  
17 1, 1999.



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June 24, 1998

**MEMORANDUM**

TO: Senate Committee on State Government, Local Gov., & Personnel

FROM: Ed Rossi, Committee Counsel

RE: SB 1509: Durham Citizen Review Board

This bill modifies the City of Durham's Charter as it relates to police personnel records. This new provision allows the city manager or the manager's designee to release the disposition of disciplinary charges against a police officer and the facts relied on to determine the disposition to:

1. Citizen Review Board members.
2. Alleged aggrieved persons.
3. The alleged aggrieved's survivors.

If there is an appeal of the disposition, this new provision allows the manager or manager's designee to release the disposition of disciplinary charges as well as the "facts and circumstances" of the case to any person that the manager or manager's designee determines is "necessary" to the appeals process.

This bill provides that information released under the above provisions is not a matter of public record and that anyone who violates the confidentiality provisions shall be prosecuted as prescribed in G.S. § 160A-168(e) & (f).<sup>1</sup>

<sup>1</sup> G.S. 160A-168(e) & (f) provide as follows:

*"(e) A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount not more than five hundred dollars (\$500.00).*

*"(f) Any person, not specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00)."*



## **160A-168. Privacy of employee personnel records.**

(a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by a city are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the city with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or nonselection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the city.

(b) The following information with respect to each city employee is a matter of public record: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. The city council shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the city council may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

(c) All information contained in a city employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

(1) The employee or his duly authorized agent may examine all portions of his personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.

(2) A license physician designated in writing by the employee may examine the employee's medical record.

(3) A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.

(4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.

(5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution (of the employee), or for the purpose of assisting in an investigation of (the employee's) tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

(6) An employee may sign a written release, to be placed with his personnel file, that permits

the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

(7) The city manager, with concurrence of the council, or, in cities not having a manager, the council may inform any person of the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action. Before releasing the information, the manager or council shall determine in writing that the release is essential to maintaining public confidence in the administration of city services or to maintaining the level and quality of city services. This written determination shall be retained in the office of the manager or the city clerk, and is a record available for public inspection and shall become part of the employee's personnel file.

(c1) Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor to any other person:

(1) Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the city's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.

(2) Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.

(3) Information that might identify an undercover law enforcement officer or a law enforcement informer.

(4) Notes, preliminary drafts and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

(c2) The city council may permit access, subject to limitations they may impose, to selected personnel files by a professional representative of a training, research, or academic institution if that person certifies that he will not release information identifying the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes. This certification shall be retained by the city as long as each personnel file examined is retained.

(d) The city council of a city that maintains personnel files containing information other than the information mentioned in subsection (b) of this section shall establish procedures whereby an employee who objects to material in his file on grounds that it is inaccurate or misleading may seek to have the material removed from the file or may place in the file a statement relating to the material.

(e) A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount not more than five hundred dollars (\$500.00).

(f) Any person, not specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in

excess of five hundred dollars (\$500.00).

(1975, c. 701, s. 2; 1981, c. 926, ss. 1-4; 1993, c. 539, ss. 1084, 1085; 1994, Ex. Sess., c. 24, s. 14(c).)

**Editor's Note.** - Session Laws 1993, c. 539, ss. 1084, 1085, 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."

**Legal Periodicals.** - For comment, "You Can't Always Get What You Want: A Look at North Carolina's Public Records Law," see 72 N.C.L. Rev. 1527 (1994).

#### CASE NOTES

**Subdivision (c)(4) of this section specifically authorizes disclosure** by order of a court of competent jurisdiction. *Hall v. Helms*, 118 F.R.D. 51 (W.D.N.C. 1987).

**Applied** in *Spell v. McDaniel*, 591 F. Supp. 1090 (E.D.N.C. 1984).



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June 23, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** Senate Bill 1511: Durham Dumpster Service

Senate Bill 1511, introduced by Senator Gulley, amends G.S. 160A-314, authorizing municipalities to fix rates and fees for use of services furnished by public enterprises to make it clear that Durham may provide stationary container service at no additional fee to housing units that qualify for roll out cart solid waste collection service if the housing units choose stationary container service instead of roll out service.

The act applies to the City of Durham only and is effective when it becomes law.



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June 23, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** Senate Bill 1557: Dental Vision, Hearing Benefits.

Senate Bill 1557, introduced by Senator Rand, provides dental, vision, and hearing benefits for the dependent children under the State Comprehensive Major Medical Plan.

Specifically, the plan would pay 100% of the allowable charges for annual physicals for children under the age of 6 years (was once every three years). For dependent children under the age of 19, dental oral exams and teeth cleaning twice a year, full mouth x-rays every 5 years, fluoride treatment once annually, routine annual eye exams, and auditory diagnostic testing would be covered. The benefits are the same as provided by the General Assembly for uninsured children during the special session this year.

The act becomes effective January 1, 1999.

**NORTH CAROLINA GENERAL ASSEMBLY  
LEGISLATIVE ACTUARIAL NOTE**

**BILL NUMBER:** Senate Bill 1557

**SHORT TITLE:** Dental, Hearing & Vision Benefits for Children of State Employees.

**SPONSOR(S):** Senator Tony Rand.

**SYSTEM OR PROGRAM AFFECTED:** Teachers' and State Employees' Comprehensive Major Medical Plan.

**FUNDS AFFECTED:** State General Fund, State Highway Fund, Other State Employer Receipts, Premium Payments for Dependents by Active and Retired Teachers and State Employees, and Premium Payments for Coverages Selected by Eligible Former Teachers and State Employees.

**BILL SUMMARY:** The bill provides limited dental, vision, and hearing benefits for dependent children under 19 years of age of active employees, retired employees, and other former employees enrolled in the Plan. Benefits are the same as provided by the General Assembly and Governor for uninsured children of low income families under Title XXI of the Social Security Act during the Special Legislative Session called by the Governor on March 24, 1998. Routine examinations and diagnostic services are covered without application of annual deductibles and coinsurance but are subject to annual benefit maximums for such services. Dental benefits are limited to examinations, cleaning and scaling, x-rays, fluoride applications, and routine fillings. Vision benefits include examinations, eyeglass and contact lenses, eyeglass frames, and optical supplies and solutions. Hearing benefits include diagnostic testing services and hearing aids and accessories. The bill affects both the Plan's self-insured indemnity program and alternative health maintenance organizations (HMOs) participating in the Plan.

**EFFECTIVE DATE:** January 1, 1999.

**ESTIMATED IMPACT ON STATE:** The bill's major impact will be on the Plan's self-insured indemnity program since some of the Plan's participating HMOs already have some limited dental and vision benefits. Two of the Plan's participating HMOs cover dental examinations and teeth cleaning, one HMO covers examinations, cleaning, and x-rays, and an additional HMO covers examinations, cleaning, x-rays, and dentures. Ten of the twelve participating HMOs cover routine eye examinations and five HMOs cover lenses, including contact lenses, and frames. Other HMOs contract with selected providers to provide plan members discounts on the purchase of lenses and frames. The costs of providing these services and supplies are borne by employees electing to participate in these programs since employer contributions to HMOs are limited to the amount of employer contributions to the self-funded indemnity program for benefits provided by the self-funded program, which do not currently include dental, vision, and hearing benefits.

As far as costs to the Plan's self-funded indemnity program are concerned, since all of the benefits provided by Senate Bill 1557 are for the dependent children of employees enrolled in the Plan, the costs of the bill are to be paid by employees. The Plan's existing statutes require that dependent claim costs be covered through fully contributory premiums paid by employees on behalf of their spouses and dependent children. Senate Bill 1557 makes no change in this existing statute. The reason why the bill makes no change in these statutes is directly tied to requirements handed down by the U. S. Department of Health & Human Services concerning the eligibility of children of teachers and state employees to participate in North Carolina's Health Insurance Program for Children under Title XXI of the Social Security Act. Although Title XXI of the Social Security Act (P. L. 105-33) excludes children of families that are "not eligible for health benefits coverage under a State health benefits plan on the basis of a family member's employment with a public agency in the State," the Department of Health & Human Services' Health Care Financing Administration directed on March 16, 1998, that the "children of State employees can be covered under (the Health Insurance Program for Children under Title XXI) because employees must pay the full cost of insurance coverage for dependent children without any subsidy from the state." Consequently, lower-paid state employee families will not be allowed participation by their children in the Health Insurance Program for Children if the State or its employers share in the premium costs for dependent child coverage. Although total family income is not known, an estimated 35,000 active and retired employees with children under 19 years of age in the Plan's self-insured indemnity program and HMOs have annual salaries and retirement benefits within the income eligibility limits for participation in North Carolina's Health Insurance Program for Children. Over 55,000 children are currently covered by these employees.

The estimated costs to the Plan's self-insured indemnity program to cover the benefits provided by Senate Bill 1557 is \$16.43 per month per child according to the consulting actuary of the General Assembly's Fiscal Research Division, Hartman & Associates. The consulting actuary for the Plan, Aon Consulting, estimates the cost to the program to be \$16.39 per month per child for the first year that the benefits are provided and \$13.11 per month per child for subsequent years. A composite, blended rate for the first year and subsequent years is estimated to be \$14.75 per member per month. Since these costs would be paid by employees enrolling their children in the program, conversion into premium rates would result in an additional \$24.78 per month in current premium rates paid by employees with parent & child coverage and an additional \$12.83 per month in current premiums paid by employees with family coverage. However, for the period January 1, 1999, through September 30, 1999, Senate Bill 1557's estimated additional claim cost of \$6 million can be financed from the accumulated reserves of the Plan's self-insured indemnity program. Estimates by both the Plan and the Fiscal Research Division reflect a need for a general premium rate increase by the program beginning October 1, 1999. The additional costs of Senate Bill 1557 would be built into the rates paid by employees for dependent children at that time.

**ASSUMPTIONS AND METHODOLOGY:** The Comprehensive Major Medical Plan for Teachers and State Employees is divided into two programs. From October, 1982, through June, 1986, the Plan had only a self-funded indemnity type of program which covered all employees, retired employees, eligible dependents of employees and retired employees, and eligible former employees and their eligible dependents authorized to continue coverage past a termination of employment other than for retirement or disability purposes. A prepaid

program of coverage by health maintenance organizations (HMOs) was offered in July, 1986, as an alternative to the Plan's self-insured indemnity program. The benefits of the self-insured indemnity type of program are spelled out in Part 3 of Article 3 of Chapter 135 of the North Carolina General Statutes (i.e., \$250 annual deductible, 20% coinsurance up to \$1,000 annually, etc. paid by the program's members). HMOs are required to offer benefits that are comparable to those provided by the self-insured indemnity program. Employer-paid non-contributory premiums are only authorized for the indemnity program's coverage for employees and retired employees. Whenever employees and office holders first employed or taking office on and after October 1, 1995 become eligible for health benefits as retired employees, the amount of premium paid by the State for individual coverage will be based upon the retiree's amount of retirement service credit at the time of retirement. Only retired employees with 20 or more years of service credit at retirement will be eligible for non-contributory health benefit premiums. Retirees with 10 or more years of service credit at retirement will be eligible for 50% partially contributory health benefit premiums. Retired employees with 5 or more year of service credit at retirement will be eligible to continue their health benefits on a fully contributory basis. All other types of premium in the indemnity program are fully contributory. Premiums paid by employers to HMOs are limited to like amounts paid to the indemnity program with employees and retired employees paying any HMO amounts above the indemnity program's non-contributory rates. Both types of coverage continue to be available in the Plan with twelve HMOs currently covering about 27% of the Plan's total population in about 88 of the State's 100 counties. The Plan's employees and retired employees select the type of program that they wish for themselves and their dependents during the months of August and September of each year for coverage beginning in October. The demographics of the Plan as of December 31, 1997, include:

	<u>Self-Insured Indemnity Program</u>	<u>Alternative HMOs</u>	<u>Plan Total</u>
<u>Number of Participants</u>			
Active Employees	183,500	78,500	262,000
Active Employee Dependents	102,000	56,400	158,400
Retired Employees	87,100	6,400	93,500
Retired Employee Dependents	14,600	1,300	15,900
Former Employees & Dependents with Continued Coverage	2,700	900	3,600
Total Enrollments	389,900	143,500	533,400
<u>Number of Contracts</u>			
Employee Only	207,000	57,500	264,500
Employee & Child(ren)	29,000	17,200	46,200
Employee & Family	36,500	10,800	47,300
Total Contracts	272,500	85,500	358,000
<u>Percentage of Enrollment by Age</u>			
29 & Under	26.8%	44.5%	31.5%
30-44	20.6	27.2	22.4
45-54	20.5	18.2	19.9
55-64	14.3	7.6	12.5
65 & Over	17.8	2.5	13.7
<u>Percentage of Enrollment by Sex</u>			



Male	39.6%	39.7%	39.6%
Female	60.4	60.3	60.4

Assumptions for the Self-Insured Indemnity Program: For the fiscal year beginning July 1, 1997, the self-insured program started its operations with beginning cash balance of \$384.9 million. Receipts for the year are estimated to be \$580 million from premium collections, \$25 million from investment earnings, and \$15 million in risk adjustment and administrative fees from HMOs, for a total of \$620 million in receipts for the year. Disbursements from the self-insured program are expected to be \$640 million in claim payments and \$18 million in administration and claims processing expenses for a total of \$658 million for the year beginning July 1, 1997. For the fiscal year beginning July 1, 1998, the self-insured indemnity program is expected to have an operating cash balance of over \$346 million with a net operating loss of \$98 million for the 1998-99 fiscal year. For the fiscal year beginning July 1, 1999, the self-insured indemnity program is expected to have an operating cash balance of \$248 million with a net operating loss of \$170 million for the 1999-2000 fiscal year. The estimated cash balance for the self-insured indemnity program is expected to be \$78 million at the end of the 1999-2000 fiscal year. The self-insured indemnity program is consequently assumed to be able to carry out its operations without any increases in its current premium rates or a reduction in existing benefits until the 1999-2000 fiscal year. This assumption is predicated upon the fact that the program's cost containment strategies (hospital DRG reimbursements, pre-admission hospital testing, pre-admission hospital inpatient certification with length-of-stay approval, hospital bill audits, required second surgical opinions, mental health case management, coordination of benefits with other payers, Medicare benefit ✕ carve-outs ✕, cost reduction contracts with participating physicians and other providers, prescription drug manufacturer rebates from voluntary formularies, and fraud detection) are maintained and improved where possible. Current non-contributory premium rates are \$110.08 monthly for employees whose primary payer of health benefits is Medicare and \$144.60 per month for employees whose primary payer of health benefits is not Medicare. Fully contributory premium amounts for employee and child(ren) contracts are \$68.50 monthly for children whose primary payer of health benefits is Medicare and \$90.12 monthly for other covered children, and \$164.30 per month for family contracts whose dependents have Medicare as the primary payer of health benefits and \$216.18 per month for other family contract dependents. Claim cost trends are expected to increase 8-10% annually. Total enrollment in the program is expected to decrease about one percent (1.0%) annually due to competition from alternative HMOs. The number of enrolled active employees is expected to show a 1-2% loss annually, whereas the growth in the number of retired employees is assumed to be 4% per year. The program is expected to lose about 3-4% of its number of active employee dependents each year, whereas the number of enrolled retiree dependents is assumed to show no appreciable change from year to year. Investment earnings are based upon a 5% monthly return on available cash balances. The self-insured indemnity program maintains a claim stabilization reserve for claim cost fluctuations equal to 7.5% of annual claim payments without reserving additional funds for incurred but unreported claims.

Assumptions on the Population of Children Affected by the Bill: As of December 31, 1997, the Plan had the following number of children that would be affected by Senate Bill 1557:

<u>Contracts &amp; Children</u> <u>Parent &amp; Child Contracts</u>	<u>Self-Insured</u> <u>Indemnity Program</u>	<u>Alternative</u> <u>HMOs</u>	<u>Plan</u> <u>Total</u>
Number of Contracts			
Active	27,495	16,866	44,361
Retired	1,415	174	1,589
Total	28,910	17,040	45,950
Number of Children to Age 19			
Active	40,471	27,746	68,217
Retired	945	188	1,133
Total	41,416	27,934	69,350
<u>Family Contracts</u>			
Number of Contracts			
Active	24,834	9,916	34,750
Retired	11,454	769	12,223
Total	36,288	10,685	46,973
Number of Children to Age 19			
Active	25,325	14,058	39,383
Retired	658	132	790
Total	25,983	14,190	40,173
<u>Total Contracts</u>			
Number of Contracts			
Active	52,329	26,782	79,111
Retired	12,869	943	13,812
Total	65,198	27,725	92,923
Number of Children to Age 19			
Active	65,796	41,804	107,600
Retired	1,603	320	1,923
Total	67,399	42,124	109,523

The Plan had another 17,750 children enrolled that are not included in the foregoing population (12,914 in the self-insured indemnity program and 4,836 in HMOs) and are not covered by the provisions of Senate Bill 1557. These children are either full-time students or are physically or mentally incapacitated. Approximately one-half of the number of family contracts in the Plan are made up of employee and spouse only without any enrolled children.

#### SOURCES OF DATA:

-Actuarial Note, Hartman & Associates, Draft Bill to Provide Dental, Vision & Hearing Benefits for Dependent Children under the Age of 19 Years in the Teachers' & State Employees' Comprehensive Major Medical Plan, June 3, 1998, original of which is on file in the General Assembly's Fiscal Research Division.

-Actuarial Note, Aon Consulting, Draft Bill on Dental, Hearing & Vision Benefits for Children Enrolled in the Teachers' & State Employees' Comprehensive Major Medical Plan, May 28, 1998, original of which is on file with the Comprehensive Major Medical Plan for Teachers and State Employees and the General Assembly's Fiscal Research Division.

TECHNICAL CONSIDERATIONS: None.

**FISCAL RESEARCH DIVISION**

**733-4910**

**PREPARED BY:** Sam Byrd

**APPROVED BY:** Tom L. Covington

**DATE:** June 9, 1998.





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June 24, 1998

**MEMORANDUM**

TO: Senate Committee on State Government, Local Gov., & Personnel

FROM: Ed Rossi, Committee Counsel

RE: HB 1593: Alleghany / Sparta Bid Exemptions

This bill permits Alleghany County and town of Sparta to enter into purchase, construction, and leasing contracts without complying with the normally applicable public contracts bidding requirements. These contracts are for:

- An electrical power substation.
- Water and sewer lines "related" to a new manufacturing plant.

The House committee substitute adds a provision that allows for the construction of the water and sewer line extensions by using "force account" qualified labor on the permanent payroll of the agency concerned without respect to the limitations on force account work contained in G.S. §143-135.

This act expires on July 1, 1999.

# STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, JULY 1, 1998

## ROOM 414

The Senate State Government, Local Government and Personnel met on Wednesday, July 1, 1998 in room 414 of the Legislative Office Building. Six members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

**HB 1290**, Waynesville Abandoned Structures, was explained by Representative Beall. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**HB 1338**, Jackson Personal Watercraft, was explained by Representative Beall. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**HB 1504**, Pembroke Annexation, was explained by Representative Sutton. Senator Jenkins moved a favorable report of the bill. The motion carried unanimously. HB 1504 was re-referred to the Finance Committee. **Favorable report.**

**HB 1610**, New Bern Private Sale, was explained by Representative Wainwright. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**HB 1637**, Cape Carteret Annexation Repeal, was explained by Representative Smith. Senator Dalton moved a favorable report of the bill. The motion carried unanimously. HB 1637 was referred to the Finance Committee. **Favorable report.**

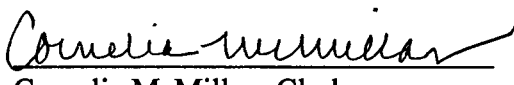
**HB 1638**, Morehead City Satellite Annexation, was explained by Representative Smith. Senator Reeves moved a favorable report of the bill. The motion carried unanimously. HB 1638 was re-referred to the Finance Committee. **Favorable report.**

**HB 1639**, Newport Leases, was explained by Representative Smith. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**HB 1647**, Amend Asheville Charter, was explained by Representative Nesbitt. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**SB 1273**, Kernersville Attorney Appointment, was explained by Senator Horton. 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, July 01, 1998

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

**FAVORABLE**

H.B.	1290	Waynesville Abandoned Structures.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	1338	Jackson Pers. Watercraft.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	1504	Pembroke Annexation.	
		Sequential Referral:	Finance
		Recommended Referral:	None
H.B.	1610	New Bern Private Sale.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	1637	Cape Carteret Annexation Repeal.	
		Sequential Referral:	None
		Recommended Referral:	Finance
H.B.	1638	Morehead City Satellite Annexations.	
		Sequential Referral:	Finance
		Recommended Referral:	None
H.B.	1639	Newport Lease.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	1647	Amend Asheville Charter.	
		Sequential Referral:	None
		Recommended Referral:	None

July 1, 1998

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S.B. 1273

Kernersville Attorney Appointments.

Sequential Referral: None

Recommended Referral: None

TOTAL REPORTED: 9

Committee Clerk Comment:

Sen. Miller to sign.



**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**WEDNESDAY, JULY 1, 1998**

**ROOM 414**

HB 1254	Transylvania County Land Use	Rep. Ives
HB 1256	Abolish Gaston County Coroner	Rep. Dickson
HB 1290	Waynesville Abandoned Structures	Rep. Beall
HB 1338	Jackson Personal Watercraft	Rep. Beall
HB 1504	Pembroke Annexation	Rep. Sutton
HB 1610	New Bern Private Sale	Rep. Wainwright
HB 1637	Cape Carteret Annexation Repeal	Rep. Smith
HB 1638	Morehead City Satellite Annexation	Rep. Smith
HB 1639	Newport Lease	Rep. Smith
HB 1647	Amend Asheville Charter	Rep. Nesbitt
SB 1273	Kernersville Attorney Appointment	Senator Horton
Adjournment		

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1254

Short Title: Transylvania County Land Use.

(Local)

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Sponsors: Representative Ives.

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Referred to: Local and Regional Government II.

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May 12, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT THE COUNTY OF TRANSYLVANIA MAY USE  
3 CERTAIN LANDS FOR LIBRARY PURPOSES.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Except for the tract currently used for an arboretum, the  
6 County of Transylvania may use for library purposes lands acquired in South Broad  
7 Park under the Land and Water Conservation Fund.  
8 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1256

Short Title: Abolish Gaston County Coroner.

(Local)

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Sponsors: Representatives Dickson, Berry, Clary, Dedmon, Gamble, Kiser,  
Rayfield, and Weatherly.

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Referred to: Local and Regional Government II.

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May 13, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT ABOLISHING THE OFFICE OF CORONER IN GASTON COUNTY.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. The office of coroner in Gaston County is abolished.  
5 Section 2. Chapter 152 of the General Statutes is not applicable to  
6 Gaston County.  
7 Section 3. This act becomes effective upon the expiration of the term of  
8 the current coroner in Gaston County.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1290

Short Title: Waynesville Abandoned Structures.

(Local)

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Sponsors: Representatives Beall and Ramsey.

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Referred to: Ways and Means.

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May 18, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO GRANT AUTHORITY TO THE TOWN OF WAYNESVILLE TO  
3 ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS  
4 MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE  
5 HUNDRED SIXTY-THREE THOUSAND.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. Section 2 of Chapter 733 of the 1995 Session Laws, as  
8 amended by S.L. 1997-101, S.L. 1997-414, and S.L. 1997- 449, reads as rewritten:  
9 "Sec. 2. This act applies to the Cities of Greenville, Lumberton, and Roanoke  
10 Rapids, to the municipalities in Lee County, and the Towns of Bethel, Farmville, ~~and~~  
11 ~~Newport~~ Newport, and Waynesville only."  
12 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1338

Short Title: Jackson Pers. Watercraft.

(Local)

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Sponsors: Representatives Beall, Ramsey, and Carpenter.

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Referred to: Local & Regional Government II.

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May 20, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE JACKSON COUNTY TO REGULATE THE  
3 OPERATION OF PERSONAL WATERCRAFT.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. A county may adopt ordinances to regulate personal  
6 watercraft operation in lakes and other bodies of water within the county boundaries.  
7 Section 2. This act applies only to Jackson County.  
8 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1504  
Committee Substitute Favorable 6/17/98

Short Title: Pembroke Annexation.

(Local)

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Sponsors:

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Referred to:

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May 26, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE  
3 LIMITS OF THE TOWN OF PEMBROKE.

4 The General Assembly of North Carolina enacts:

5 Section 1. The following described property is added to the corporate  
6 limits of the Town of Pembroke:

7 TRACT A

8 In Pembroke Township, Robeson County, North Carolina South of the Town of  
9 Pembroke Corporate Limits and adjoining, on the Southeast side of and adjoining the  
10 North South CSX railroad, on all sides of the Secondary Road Number 1339 and  
11 Secondary Road Number 1555 intersection bounded on the Southeast by Albert Hunt  
12 and W. M. Revels and on the South by the Lumber River and being more  
13 particularly described as follows:

14 Beginning at a point on the Northwest Secondary Road Number 1555 right-of-way  
15 (30 feet from center) where the original Town of Pembroke South Corporate Limits  
16 intersects said right-of-way; runs thence as its South line South 85 degrees 17 minutes  
17 East 1411.32 feet to an iron stake in a canal on the Southeast line of the Public  
18 Schools of Robeson County (20-E at Page 235); thence with the canal South 46  
19 degrees 01 minutes West 1053 feet to an iron stake at its intersection with another  
20 canal on Albert Hunt's Northeast line; thence as said canal North 43 degrees 32  
21 minutes 36 seconds West 216 feet to his North corner at a bend in said canal; thence  
22 as his Northwest line with the canal South 40 degrees 27 minutes 24 seconds West  
23 2574 feet to an iron stake in the center of Secondary Road Number 1339; thence as

1 the canal South 40 degrees 27 minutes 24 seconds West 1240.05 feet with and beyond  
2 the canal to a point in the Lumber River; thence up the River the following: North  
3 78 degrees 13 minutes 40 seconds West 107.51 feet; North 56 degrees 48 minutes 58  
4 seconds West 100.51 feet; North 23 degrees 52 minutes 01 seconds West 64.03 feet;  
5 North 59 degrees 02 minutes 18 seconds East 111.80 feet; North 39 degrees 53  
6 minutes 50 seconds East 103.80 feet; North 28 degrees 36 minutes West 234.50 feet;  
7 and South 69 degrees 23 minutes 50 seconds West 430.10 feet to an iron stake in the  
8 River on the Southeast CSX railroad right-of-way (50 feet from center); thence as  
9 said right-of-way North 33 degrees 51 minutes 30 seconds East 1481.40 feet to an iron  
10 stake in the center of Secondary Road 1339; thence as said right-of-way North 30  
11 degrees 18 minutes 40 seconds East 1968.04 feet to an iron stake on said right-of-way  
12 as its intersection with the Southwest line of the Town of Pembroke Area "C" Annex  
13 (M.B. 31 @ 12); thence as said line South 58 degrees 40 minutes East 389.43 feet to  
14 an iron stake on the Northwest Secondary Road Number 1555 right-of-way (30 feet  
15 from center); thence as said right-of-way North 35 degrees 58 minutes 30 seconds East  
16 666.16 feet to the beginning containing 90.37 acres.

17 **TRACT B**

18 In Pembroke Township, Robeson County, NC on the East side of and adjoining the  
19 original East Town of Pembroke Corporate limits bounded on the North by  
20 Secondary Road Number 1565 and the South by Secondary Road Number 1564 and  
21 the East to West CSX Railroad right-of-way and being more particularly described as  
22 follows:

23 Beginning at a point on the Southwest Secondary Road Number 1565 right-of-way  
24 (30 feet from center) where said right-of-way intersects the original Town of  
25 Pembroke East Corporate limits; runs thence as said right-of-way South 36 degrees 23  
26 minutes East 26.05 feet; South 41 degrees 04 minutes 25 seconds East 93.80 feet;  
27 South 41 degrees 37 minutes 35 seconds East 234.56 feet; South 40 degrees 25  
28 minutes East 1000 feet; South 31 degrees 33 minutes East 500 feet; South 23 degrees  
29 04 minutes East 200 feet; South 17 degrees 49 minutes 33 seconds East 551.56 feet  
30 and South 6 degrees 53 minutes 33 seconds 1105.80 feet to its intersection with the  
31 North Secondary Road Number 1564 right-of-way and the North CSX Railroad right-  
32 of-way (100 feet from center); thence as the North right-of-way North 63 degrees 42  
33 minutes West 1944 feet to an iron stake on said right-of-way at its intersection with  
34 the original Town of Pembroke East Corporate limits; thence as said line North 5  
35 degrees 14 minutes 15 seconds East 2410.09 feet to the beginning containing 70.96  
36 Acres.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1591

Short Title: Orange Condemnation Restriction.

(Local)

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Sponsors: Representatives Insko; Hackney (Cosponsors) and Mosley.

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Referred to: Ways and Means.

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May 28, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT REQUIRING THE CONSENT OF ORANGE COUNTY BEFORE LAND  
3 IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF  
4 LOCAL GOVERNMENT OUTSIDE THAT COUNTY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 153A-15(c) reads as rewritten:  
7 "(c) This section applies to Alamance, Alleghany, Anson, Ashe, Bertie, Bladen,  
8 Brunswick, Burke, Buncombe, Cabarrus, Caldwell, Camden, Caswell, Catawba,  
9 Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Davidson,  
10 Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Graham, Granville,  
11 Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson,  
12 Johnston, Lee, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg,  
13 Montgomery, Nash, New Hanover, Onslow, Orange, Pamlico, Pasquotank, Pender,  
14 Perquimans, Person, Pitt, Polk, Richmond, Robeson, Rockingham, Rowan, Sampson,  
15 Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren,  
16 Watauga, Wilkes, and Yancey counties only. This section does not apply as to any:  
17 (1) Condemnation; or  
18 (2) Acquisition of real property or an interest in real property by a city  
19 where the property to be condemned or acquired is within the  
20 corporate limits of that city."  
21 Section 2. This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1610

Short Title: New Bern Private Sale.

(Local)

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Sponsors: Representatives Wainwright; and Nichols.

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Referred to: Ways and Means.

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May 28, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO CONVEY CERTAIN  
3 PROPERTY AT PRIVATE SALE.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Notwithstanding Article 12 of Chapter 160A of the General  
6 Statutes, the City of New Bern may convey to the New Bern Area Improvements  
7 Association, Inc. by private sale, with or without monetary consideration, any or all  
8 of its right, title, and interest in the following described property: The property at the  
9 corner of Cedar Street and Bern Street in the City of New Bern, known as the Cedar  
10 Street Recreation Center.  
11 The New Bern Area Improvements Association, Inc. is the successor to  
12 the lessor of the facility who has leased the property and operated it as a community  
13 center for nearly 20 years.  
14 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1637  
Committee Substitute Favorable 6/4/98

Short Title: Cape Carteret Annexation Repeal.

(Local)

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Sponsors:

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Referred to:

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May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO SETTLE ANNEXATION LITIGATION BY REPEALING AN  
3 ANNEXATION ORDINANCE OF THE TOWN OF CAPE CARTERET.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Annexation Ordinance 96-07-03, adopted by the Board of  
6 Commissioners of the Town of Cape Carteret on July 29, 1996, is repealed as to  
7 territory north of Pettiford Bay. It is validated as to the remaining areas covered by  
8 the ordinance. The area removed from the annexation by this act shall be subject to  
9 the planning jurisdiction of the Town of Cape Carteret.  
10 Section 2. This act becomes effective July 29, 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1997

H

2

HOUSE BILL 1638  
Committee Substitute Favorable 6/4/98

Short Title: Morehead City Satellite Annexations.

(Local)

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Sponsors:

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Referred to:

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May 28, 1998

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND FROM TEN PERCENT TO TWENTY-FIVE PERCENT OF  
3 THE PRIMARY CORPORATE LIMITS OF THE TOWN OF MOREHEAD  
4 CITY THAT MAY BE IN SATELLITE ANNEXATIONS.  
5 The General Assembly of North Carolina enacts:  
6       Section 1. G.S. 160A-58.1(b)(5) reads as rewritten:  
7       "(5) The area within the proposed satellite corporate limits, when  
8       added to the area within all other satellite corporate limits, may  
9       not exceed ~~ten percent (10%)~~ twenty-five percent (25%) of the  
10      area within the primary corporate limits of the annexing city."  
11      Section 2. This act applies to the Town of Morehead City only.  
12      Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1639  
Committee Substitute Favorable 6/4/98

Short Title: Newport Lease.

(Local)

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Sponsors:

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Referred to:

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May 28, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE TOWN OF NEWPORT TO LEASE A CERTAIN  
3 PIECE OF PROPERTY FOR TWENTY-FIVE YEARS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 160A-272 reads as rewritten:  
6 "**§ 160A-272. Lease or rental of property.**  
7 Any property owned by a city may be leased or rented for such terms and upon  
8 such conditions as the council may determine, but not for longer than ~~10 years~~ 25  
9 years (except as otherwise provided herein) and only if the council determines that  
10 the property will not be needed by the city for the term of the lease. In determining  
11 the term of a proposed lease, periods that may be added to the original term by  
12 options to renew or extend shall be included. Property may be rented or leased only  
13 pursuant to a resolution of the council authorizing the execution of the lease or rental  
14 agreement adopted at a regular council meeting upon 10 days' public notice. Notice  
15 shall be given by publication describing the property to be leased or rented, stating  
16 the annual rental or lease payments, and announcing the council's intent to authorize  
17 the lease or rental at its next regular meeting.  
18 No public notice need be given for resolutions authorizing leases or rentals for  
19 terms of one year or less, and the council may delegate to the city manager or some  
20 other city administrative officer authority to lease or rent city property for terms of  
21 one year or less. Leases for terms of more than ~~10 years~~ 25 years shall be treated as a  
22 sale of property and may be executed by following any of the procedures authorized  
23 for sale of real property."

1                   Section 2. This act applies only to a lease by the Town of Newport of  
2 Tax Parcel #634813147869 of the Carteret County Registry, a 1.17 acre tract located  
3 on Howard Boulevard known as the "Scout Hut".

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1647

Short Title: Amend Asheville Charter.

(Local)

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Sponsors: Representatives Nesbitt, Sherrill, Cansler, and Ives.

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Referred to: Local and Regional Government II.

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May 28, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE TO  
3 DELETE THE REQUIREMENT THAT COUNCIL MEETINGS BE HELD AT  
4 LEAST ONCE EACH WEEK AND TO CHANGE THE MANNER IN WHICH  
5 ORDINANCES ARE REVISED OR AMENDED.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 8 of the Charter of the City of Asheville, being  
8 Chapter 121 of the Private Laws of 1931, as amended by Section IV of Ordinance  
9 No. 1501 of the City of Asheville, adopted March 19, 1985, pursuant to Part 4 of  
10 Article 5 of Chapter 160A of the General Statutes, reads as rewritten:

11 "On its first regular meeting date in December following a regular municipal  
12 election, the council shall meet at the usual place for holding its meetings, and the  
13 newly elected mayor and councilmembers shall assume the duties of office. Before  
14 entering upon the duties of their offices, the newly elected mayor and councilmen  
15 shall severally make oath before the retiring mayor, city clerk or some person  
16 authorized by law to administer oaths to perform faithfully the duties of their  
17 respective offices. Thereafter the council shall meet at such times as may be  
18 prescribed by ordinance or ~~resolution, but not less frequently than once each week~~  
19 resolution. Special meetings shall be called by the clerk upon written request of the  
20 mayor or of the city manager or of three members of the council. No less than 12  
21 hours' notice of special meetings shall be given to each member of the council at  
22 such address, within the corporate limits of the City of Asheville, as he shall  
23 designate and such notice shall be published at least once prior to the meeting in a

1 daily newspaper of the city. The notice must state the subject or subjects to be  
2 considered at the meeting and no other subject or subjects may be there considered."

3           Section 2. Section 18 of the Charter of the City of Asheville, being  
4 Chapter 121 of the Private Laws of 1931, reads as rewritten:

5       "No ordinance ~~or resolution~~ or section thereof shall be revised or amended except  
6 by a new ordinance ~~or resolution~~ containing the entire ~~ordinance, resolution~~  
7 ordinance or section as revised or ~~amended and repealing the original ordinance,~~  
8 ~~resolution or section.~~ amended."

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1997

S

1

SENATE BILL 1273

Short Title: Kernersville Attorney Appointment.

(Local)

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Sponsors: Senators Horton; Cochrane and McDaniel.

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Referred to: State Government/Local Government and Personnel.

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May 27, 1998

A BILL TO BE ENTITLED

1  
2 AN ACT TO CONFORM TO GENERAL LAW THE MANNER OF  
3 APPOINTMENT OF THE TOWN ATTORNEY OF KERNERSVILLE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 14 of the Charter of the Town of Kernersville, being  
6 Chapter 381 of the Session Laws of 1989, reads as rewritten:

7 "Sec. 14. **Town Attorney.** The Board of Aldermen ~~at their first meeting after each~~  
8 ~~election~~, shall appoint a Town Attorney who shall be an Attorney at Law licensed to  
9 practice in the State of North Carolina and who need not be a resident of the Town  
10 of Kernersville at the time of his appointment or thereafter. The Town Attorney  
11 shall be the chief legal advisor of and Attorney for the Town and he shall perform  
12 such duties as are imposed upon the chief legal officers of municipalities by law and  
13 perform such other duties of a legal nature as the Board of Aldermen may require.  
14 He shall receive such compensation as the Board of Aldermen may from time to time  
15 determine."

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





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July 1, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1591: Orange Condemnation Restriction.

House Bill 1591, introduced by Representative Insko, adds Orange County to the numerous counties who require municipalities outside of the county to obtain consent of the county before condemning or otherwise acquiring land within the county.

The act is effective when it becomes law.



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July 1, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1610: New Bern Private Sale.

House Bill 1610, introduced by Representatives Wainwright and Nichols, would authorize the City of New Bern to transfer, by private sale, its interest in the Cedar Creek Recreation Center to the New Bern Area Improvements Association. Under the terms of G.S. 160A-266, private sales of property by units of local government are limited to personal property valued at \$10,000 or less and real property that is of special interest, for example historical property that is sold to a nonprofit corporation under a preservation agreement.

The act is effective when it becomes law.



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June 30, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** **House Bill 1637: Cape Carteret Annexation Repeal**

House Bill 1637 repeals a portion of the area subject to an annexation ordinance adopted by the Town of Cape Carteret in 1996. The territory released from the ordinance will continue to be subject to the planning jurisdiction of the Town. The purpose of the annexation repeal is to settle annexation litigation involving the parcel.

The act becomes effective July 29, 1996.



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June 30, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** **House Bill 1638: Morehead City Satellite Annexation**

House Bill 1638 amends the statutes regarding annexation of noncontiguous areas, Part 4, Article 4A of Chapter 160A, to allow Morehead City to complete satellite annexations that contain a land area of up to 25% of the area within the primary corporate limits of the Town. The limit under the general statutes is 10%. G.S. 160A-58.1(b)(5).

The act is effective when it becomes law.



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July 1, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1639: Newport Lease.

House Bill 1639, allows the Town of Newport to lease a particular parcel of property it owns for a term of 25 years. Under G.S. 160A-272, the term limit is 10 years.

The act is effective when it becomes law./



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June 30, 1998

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

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 1647 - Amend Asheville Charter

House Bill 1647 amends the Charter of the City of Asheville to delete the requirement that the City Council meet at least once a week. The bill also amends the manner in which ordinances are revised or amended.

This act is effective when it becomes law.



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June 30, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** Senate Bill 1273: Kernersville Attorney Appointment

Senate Bill 1273, introduced by Senator Horton, amends the charter of the Town of Kernersville to remove the requirement that a Town Attorney must be appointed by the Board of Aldermen after each election.

The act is effective when it becomes law.



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July 1, 1998

**MEMORANDUM**

**TO:** Senate State & Local Government Committee

**FROM:** Ed Rossi, Committee Counsel

**RE:** HB 1254 / Transylvania County Land Use  
HB 1256 / Abolish Gaston County Coroner  
HB 1290 / Waynesville Abandoned Structures  
HB 1338 / Jackson Pers. Watercraft  
HB 1504 / Pembroke Annexation

**HB 1254**

This Bill allows Transylvania County to use certain land acquired under the Land and Water Conservation Fund for library purposes.

**HB 1256**

This bill abolishes the office of coroner in Gaston County and exempts the county from the General Statute provisions which would otherwise require a county coroner.

**HB 1290**

This bill grants authority to the town of Waynesville to deal with abandoned structures in the same manner as municipalities in counties that have a population of over 163,000 people.

**HB 1338**



This bill allows Jackson County to adopt ordinances to regulate personal water craft within bodies of water within its boundaries. The General Assembly has already enacted one piece of legislation that regulates the use of personal water craft. See G.S. § 75A-13.2. This bill is silent as to how that legislation would interact with this bill.

**HB 1504**

This bill adds certain described property to the town of Pembroke.

VISITOR REGISTRATION SHEET

*State & Local Government*  
Name of Committee

*7/1/98*  
Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

*Man*  
*George J. Bain*  
*R. Rogers*

*Smith Anderson*  
*DFNR*

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**WEDNESDAY, JULY 8, 1998**

**MINUTES**

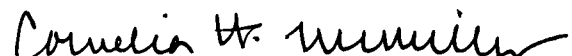
The Senate State Government, Local Government and Personnel Committee met on Wednesday, July 8, 1998 at 2:30 p.m. in the Senate Chamber. Six members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

**HB 1288**, Montreat Commissioners, was explained by Senator Miller. Senator Hartsell moved a favorable report of the bill. The motion carried unanimously.  
**Favorable report.**

**HB 1622**, Wallace/Faison Private Sale, was explained by Senator Albertson. 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

Thursday, July 09, 1998

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

**FAVORABLE**

H.B.	1288	Montreat Commissioners.	
		Sequential Referral:	None
		Recommended Referral:	None

H.B.	1622	Wallace/Faison Private Sale.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 2

Committee Clerk Comment: Sen. Miller to sign.

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**WEDNESDAY, JULY 8, 1998**

**SENATE CHAMBER**

HB 1288	Montreat Commissioners	Representative Sherrill
---------	------------------------	-------------------------

HB 1622	Wallace/Faison Private Sale	Representative Watson
---------	-----------------------------	-----------------------

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1288

Short Title: Montreat Commissioners.

(Local)

---

Sponsors: Representative Sherrill.

---

Referred to: Local and Regional Government II.

---

May 18, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO ADD TWO MEMBERS TO THE MONTREAT BOARD OF  
3 COMMISSIONERS AND TO PROVIDE FOR THE ELECTION OF THE  
4 ADDITIONAL MEMBERS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Effective the first Monday in December of 1998, the Board of  
7 Commissioners of the Town of Montreat is increased from three to five members.

8 Section 2. The persons elected to fill the two additional seats on the  
9 Board of Commissioners shall be elected in the November 3, 1998, general election,  
10 shall take office on the first Monday in December 1998, and shall hold office for  
11 terms of three years, which terms shall expire at the first organizational meeting of  
12 the Board of Commissioners after the municipal election in November 2001. Persons  
13 elected to fill the two additional seats on the Board of Commissioners in 2001 and  
14 thereafter shall serve for terms of four years.

15 Section 3. The Buncombe County Board of Elections shall hold a filing  
16 period which shall open at 12:00 noon on July 7, 1998, and close at 12:00 noon on  
17 August 4, 1998, for candidates to file for the new seats on the Board of  
18 Commissioners.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1622  
Committee Substitute Favorable 6/17/98

Short Title: Wallace/Faison Private Sale.

(Local)

---

Sponsors:

---

Referred to:

---

May 28, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE THE TOWNS OF WALLACE AND FAISON TO  
3 CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Notwithstanding Article 12 of Chapter 160A of the General  
6 Statutes, the Town of Wallace may convey by private negotiation and sale, with or  
7 without monetary consideration, any or all of its right, title, and interest in the  
8 Stevcoknit Fabrics buildings and the land upon which the buildings are situated.

9 Section 2. Notwithstanding G.S. 158-7.1, if the Town of Wallace receives  
10 the Stevcoknit Fabrics buildings as a gift, any consideration the Town receives for the  
11 sale of the buildings shall constitute sufficient consideration under G.S. 158-7.1.

12 Section 3. Notwithstanding Article 12 of Chapter 160A of the General  
13 Statutes, the Town of Faison may convey by private negotiation and sale, with or  
14 without monetary consideration, any or all of its right, title, and interest in a 50 foot x  
15 50 foot tract of land on NC 403 North to North Carolina Natural Gas Company.

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



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July 8, 1998

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

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 1288 - Montreat Commissioners

House Bill 1288 increases the size of the Town of Montreat's governing board from three to five members. The new members shall be elected on November 3, 1998 for three year terms. Beginning in 2001, all members will be elected for four year terms. The bill directs Buncombe County to hold a filing period from noon July 7, 1998 to noon August 4, 1998 for filing for the new seats.

This bill is effective when it becomes law.

H1288-SMSA-001





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June 16, 1998

## MEMORANDUM

To: Members of the House Local Government I Committee

From: Barbara Riley, Committee Counsel

Re: House Bill 1622 2d Ed.: Wallace Private Sale

House Bill 1622 authorizes the Town of Wallace to convey its interest in the Stevcoknit Fabrics buildings by private negotiation and sale. Senator Albertson brought the Senate version of the Bill, Senate Bill 1417, before this Committee earlier this session.

The House Committee Substitutes adds a Section 2 providing that any consideration received by the Town for the property will be sufficient under the local development act, G.S. 158-7.1. The bill also adds a Section 3 allowing the Town of Faison to transfer, by private negotiation and sale, of a 50' by 50' tract of land to the North Carolina Natural Gas Company.

House Bill 1622 would become effective when it becomes law.

### **§ 158-7.1. Local development.**

(a) Each county and city in this State is authorized to make appropriations for the purposes of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial and commercial plants in or near such city or in the county; encouraging the building of railroads or other purposes which, in the discretion of the governing body of the city or of the county commissioners of the county, will increase the population, taxable property, agricultural industries and business prospects of any city or county. These appropriations may be funded by the levy of property taxes pursuant to G.S. 153A-149 and 160A-209 and by the allocation of other revenues whose use is not otherwise restricted by law.

(b) A county or city may undertake the following specific economic development activities. (This listing is not intended to limit by implication or otherwise the grant of authority set out in subsection (a) of this section). The activities listed in this subsection may be funded by the levy of property taxes pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation of other revenues whose use is not otherwise restricted by law.

(1) A county or city may acquire and develop land for an industrial park, to be used for manufacturing, assembly, fabrication, processing, warehousing, research and development, office use, or similar industrial or commercial purposes. A county may acquire land anywhere in the county, including inside of cities, for an industrial park, while a city may acquire land anywhere in the county or counties in which it is located. A county or city may develop the land by installing utilities, drainage facilities, street and transportation facilities, street lighting, and similar facilities; may demolish or rehabilitate existing structures; and may prepare the site for industrial or commercial uses. A county or city may convey property located in an industrial park pursuant to subsection (d) of this section.

(2) A county or city may acquire, assemble, and hold for resale property that is suitable for industrial or commercial use. A county may acquire such property anywhere in the county, including inside of cities, while a city may acquire such property inside the city or, if the property will be used by a business that will provide jobs to city residents, anywhere in the county or counties in which it is located. A county or city may convey property acquired or assembled under this subdivision pursuant to subsection (d) of this section.

(3) A county or city may acquire options for the acquisition of property that is suitable for industrial or commercial use. The county or city may assign such an option, following such procedures, for such consideration, and subject to such terms and conditions as the county or city deems desirable.

(4) A county or city may acquire or construct one or more "shell buildings", which are structures of flexible design adaptable for use by a variety of industrial or commercial businesses. A county or city may convey or lease a shell building or space in a shell building pursuant to subsection (c) of this section.

(5) A county or city may construct, extend or own utility facilities or may provide for or assist in the extension of utility services to be furnished to an industrial facility, whether the utility is publicly or privately owned.

(6) A county or city may extend or may provide for or assist in the extension of water and sewer lines to industrial properties or facilities, whether the industrial property or facility is

publicly or privately owned.

(7) A county or city may engage in site preparation for industrial properties or facilities, whether the industrial property or facility is publicly or privately owned.

(c) Any appropriation or expenditure pursuant to subsection (b) of this section must be approved by the county or city governing body after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held. If the appropriation or expenditure is for the acquisition of an interest in real property, the notice shall describe the interest to be acquired, the proposed acquisition cost of such interest, the governing body's intention to approve the acquisition, the source of funding for the acquisition and such other information needed to reasonably describe the acquisition. If the appropriation or expenditure is for the improvement of privately owned property by site preparation or by the extension of water and sewer lines to the property, the notice shall describe the improvements to be made, the proposed cost of making the improvements, the source of funding for the improvements, the public benefit to be derived from making the improvements, and any other information needed to reasonably describe the improvements and their purpose.

(d) A county or city may lease or convey interests in real property held or acquired pursuant to subsection (b) of this section in accordance with the procedures of this subsection. A county or city may convey or lease interests in property by private negotiation and may subject the property to such covenants, conditions, and restrictions as the county or city deems to be in the public interest or necessary to carry out the purposes of this section. Any such conveyance or lease must be approved by the county or city governing body, after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held; the notice shall describe the interest to be conveyed or leased, the value of the interest, the proposed consideration for the conveyance or lease, and the governing body's intention to approve the conveyance or lease. Before such an interest may be conveyed, the county or city governing body shall determine the probable average hourly wage to be paid to workers by the business to be located at the property to be conveyed and the fair market value of the interest, subject to whatever covenants, conditions, and restrictions the county or city proposes to subject it to. The consideration for the conveyance may not be less than the value so determined.

(d1) Repealed by Session Laws 1993, c. 497, s. 22, effective July 23, 1993.

(d2) In arriving at the amount of consideration that it receives, the Board may take into account prospective tax revenues from improvements to be constructed on the property, prospective sales tax revenues to be generated in the area, as well as any other prospective tax revenues or income coming to the county or city over the next 10 years as a result of the conveyance or lease provided the following conditions are met:

(1) The governing board of the county or city shall determine that the conveyance of the property will stimulate the local economy, promote business, and result in the creation of a substantial number of jobs in the county or city that pay at or above the median average wage in the county or, for a city, in the county where the city is located. A city that spans more than one county is considered to be located in the county where the greatest population of the city resides. For the purpose of this subdivision, the median average wage in a county is the median average wage for all insured industries in the county as computed by the Employment Security Commission for the most recent period for which data is available.

(2) The governing board of the county or city shall contractually bind the purchaser of the property to construct, within a specified period of time not to exceed five years, improvements

on the property that will generate the tax revenue taken into account in arriving at the consideration. Upon failure to construct the improvements specified in the contract, the purchaser shall reconvey the property back to the county or city.

(e) All appropriations and expenditures pursuant to subsections (b) and (c) of this section shall be subject to the provisions of the Local Government Budget and Fiscal Control Acts of the North Carolina General Statutes, respectively, for cities and counties and shall be listed in the annual financial report the county or city submits to the Local Government Commission. The budget format for each such governing body shall make such disclosures in such detail as the Local Government Commission may by rule and regulation direct.

(f) At the end of each fiscal year, the total of the following for each county and city may not exceed one-half of one percent (0.5%) of the outstanding assessed property tax valuation for the county or city as of January 1 preceding the beginning of the fiscal year:

(1) The investment in property acquired at any time under subdivisions (b)(1) through (b)(4) of this section and owned at the end of the fiscal year.

(2) The amount expended during the fiscal year under subdivisions (b)(5) and (b)(7) of this section.

(3) The amount of tax revenue that was taken into account under subsection (d2) of this section and was expected to be received during the fiscal year.

The Local Government Commission shall review the annual financial reports filed by counties and cities to determine if any county or city has exceeded the limit set by this subsection. If the Commission finds that a county or city has exceeded this limit, it shall notify the county or city. A county or city that receives a notice from the Commission under this subsection must submit to the Commission for its review and approval any appropriation or expenditure the county or city proposes to make under this section during the next three fiscal years. The Commission shall not approve an appropriation or expenditure that would cause a county or city to exceed the limit set by this subsection.

(g) Repealed by Session Laws 1989, c. 374, s. 1, effective June 21, 1989.

(1973, c. 803, s. 37; 1985, c. 639, s. 1; 1985 (Reg. Sess., 1986), c. 846, s. 1; c. 848, s. 1; c. 858, s. 1; c. 911, s. 1; c. 921, s. 1; 1987, c. 577, s. 1.1; 1989, c. 374, s. 1; 1991, c. 598, s. 6; c. 659, ss. 1, 2; 1991 (Reg. Sess., 1992), c. 793, s. 1; c. 799, s. 1; c. 938, s. 1; 1993, c. 31, s. 1; c. 42, s. 1; c. 246, ss. 1(a), 1(b); c. 275, s. 2; c. 358, s. 13; c. 497, ss. 22, 24; c. 536, ss. 1, 4.)

**Local Modification.** - (As to Article 1) Burke: 1987 (Reg. Sess., 1988), c. 1002, s. 3.2; Chatham: 1993, c. 358, ss. 10-12; Clay: 1993, c. 520, s. 3; Davie: 1993, c. 25, s. 1 (effective until January 1, 1994); 1993, c. 536, s. 2; Duplin: 1991, c. 390; Henderson: 1993, c. 520, s. 3; (As to Article 1) Lenoir: 1987 (Reg. Sess., 1988), c. 1002, ss. 1-3; Mecklenburg: 1993, c. 174, s. 1; Rockingham: 1993, c. 25, s. 1 (effective until January 1, 1994); 1993, c. 536, s. 2; Transylvania: 1993, c. 520, s. 3; city of Brevard: 1993, c. 520, s. 3; city of Charlotte: 1993, c. 174, s. 1; (As to Article 1) city of Kinston: 1987 (Reg. Sess., 1990), c. 1002, ss. 1-3; (As to Article 1) city of Morganton: 1987 (Reg. Sess., 1988), c. 1002, s. 3.1; Town of Mocksville: 1993, c. 25, s. 1 (effective until January 1, 1994); 1993, c. 536, s. 2; town of Pittsboro: 1993, c. 358, ss. 10-12; town of Silver City: 1993, c. 358, ss. 10-12.

**Editor's Note.** - Session Laws 1987, c. 577, s. 1 amended Session Laws 1985, c. 639, s. 4, as amended by Session Laws 1985 (Reg. Sess., 1986), cc. 846, 848, 849, 858, 874, 911, 916, 921, and Session Laws 1987, c. 203, which formerly made subsections (b) to (f) of this section applicable only to certain counties, municipalities and towns, to read solely: "This act shall become effective January 1, 1986." Furthermore, subsection (g), which was enacted by Session Laws 1987, c. 577, s. 1.1 and

excepted Buncombe County and municipalities therein from the provisions of subsections (b) to (f) was repealed by Session Laws 1989, c. 374, s. 1. Thus subsections (b) to (d), (e) and (f) now have statewide application.

Session Laws 1993, c. 272, s. 2 and c. 520, s. 4 created local modifications to subsection (d1) applicable to the cities of Brevard and High Point and to Clay, Henderson, and Transylvania Counties. Subsection (d1) was repealed by Session Laws 1993, c. 497, s. 22 and c. 536, s. 4.

Session Laws 1993, c. 497, which amended this section, in s. 25 provides: "Liberal Construction. This act, being necessary for the prosperity and welfare of the State and its inhabitants, shall be liberally construed to effect these purposes."

Session Laws 1993, c. 497, s. 26 is a severability clause.

Session Laws 1993, c. 497, which amended this section, in s. 29 provides that Sections 22, 23, and 24 do not affect appropriations or expenditures that are made by a county or city after the effective date of the act and were agreed to in writing by the county or city before the effective date of this agreement as part of an economic development. The act was effective upon ratification (July 23, 1993).

Session Laws 1993, c. 536, which amended this section, in s. 3 provides: "This act does not affect appropriations or expenditures that are made by a county or city after the effective date of this act and were agreed to in writing by the county or city before the effective date of this act as part of an economic development project."

Session Laws 1993, c. 536, s. 5 is a severability clause.

### CASE NOTES

**Constitutionality** - This section does not violate the public purpose clause of the North Carolina Constitution. *Maready v. City of Winston-Salem*, 342 N.C. 708, 467 S.E.2d 615 (1996).

Under the expanded understanding of public purpose, even the most innovative activities this section permits are constitutional so long as they primarily benefit the public and not a private party. *Maready v. City of Winston-Salem*, 342 N.C. 708, 467 S.E.2d 615 (1996).

**Public Purpose.** - An expenditure does not lose its public purpose merely because it involves a private actor; if an act will promote the welfare of a state or local government and its citizens, it is for a public purpose. *Maready v. City of Winston-Salem*, 342 N.C. 708, 467 S.E.2d 615 (1996).

**Promotion of General Economic Welfare.** - Sections 158-8 through 158-15, 160A-209(c), and 153A-149(c) clearly indicate that this section is a part of a comprehensive scheme of legislation dealing with economic development whereby the General Assembly is attempting to authorize exercise of the power of taxation for the perceived public purpose of promoting the general economic welfare of the citizens of North Carolina. *Maready v. City of Winston-Salem*, 342 N.C. 708, 467 S.E.2d 615 (1996).

**Permissible Governmental Action.** - The activities this section authorizes are in keeping with those accepted as within the scope of permissible governmental action. *Maready v. City of Winston-Salem*, 342 N.C. 708, 467 S.E.2d 615 (1996).

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**


**JULY 14, 1998**


**MINUTES**

The Senate State Government, Local Government and Personnel Committee met on Tuesday, July 14, 1998 at 2:00 p.m. in the Senate Chamber. Eight members were present, including Senator Brad Miller, who presided.

Action was taken on the following bill:

**HB 1661**, Durham Dumpster Service, was explained by Senator Gulley. Senator Hartsell 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

Monday, July 20, 1998

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

**FAVORABLE**

H.B. 1661	Durham Dumpster Service.	
	Sequential Referral:	None
	Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comment: Sen. Miller to sign.

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**JULY 14, 1998**

**SENATE CHAMBER**

HB 1661

Durham Dumpster Service

Representative Miller

Adjournment



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1661

Short Title: Durham Dumpster Service.

(Local)

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Sponsors: Representatives Miller; and Luebke.

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Referred to: Local and Regional Government II.

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May 28, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO  
3 PROVIDE STATIONARY CONTAINER SERVICE TO HOUSING UNITS  
4 THAT QUALIFY FOR ROLL OUT CART SERVICE WITHOUT CHARGING  
5 ADDITIONAL FEES.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 160A-314 reads as rewritten:

8 "§ 160A-314. Authority to fix and enforce rates.

9 (a) A city may establish and revise from time to time schedules of rents, rates,  
10 fees, charges, and penalties for the use of or the services furnished by any public  
11 enterprise. Schedules of rents, rates, fees, charges, and penalties may vary according  
12 to classes of service, and different schedules may be adopted for services provided  
13 outside the corporate limits of the city.

14 (a1) Before it establishes or revises a schedule of rates, fees, charges, or penalties  
15 for structural and natural stormwater and drainage systems under this section, the city  
16 council shall hold a public hearing on the matter. A notice of the hearing shall be  
17 given at least once in a newspaper having general circulation in the area, not less  
18 than seven days before the public hearing. The hearing may be held concurrently  
19 with the public hearing on the proposed budget ordinance.

20 The fees established under this subsection must be made applicable throughout the  
21 area of the city. Schedules of rates, fees, charges, and penalties for providing  
22 structural and natural stormwater and drainage system service may vary according to  
23 whether the property served is residential, commercial, or industrial property, the  
24 property's use, the size of the property, the area of impervious surfaces on the

1 property, the quantity and quality of the runoff from the property, the characteristics  
2 of the watershed into which stormwater from the property drains, and other factors  
3 that affect the stormwater drainage system. Rates, fees, and charges imposed under  
4 this subsection may not exceed the city's cost of providing a stormwater and drainage  
5 system.

6 No stormwater utility fee may be levied under this subsection whenever two or  
7 more units of local government operate separate structural and natural stormwater  
8 and drainage system services in the same area within a county. However, two or more  
9 units of local government may allocate among themselves the functions, duties,  
10 powers, and responsibilities for jointly operating a single structural and natural  
11 stormwater and drainage system service in the same area within a county, provided  
12 that only one unit may levy a fee for the service within the joint service area. For  
13 purposes of this subsection, a unit of local government shall include a regional  
14 authority providing structural and natural stormwater and drainage system services.

15 (a2) A fee for the use of a disposal facility provided by the city may vary based on  
16 the amount, characteristics, and form of recyclable materials present in solid waste  
17 brought to the facility for disposal. This section does not prohibit a city from  
18 providing aid to low-income persons to pay all or part of the cost of solid waste  
19 management services for those persons.

20 (a3) Where housing units qualify under city ordinances for roll out cart solid waste  
21 collection service and the housing units instead choose to be served by stationary  
22 containers in accordance with city ordinances, a city may provide stationary container  
23 collection service without charging fees for such service other than the fees applicable  
24 to roll out cart service.

25 (a4) Nothing in this section shall be construed to impair the authority of a city to  
26 charge customers who do not qualify for service under subsection (a3) of this section  
27 the fees established by city ordinances for stationary container collection service.

28 (b) A city shall have power to collect delinquent accounts by any remedy  
29 provided by law for collecting and enforcing private debts, and may specify by  
30 ordinance the order in which partial payments are to be applied among the various  
31 enterprise services covered by a bill for the services. A city may also discontinue  
32 service to any customer whose account remains delinquent for more than 10 days.  
33 When service is discontinued for delinquency, it shall be unlawful for any person  
34 other than a duly authorized agent or employee of the city to do any act that results  
35 in a resumption of services. If a delinquent customer is not the owner of the premises  
36 to which the services are delivered, the payment of the delinquent account may not  
37 be required before providing services at the request of a new and different tenant or  
38 occupant of the premises, but this restriction shall not apply when the premises are  
39 occupied by two or more tenants whose services are measured by the same meter.

40 (c) Except as provided in subsection (d) and G.S. 160A-314.1, rents, rates, fees,  
41 charges, and penalties for enterprisory services shall be legal obligations of the person  
42 contracting for them, and shall in no case be a lien upon the property or premises  
43 served, provided that no contract shall be necessary in the case of structural and  
44 natural stormwater and drainage systems.

1 (d) Rents, rates, fees, charges, and penalties for enterprisory services shall be legal  
2 obligations of the owner of the premises served when:

3 (1) The property or premises is leased or rented to more than one  
4 tenant and services rendered to more than one tenant are  
5 measured by the same meter.

6 (2) Charges made for use of a sewage system are billed separately from  
7 charges made for the use of a water distribution system.

8 (e) Nothing in this section shall repeal any portion of any city charter inconsistent  
9 herewith."

10 Section 2. This act applies to the City of Durham only.

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



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July 14, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1661: Durham Dumpster Service

House Bill 1661, introduced by Representative Miller, amends G.S. 160A-314, authorizing municipalities to fix rates and fees for use of services furnished by public enterprises to make it clear that Durham may provide stationary container service at no additional fee to housing units that qualify for roll out cart solid waste collection service if the housing units choose stationary container service instead of roll out service.

The act applies to the City of Durham only and is effective when it becomes law.

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**WEDNESDAY, JULY 29, 1998**

**MINUTES**

The Senate State Government, Local Government and Personnel Committee met on Wednesday, July 29, 1998 at 2:30 p.m. in the Senate Chamber. Nine members were present, including Senator Brad Miller, who presided.


Action was taken on the following bills:

**HB 1256**, Abolish Coroner Gaston County, was explained by Senator Forrester. Senator Hartsell 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.**

**HB 1336**, Lake Waccamaw ABC Board Audits, was explained by Senator Soles. Senator Hartsell moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**HB 1591**, Orange Condemnation Restriction, was explained by Senator Kinnaird. Senator Hartsell 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 bill, but favorable as to committee substitute.**

**SB 1238**, Forsyth Bid Exemption, was explained by Senator Horton. Senator Albertson 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.**

  
\_\_\_\_\_  
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 30, 1998

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

**FAVORABLE**

H.B. 1336 Lake Waccamaw ABC Board Audits.  
Sequential Referral: None  
Recommended Referral: None

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

S.B. 1238 Forsyth Bid Exemption.  
Draft Number: PCS6863  
Sequential Referral: None  
Recommended Referral: None  
Long Title Amended: No

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

H.B. 1591 Orange Condemnation Restriction.  
Draft Number: PCS9017  
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

Tuesday, August 04, 1998

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

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

<b>H.B. 1256</b>	<b>Abolish Gaston County Coroner.</b>
	Draft Number: PCS8365
	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, JULY 29, 1998**

**SENATE CHAMBER**

HB 1256	Abolish Coroner Gaston County	Rep. Dickson
HB 1336	Lake Waccamaw ABC Board Audits	Rep. Hill
HB 1591	Orange Condemnation Restriction	Rep. Insko
SB 1238	Forsyth Bid Exemption	Senator Horton

Adjournment



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1256

Short Title: Abolish Gaston County Coroner.

(Local)

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Sponsors: Representatives Dickson, Berry, Clary, Dedmon, Gamble, Kiser,  
Rayfield, and Weatherly.

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Referred to: Local and Regional Government II.

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May 13, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT ABOLISHING THE OFFICE OF CORONER IN GASTON COUNTY.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. The office of coroner in Gaston County is abolished.  
5 Section 2. Chapter 152 of the General Statutes is not applicable to  
6 Gaston County.  
7 Section 3. This act becomes effective upon the expiration of the term of  
8 the current coroner in Gaston County.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1256  
Proposed Senate Committee Substitute H1256-PCS8365-RF3

Short Title: Abolish Gaston County Coroner.

(Local)

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Sponsors:

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Referred to:

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May 13, 1998

1                                   A BILL TO BE ENTITLED  
2 AN ACT ABOLISHING THE OFFICE OF CORONER IN GASTON AND  
3 ROCKINGHAM COUNTIES.  
4 The General Assembly of North Carolina enacts:  
5           Section 1. The office of coroner in Gaston County is abolished.  
6           Section 2. The office of coroner in Rockingham County is abolished.  
7           Section 3. Chapter 152 of the General Statutes is not applicable to  
8 Gaston County or Rockingham County.  
9           Section 4. This act becomes effective upon the expiration of the terms of  
10 the current coroners in Gaston County and in Rockingham County, respectively.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1336

Short Title: Lake Waccamaw ABC Board Audits.

(Local)

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Sponsors: Representative Hill.

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Referred to: Local and Regional Government I.

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May 20, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR ANNUAL AUDITS OF THE LAKE WACCAMAW  
3 LOCAL ABC SYSTEM.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Notwithstanding Section 6 of Chapter 540 of the 1967 Session  
6 Laws, the annual audit requirements of G.S. 18B-702(c) shall apply to the Lake  
7 Waccamaw ABC Board.  
8 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1591

Short Title: Orange Condemnation Restriction.

(Local)

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Sponsors: Representatives Insko; Hackney (Cosponsors) and Mosley.

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Referred to: Ways and Means.

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May 28, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT REQUIRING THE CONSENT OF ORANGE COUNTY BEFORE LAND  
3 IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF  
4 LOCAL GOVERNMENT OUTSIDE THAT COUNTY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 153A-15(c) reads as rewritten:  
7 "(c) This section applies to Alamance, Alleghany, Anson, Ashe, Bertie, Bladen,  
8 Brunswick, Burke, Buncombe, Cabarrus, Caldwell, Camden, Caswell, Catawba,  
9 Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Davidson,  
10 Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Graham, Granville,  
11 Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson,  
12 Johnston, Lee, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg,  
13 Montgomery, Nash, New Hanover, Onslow, Orange, Pamlico, Pasquotank, Pender,  
14 Perquimans, Person, Pitt, Polk, Richmond, Robeson, Rockingham, Rowan, Sampson,  
15 Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren,  
16 Watauga, Wilkes, and Yancey counties only. This section does not apply as to any:  
17 (1) Condemnation; or  
18 (2) Acquisition of real property or an interest in real property by a city  
19 where the property to be condemned or acquired is within the  
20 corporate limits of that city."  
21 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1591  
Proposed Committee Substitute H1591-PCS9017-RF

Short Title: Orange Condemnation Restriction.

(Local)

Sponsors:

Referred to:

May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT REQUIRING THE CONSENT OF CARTERET, CHATHAM, JONES,  
3 AND ORANGE COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE  
4 CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT  
5 OUTSIDE THOSE COUNTIES.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 153A-15(c) reads as rewritten:

8 "(c) This section applies to Alamance, Alleghany, Anson, Ashe, Bertie, Bladen,  
9 Brunswick, Burke, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell,  
10 Catawba, Chatham, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland,  
11 Currituck, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston,  
12 Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke,  
13 Iredell, Jackson, Johnston, Jones, Lee, Lincoln, Macon, Madison, Martin, McDowell,  
14 Mecklenburg, Montgomery, Nash, New Hanover, Onslow, Orange, Pamlico,  
15 Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Richmond, Robeson,  
16 Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania,  
17 Union, Vance, Wake, Warren, Watauga, Wilkes, and Yancey counties only. This  
18 section does not apply as to any:

- 19 (1) Condemnation; or  
20 (2) Acquisition of real property or an interest in real property by a city  
21 where the property to be condemned or acquired is within the  
22 corporate limits of that city."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1238

Short Title: Forsyth Bid Exemption.

(Local)

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Sponsors: Senators Horton; Cochrane and McDaniel.

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

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May 21, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXEMPT FORSYTH COUNTY FROM CERTAIN STATUTORY  
3 REQUIREMENTS IN THE RENOVATION OF FORMER TOBACCO  
4 FACTORIES FOR COUNTY GOVERNMENT OFFICES, PARKING, AND  
5 RELATED FACILITY NEEDS.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. Notwithstanding the provisions of G.S. 143-128, 143-129, 143-  
8 131, and 143-132, Forsyth County may enter into contracts for the renovation of  
9 former tobacco factories for County government offices, parking, and related facility  
10 needs in the manner and upon the terms and conditions Forsyth County considers  
11 appropriate.  
12 Section 2. This act is effective when it becomes law and expires June 30,  
13 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1238  
Proposed Committee Substitute S1238-PCS6863

Short Title: Forsyth Bid Exemption.

(Local)

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Sponsors:

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Referred to:

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May 21, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXEMPT FORSYTH COUNTY FROM CERTAIN STATUTORY  
3 REQUIREMENTS IN THE RENOVATION OF FORMER TOBACCO  
4 FACTORIES FOR COUNTY GOVERNMENT OFFICES, PARKING, AND  
5 RELATED FACILITY NEEDS.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. Notwithstanding the provisions of G.S. 143-128, 143-129, 143-  
8 131, and 143-132, Forsyth County may enter into contracts for the renovation of  
9 former RJ Reynolds tobacco factory building number 12 for county government  
10 offices, parking, and related facility needs in the manner and upon the terms and  
11 conditions Forsyth County considers appropriate.  
12 Section 2. This act is effective when it becomes law and expires June 30,  
13 2001.

# STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

WEDNESDAY, AUGUST 5, 1998

## MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, August 5, 1998 at 11:00 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:

**HB 894**, Stoneville Four-Year Terms, was explained by Representative Sexton. 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 1275**, Statesville Airport Lease Length, was explained by Senator Jenkins. Senator Hartsell moved a favorable report of the bill. The motion carried unanimously. The bill was referred to the Finance Committee. **Favorable Report.**

**HB 1401**, Pleasant Garden Boundaries, was explained by Representative Decker. Senator Hartsell moved a favorable report of the bill. The motion carried unanimously. The bill was referred to the Finance Committee. **Favorable Report.**

**HB 1453**, Rowan School Bid Exemption, was explained by Representative Gardner. Senator Hartsell moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1494**, Statesville Charter, was explained by Senator Jenkins. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1508**, Greenville MV Towing Hearing, was explained by Representative Aldridge. Senator Hartsell moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1524**, Morganton Mayor, was explained by Representative Church. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1540**, Havelock Council Vacancies, was explained by Senator Miller. Senator Ballance moved a favorable of the bill. The motion carried unanimously. **Favorable Report.**



**HB 1554**, Mt. Airy Private Sale, was explained by Representative Hiatt. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1570**, Long Beach Street End Parks, was explained by Representative Redwine. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1595**, Wrightsville Beach Sprinkler Systems, was explained by Representative McComas. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1596**, Wrightsville Beach Parking Proceeds, was explained by Representative McComas. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1618**, Eden Abandoned Structures, was explained by Representative Sexton. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1624**, Repeal Northampton Fishing Law, was explained by Representative Hardaway. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1625**, Modify Halifax Tourism Authority, was explained by Representative Hardaway. 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.**

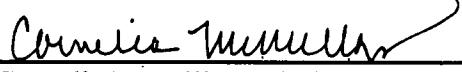
**HB 1629**, Asheboro Annexations, was explained by Representative Culp. Senator Hartsell moved a favorable report of the bill. The motion carried unanimously. The bill was referred to the Finance Committee. **Favorable Report.**

**SB 1398**, RDU Construction Bid Exemptions, was explained by Senator Gulley. Senator Dalton moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Moore moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute bill.**

**SB 1509**, Durham Citizen Review Board, was explained by Senator Gulley. Senator Ballance moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**SB 1512**, Durham County Bikeways Funds, was explained by Senator Gulley. Senator Dalton 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, August 05, 1998

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

**FAVORABLE**

H.B. 1275	Statesville Airport Lease Length. Sequential Referral: Finance Recommended Referral: None
H.B. 1401	Pleasant Garden Boundaries. Sequential Referral: Finance Recommended Referral: None
H.B.(CS)1453	Rowan School Bid Exemption. Sequential Referral: None Recommended Referral: None
H.B. 1494	Statesville Charter. Sequential Referral: None Recommended Referral: None
H.B. 1508	Greenville MV Towing Hearings. Sequential Referral: None Recommended Referral: None
H.B.(CS)1524	Morganton Mayor. Sequential Referral: None Recommended Referral: None
H.B. 1554	Mr. Airy Private Sale. Sequential Referral: None Recommended Referral: None
H.B. 1570	Long Beach Street End Parks. Sequential Referral: None Recommended Referral: None

August 5, 1998

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H.B. 1595	Wrightsville Beach Sprinkler Systems.
	Sequential Referral: None
	Recommended Referral: None
H.B. 1596	Wrightsville Beach Parking Proceeds.
	Sequential Referral: None
	Recommended Referral: None
H.B.(CS)1618	Eden Abandoned Structures.
	Sequential Referral: None
	Recommended Referral: None
H.B. 1624	Repeal Northampton Fishing Law.
	Sequential Referral: None
	Recommended Referral: None
H.B.(CS #2)1629	Asheboro Annexations.
	Sequential Referral: Finance
	Recommended Referral: None

TOTAL REPORTED: 13

Committee Clerk Comment:	Sen. Miller to sign.
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**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

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

Thursday, August 06, 1998

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

**FAVORABLE**

<b>H.B.(C.S.)1540</b>	<b>Havelock Council Vacancies.</b>	
	Sequential Referral:	None
	Recommended Referral:	None

<b>S.B. 1509</b>	<b>Durham Citizen Review Board.</b>	
	Sequential Referral:	None
	Recommended Referral:	None

<b>S.B. 1512</b>	<b>Durham County Bikeways Funds.</b>	
	Sequential Referral:	None
	Recommended Referral:	None

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

<b>S.B. 1398</b>	<b>RDU Construction Bid Exemptions.</b>	
	Draft Number:	PCS9516
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	No

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

<b>H.B. 894</b>	<b>Stoneville Four-Year Terms.</b>	
	Draft Number:	PCS3169
	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

Tuesday, August 11, 1998

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

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

<b>H.B. 1625</b>	Modify Halifax Tourism Authority.
	Draft Number: PCS6463
	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

AUGUST 5, 1998

## ROOM 414

HB 894	Stoneville Four-Year Terms	Representative Sexton
HB 1247	Abolish Ashe County Coroner	Representative Baker
HB 1254	Transylvania County Land Use	Representative Ives
HB 1275	Statesville Airport Lease Length	Representative Mitchell
HB 1401	Pleasant Garden Boundaries	Representative Decker
HB 1453	Rowan School Bid Exemption	Representative Gardner
HB 1494	Statesville Charter	Representative Mitchell
HB 1508	Greenville MV Towing Hearing	Representative Aldridge
HB 1524	Morganton Mayor	Representative Church
HB 1540	Havelock Council Vacancies	Representative Wainwright
HB 1554	Mt. Airy Private Sale	Representative Hiatt
HB 1570	Long Beach Street End Parks	Representative Redwine
HB 1595	Wrightsville Beach Sprinkler Systems	Representative McComas
HB 1596	Wrightsville Beach Parking Proceeds	Representative McComas
HB 1618	Eden Abandoned Structures	Representative Sexton
HB 1624	Repeal Northampton Fishing Law	Representative Hardaway
HB 1625	Modify Halifax Tourism Authority	Representative Hardaway
HB 1629	Asheboro Annexations	Representative Culp
SB 1398	RDU Construction Bid Exemptions	Senator Gulley
SB 1509	Durham Citizen Review Board	Senator Gulley

SB 1512

Durham County Bikeways Funds

Sen. Gulley



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 894\*

Short Title: Stoneville Four-Year Terms.

(Local)

---

Sponsors: Representative Sexton.

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Referred to: Local and Regional Government II.

---

April 7, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND  
3 COUNCIL OF THE TOWN OF STONEVILLE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 3 of the Charter of the Town of Stoneville, being  
6 Chapter 287 of the 1983 Session Laws, reads as rewritten:

7 "Sec. 3. Term of Office of Members of Council. Members of the Council are  
8 elected to ~~two-year~~ four-year terms. In 1997, the three persons receiving the highest  
9 numbers of votes are elected to four-year terms and the two persons receiving the  
10 next highest numbers of votes are elected to two-year terms. In 1999 and  
11 quadrennially thereafter, two persons are elected to four-year terms. In 2001 and  
12 quadrennially thereafter, three persons are elected to four-year terms."

13 Section 2. Section 4 of the Charter of the Town of Stoneville, being  
14 Chapter 287 of the 1983 Session Laws, reads as rewritten:

15 "Sec. 4. Election of Mayor, Term of Office. The qualified voters of the entire  
16 Town elect the Mayor, who shall be elected to a ~~two-year~~ four-year term of office."

17 Section 3. This act applies beginning with persons elected in 1997.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 894\*  
Proposed Committee Substitute H894-PCS3169-RF001

Short Title: Stoneville Four-Year Terms.

(Local)

Sponsors:

Referred to:

April 7, 1997

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND  
3 COUNCIL OF THE TOWN OF STONEVILLE.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Section 3 of the Charter of the Town of Stoneville, being  
6 Chapter 287 of the 1983 Session Laws, reads as rewritten:  
7 "Sec. 3. Term of Office of Members of Council. Members of the Council are  
8 elected to ~~two-year~~ four-year terms. In 1999, the three persons receiving the highest  
9 numbers of votes are elected to four-year terms and the two persons receiving the  
10 next highest numbers of votes are elected to two-year terms. In 2001 and  
11 quadrennially thereafter, two persons are elected to four-year terms. In 2003 and  
12 quadrennially thereafter, three persons are elected to four-year terms."  
13 Section 2. Section 4 of the Charter of the Town of Stoneville, being  
14 Chapter 287 of the 1983 Session Laws, reads as rewritten:  
15 "Sec. 4. Election of Mayor, Term of Office. The qualified voters of the entire  
16 Town elect the Mayor, who shall be elected to a ~~two-year~~ four-year term of office."  
17 Section 3. This act applies beginning with persons elected in 1999.  
18 Section 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 894\*  
Proposed Committee Substitute  
H894-PCSRF-001  
4-AUG-98 16:42:54

Short Title: Stoneville Four-Year Terms.

(Local)

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Sponsors:

---

Referred to: Local and Regional Government II.

---

April 7, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND COUNCIL OF  
3 THE TOWN OF STONEVILLE.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Section 3 of the Charter of the Town of  
6 Stoneville, being Chapter 287 of the 1983 Session Laws, reads as  
7 rewritten:  
8 "Sec. 3. Term of Office of Members of Council. Members of the  
9 Council are elected to ~~two-year~~ four-year terms. In 1999, the  
10 three persons receiving the highest numbers of votes are elected  
11 to four-year terms and the two persons receiving the next highest  
12 numbers of votes are elected to two-year terms. In 2001 and  
13 quadrennially thereafter, two persons are elected to four-year  
14 terms. In 2003 and quadrennially thereafter, three persons are  
15 elected to four-year terms."  
16 Section 2. Section 4 of the Charter of the Town of  
17 Stoneville, being Chapter 287 of the 1983 Session Laws, reads as  
18 rewritten:  
19 "Sec. 4. Election of Mayor, Term of Office. The qualified  
20 voters of the entire Town elect the Mayor, who shall be elected  
21 to a ~~two-year~~ four-year term of office."

- 1           Section 3.   This act applies beginning with persons  
2 elected in 1999.  
3           Section 4.   This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1247

Short Title: Abolish Ashe County Coroner.

(Local)

---

Sponsors: Representatives Baker; and G. Wilson.

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Referred to: Local and Regional Government II.

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May 12, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT ABOLISHING THE OFFICE OF CORONER IN ASHE COUNTY.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. The office of coroner in Ashe County is abolished.  
5 Section 2. Chapter 152 of the General Statutes is not applicable to Ashe  
6 County.  
7 Section 3. This act becomes effective upon the expiration of the term of  
8 the current coroner in Ashe County.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1254

Short Title: Transylvania County Land Use.

(Local)

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Sponsors: Representative Ives.

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Referred to: Local and Regional Government II.

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May 12, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT THE COUNTY OF TRANSYLVANIA MAY USE  
3 CERTAIN LANDS FOR LIBRARY PURPOSES.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Except for the tract currently used for an arboretum, the  
6 County of Transylvania may use for library purposes lands acquired in South Broad  
7 Park under the Land and Water Conservation Fund.  
8 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1275

Short Title: Statesville Airport Lease Length.

(Local)

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Sponsors: Representative Mitchell.

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

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May 14, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXTEND THE PERMISSIBLE LENGTH OF LEASES ENTERED  
3 INTO BY THE STATESVILLE MUNICIPAL AIRPORT FROM TWENTY TO  
4 TWENTY-FIVE YEARS.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Section 1 of Chapter 883 of the 1987 Session Laws is amended  
7 by deleting "20 years" and substituting "25 years."  
8 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1401

Short Title: Pleasant Garden Boundaries.

(Local)

---

Sponsors: Representative Decker.

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

---

May 21, 1998

A BILL TO BE ENTITLED

1  
2 AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF PLEASANT  
3 GARDEN TO INCLUDE THE ENTIRE RIGHT-OF-WAY OF CERTAIN  
4 ROADS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 2-1 of the Charter of the Town of Pleasant Garden,  
7 being Section 1 of S.L. 1997-344, reads as rewritten:

8 "Sec. 2-1. **Town Boundaries.** Until modified in accordance with the law, the  
9 boundaries of the Town of Pleasant Garden are as follows:

10 BEGINNING at a point in the southern right-of-way line of Ritters Lake Road (S.R.  
11 3325) at its intersection with the western line of Fentress Township with Sumner  
12 Township, and running; thence, along the southern right-of-way line of said Ritters:  
13 Lake Road, eastwardly approximately 8440 feet to a point;

14 thence, along the western line of tax parcel ACL-3-152-540-9, southeastwardly  
15 approximately 500 feet to a point;

16 thence, along the western line of tax parcels ACL-3-152-540-46 and 47, southwardly  
17 approximately 1750 feet to a point;

18 thence, along the southern line of tax parcels ACL-3-152-540-47, 8, and 7,  
19 northeastwardly approximately 2140 feet to a point;

20 thence, along the eastern line of tax parcel ACL-3-152-540-7, northeastwardly  
21 approximately 150 feet to a point;

22 thence, along the southern line of tax parcels ACL-3-152-540-41, 42, and 43,  
23 eastwardly approximately 2275 feet to a point;



1 thence, along the western right-of-way line of Alliance Church Road (N.C. Highway  
2 22), northwardly approximately 500 feet to a point;  
3 thence, crossing said Alliance Church Road, northeastwardly approximately 200 feet  
4 to a point in the northern right-of-way line of a proposed new road connecting  
5 Alliance Church Road with U. S. Highway 421;  
6 thence, along the northern right-of-way line of said connector road, northeastwardly  
7 approximately 1350 feet to a point;  
8 thence, along the southwestern right-of-way line of U. S. Highway 421,  
9 southeastwardly approximately 14,400 feet to a point in the ~~centerline~~ western right-  
10 of-way line of Hagan-Stone Park Road (S.R. 3411);  
11 thence, along the ~~centerline~~ western right-of-way line of Hagan-Stone Park Road  
12 (S.R. 3411), southwardly approximately 2,500 feet to a point;  
13 thence, along the southern line of tax parcel ACL-9-579-411-39, westwardly  
14 approximately 350 feet to a point;  
15 thence, along a line of the Pleasant Garden Fire District and across tax parcel ACL-  
16 9-579-411-19, southwardly approximately 175 feet to a point in the northern line of  
17 tax parcel ACL-9-579-411-43;  
18 thence, along the northern line of said tax parcel ACL-9-579-411-43, eastwardly  
19 approximately 300 feet to a point in the ~~centerline~~ western right-of-way line of  
20 Hagan-Stone Park Road (S.R. 3411);  
21 thence, along the ~~centerline~~ western right-of-way line of said Hagan-Stone Park  
22 Road (S.R. 3411), southwestwardly and westwardly approximately 3,600 feet to a  
23 point;  
24 thence, along the eastern line of tax parcel ACL-9-579-422-32, southwardly  
25 approximately 1,750 feet to a point;  
26 thence, along the southern line of said tax parcel ACL-9-579-422-32, westwardly  
27 approximately 1,900 feet to a point;  
28 thence, along a western line of said tax parcel ACL-9-579-422-32, northwardly  
29 approximately 230 feet to a point;  
30 thence, along a northern line of said tax parcel ACL-9-579-422-32 with Hagan-Stone  
31 Park, eastwardly approximately 600 feet to a point;  
32 thence, along a western line of said tax parcel ACL-9-579-422-32 with Hagan-Stone  
33 Park, northwardly approximately 1,200 feet to a point in the ~~centerline~~ southern  
34 right-of-way line of Hagan-Stone Park Road (S.R. 3411);  
35 thence, along the ~~centerline~~ southern right-of-way line of said Hagan-Stone Park  
36 Road (S.R. 3411) northeastwardly approximately 800 feet to a point;  
37 thence, along the western line of tax parcels ACL-9-579-422-35 and 23, with Hagan-  
38 Stone Park, northwardly approximately 1,530 feet to a point in the southern line of  
39 tax parcel ACL-9-579-422-12;  
40 thence, along the southern line of said tax parcel ACL-9-579-422-12 with Hagan-  
41 Stone Park, westwardly approximately 480 feet to a point;  
42 thence, along the western line of said tax parcel ACL-9-579-422-12 with Hagan-Stone  
43 Park, northwardly approximately 1,350 feet to a point in the ~~centerline~~ southern  
44 right-of-way line of Tabernacle Church Road (S.R. 3412);

1 thence, along the ~~centerline~~ southern right-of-way line of said Tabernacle Church  
2 Road (S.R. 3412) westwardly approximately 150 feet to a point;  
3 thence, along the eastern line of tax parcel ACL-9-579-422-11 with Hagan-Stone Park  
4 southwardly approximately 1,300 feet to a point;  
5 thence, along the southern line of tax parcels ACL-9-579-422-11 and 7 and ACL-9-  
6 579-477-11, 15, 33, 35, and 26, with Hagan-Stone Park, westwardly approximately  
7 2,100 feet to a point;  
8 thence, along the eastern line of tax parcel ACL-9-579-477-25 with Hagan-Stone Park  
9 southwardly approximately 280 feet to a point;  
10 thence, along the southern line of tax parcels ACL-9-579-477-25, 24, and 41 with  
11 Hagan-Stone Park southwestwardly approximately 1,370 feet to a point;  
12 thence, along the western line of tax parcel ACL-9-579-477-41 with Hagan-Stone  
13 Park, northeastwardly approximately a 700 feet to a point, the southeast corner of tax  
14 parcel ACL-9-579-477-40;  
15 thence, along the southern line of tax parcels ACL-9-579-477-40 and 43 with Hagan-  
16 Stone Park, westwardly approximately 1,350 feet to a point;  
17 thence, along the eastern line of tax parcels ACL-9-579-477-43, ACL-3-156-482-2 and  
18 5, ACL-3-156-487-1 and 6 and ACL-9-579-478-8, southwardly approximately 3,800  
19 feet to a point in the ~~centerline~~ southern right-of-way line of Hagan-Stone Park Road  
20 (S.R. 3411);  
21 thence, along the ~~centerline~~ southern right-of-way line of said Hagan-Stone Park  
22 Road (S.R. 3411) eastwardly approximately 2,800 feet to a point;  
23 thence, along the eastern line of tax parcel ACL-9-579-478-3 with Hagan-Stone Park,  
24 southwardly approximately 125 feet to a point;  
25 thence, along the northern line of tax parcel ACL-9-579-478-3 with Hagan-Stone  
26 Park, eastwardly approximately 1,200 feet to a point;  
27 thence, along the eastern side of tax parcel ACL-9-579-478-3 the following 5 courses:  
28 (1) Southwardly approximately 500 feet to a point  
29 (2) Eastwardly approximately 100 feet to a point  
30 (3) Southwardly approximately 975 feet to a point  
31 (4) Westwardly approximately 190 feet to a point  
32 (5) Southwardly approximately 1,300 feet to a point in the ~~centerline~~ southern right-  
33 of-way line of Fieldview Road (S.R. 3407);  
34 thence, along the ~~centerline~~ southern right-of-way line of said Fieldview Road (S.R.  
35 3407) southeastwardly and eastwardly approximately 1,700 feet to a point;  
36 thence, along the eastern line of tax parcel ACL-9-577-420-19, southwardly  
37 approximately 620 feet to a point;  
38 thence, along the southern line of tax parcel ACL-9-577-420-19, westwardly  
39 approximately 300 feet to a point;  
40 thence, along the eastern line of tax parcel ACL-9-577-420-21, southwardly  
41 approximately 400 feet to a point;  
42 thence, along the southern line of tax parcels ACL-9-577--420-21, 22, and 23, north  
43 westwardly approximately 800 feet to a point;

1 thence, along the southern line of tax parcels ACL-9-577-420-9 and 26,  
2 southwestwardly approximately 1450 feet to a point in the eastern line of tax parcel  
3 ACL-9-579-479N-4; thence, along the eastern side of tax parcel ACL-9-579-479N-4,  
4 the following 3 courses:  
5 (1) Southwardly approximately 200 feet to a point  
6 (2) Eastwardly approximately 50 feet to a point  
7 (3) Southwardly approximately 1,350 feet to a point, the southeast corner of said tax  
8 parcel ACL-9-579-479N-4;  
9 thence, along the southern line of tax parcel ACL-9-579-479N-4, westwardly  
10 approximately 1,800 feet to a point;  
11 thence, along the southern line of tax parcel ACL-3-158-479S-15, southwestwardly  
12 approximately 280 feet to a point;  
13 thence, along the eastern line of tax parcel ACL-3-158-479S-4, southwardly  
14 approximately 200 feet to a point;  
15 thence, along the southern line of said tax parcel ACL-3-158-479S-4, southwestwardly  
16 approximately 380 feet to a point in the ~~centerline~~ western right-of-way line of N.C.  
17 Highway 22;  
18 thence, along the ~~centerline~~ western right-of-way line of said N.C. Highway 22,  
19 southeastwardly approximately 600 feet to a point;  
20 thence, along the southern line of tax parcels ACL-3-158-479S-3, 13, 12, and 17,  
21 ACL-3-158-485-11, ACL-3-158-486S-15, 13, and 12, southwestwardly approximately  
22 3,000 feet to a point, the northeastern corner of tax parcel ACL-3-158-485-6;  
23 thence, along the eastern line of said tax parcel ACL-3-158-485-6, southwardly  
24 approximately 1,900 feet to a point;  
25 thence, along the southern line of tax parcels ACL-3-158-485-6 and 9, westwardly  
26 approximately 1,430 feet to a point in the ~~centerline~~ western right-of-way line of  
27 Kearney Road (S.R. 3404);  
28 thence, along the ~~centerline~~ western right-of-way line of said Kearney Road (S.R.  
29 3404), northwardly approximately 300 feet to a point;  
30 thence, along the southern line of tax parcels ACL-3-158-485-6 and ACL-3-158-546-2,  
31 westwardly approximately 2,200 feet to a point;  
32 thence, along a western line of tax parcel ACL-3-158-546-2, northwardly  
33 approximately 960 feet to a point;  
34 thence, along the southern line of tax parcel ACL-3-158-546-2, westwardly  
35 approximately 1,300 feet to a point;  
36 thence, along the eastern line of tax parcels ACL-3-158-546-12, 13, 14, 21, 15, 16, 17,  
37 18, 19, and 20, southwardly approximately 1,600 feet to a point;  
38 thence, along the southern line of tax parcel ACL-3-158-546-20, westwardly  
39 approximately 300 feet to a point in the ~~centerline~~ western right-of-way line of Hunt  
40 Road (S.R. 3402);  
41 thence, along the ~~centerline~~ western right-of-way line of said Hunt Road (S.R. 3402),  
42 southward approximately 650 feet to a point;  
43 thence, along the southern line of tax parcel ACL-3-158-546-3, westwardly  
44 approximately 1,000 feet to a point;

1 thence, along the southern line of tax parcel ACL-3-158-546-7, North westwardly  
2 approximately 630 feet to a point;  
3 thence, along the western line of tax parcels ACL-3-158-546-7, and 30,  
4 northeastwardly approximately 1,020 feet to a point;  
5 thence, along the southern line of tax parcel ACL-91-6784-551-25 and the southern  
6 line of Pleasant Grove Subdivision which is designated at B-Sub of block 551, tax  
7 map ACL-91-6784, westwardly approximately 650 feet to a point, the northeast  
8 corner of tax parcel ACL-91-6784-551-12;  
9 thence, along the eastern line of said tax parcel ACL-91-6784-551-12, southwardly  
10 approximately 500 feet to a point;  
11 thence, along the southern line of said tax parcel ACL-91-6784-551-12, westwardly  
12 approximately 520 feet to a point, the northeast corner of Center Subdivision;  
13 thence, along eastern lines of said Center Subdivision, which is designated as A-Sub  
14 of block 551, tax map ACL-91-6784, the following 5 courses;  
15 (1) Southwestwardly approximately 500 feet to a point;  
16 (2) Southeastwardly approximately 200 feet to a point;  
17 (3) Southwestwardly approximately 600 feet to a point;  
18 (4) North westwardly approximately 200 feet to a point;  
19 (5) Southwestwardly approximately 300 feet to a point;  
20 thence, along the southern line of said Center Subdivision, westwardly approximately  
21 460 feet to a point in the ~~centerline~~ eastern right-of-way line of Branson Mill Road  
22 (S.R. 3437);  
23 thence, along the ~~centerline~~ eastern right-of-way line of said Branson Mill Road (S.R.  
24 3437), northeastwardly approximately 100 feet to a point;  
25 thence, along the southern line of tax parcel ACL-91-6784-550N-22, westwardly  
26 approximately, 550 feet to a point in the eastern line of tax parcel ACL-91-6784-  
27 550N-1;  
28 thence, along the eastern line of said tax parcel ACL-91-6784-550N-1, southwardly  
29 approximately 75 feet to a point;  
30 thence, along the southern line of tax parcels ACL-91-6794-550N-1 and 15,  
31 westwardly approximately 350 feet to a point;  
32 thence, along the eastern line of tax parcel ACL-91-6784-550N-14, southwardly  
33 approximately 700 feet to a point;  
34 thence, along the southern line of said tax parcel ACL-91-6784-550N-14, westwardly  
35 approximately 950 feet to a point;  
36 thence, along the western line of tax parcels ACL-91-6784-550N-14, 11, and 21 and  
37 ACL-91-6784-551-2 and crossing Hodgin Valley Road (S.R. 3440), northwardly  
38 approximately 2,000 feet to a point;  
39 thence, along the northern line of tax parcels ACL-91-6784-551-2, 17, 5, and 14 and  
40 the northern line of Center Subdivision, which is designated as A-Sub of block 551,  
41 ACL-91-6784, westwardly approximately 2,170 feet to a point in the ~~centerline~~  
42 eastern right-of-way line of Branson Mill Road (S.R. 3437);  
43 thence, along the ~~centerline~~ eastern right-of-way line of said Branson Mill Road (S.R.  
44 3437), northeastwardly approximately 1,100 feet to a point;

1 thence, along the southern line of tax parcel ACL-91-6784-551-18, northwestwardly  
2 approximately 400 feet to a point;  
3 thence, along the western line of tax parcels ACL-91-6784-551-18 and 8,  
4 northwestwardly approximately 1,300 feet to a point;  
5 thence, along the southern line of tax parcels ACL-91-6784-551-8, 24, and 22,  
6 westward approximately 950 feet to a point;  
7 thence, along the western line of tax parcels ACL-91-6784-551-22 and 23,  
8 northwestwardly approximately 1,050 feet to a point;  
9 thence, along the northern line of tax parcel ACL-91-6784-551-23, northeastwardly  
10 approximately 350 feet to a point, the southwest corner of tax parcel ACL-91-6784-  
11 552S-6;  
12 thence, along the western line of said tax parcel ACL-91-6784-552S-6, northwardly  
13 approximately 750 feet to a point;  
14 thence, along the southern line of tax parcels ACL-91-6784-552S-6 and 5,  
15 southwestwardly approximately 1,800 feet to a point in the eastern line of tax parcel  
16 ACL-91-6784-611S-3;  
17 thence, along the southeastern line of said tax parcel ACL-91-6784-611S-3 as it  
18 meanders southwestwardly approximately 840 feet to a point;  
19 thence, along the southern line of said tax parcel ACL-91-6784-611S-3,  
20 southwestwardly approximately 620 feet to a point;  
21 thence, along the southwestern line of said tax parcel ACL-91-6784-611S-3, as it  
22 meanders northwestwardly approximately 875 feet to a point in the centerline  
23 southern right-of-way line of Robolo Road (S.R. 3439);  
24 thence, along the ~~centerline~~ southern right-of-way line of said Robolo Road (S.R.  
25 3439) southwestwardly; approximately 900 feet to its intersection with the western  
26 line of Davis Mill Road;  
27 thence, along the western line of Davis Mill Road, northwardly approximately  
28 7820 feet to a point in the northern line of tax parcel ACL-9-635-609-19;  
29 thence, along the northern line of tax parcel ACL-9-635-609-19, southeastwardly  
30 approximately 470 feet to a point in the westernline of Davis Mill Road (S.R. 3433);  
31 thence, along the westernline of said Davis Mill Road (S.R. 3433), northeastwardly  
32 approximately 3,050 feet to a point;  
33 thence, along the southern line of Nocho Park Subdivision which is designated as B-  
34 Sub of block 609, ACL-9-635, westwardly approximately 1,350 feet to a point;  
35 thence, along the western line of said Nocho Park Subdivision, northwardly  
36 approximately 1,350 feet to a point in the ~~centerline~~ northern right-of-way line of  
37 Sheraton Park (S.R. 3426);  
38 thence, along the ~~centerline~~ northern right-of-way line of said Sheraton Park Road  
39 (S.R. 3426) westwardly approximately 1440 feet to its intersection with the western  
40 line of Fentress Township with Sumner Township;  
41 thence, along the western line of Fentress Township with Sumner Township,  
42 northwardly approximately 8180 feet to the point of BEGINNING."

43 Section 2. This act becomes effective June 30, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1453  
Committee Substitute Favorable 6/18/98

Short Title: Rowan School Bid Exemption.

(Local)

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Sponsors:

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Referred to:

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May 25, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO ASSIST THE ROWAN-SALISBURY SCHOOLS WITH THE  
3 EXPEDITING OF PUBLIC SCHOOL FACILITIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Notwithstanding the provisions of Article 8 of Chapter 143 of  
6 the General Statutes, the Rowan-Salisbury Schools may select and negotiate with  
7 separate prime contractors to build a model school plan if the Rowan-Salisbury  
8 Schools determines that using the selection and negotiations process instead of  
9 competitive bidding will expedite the project, create an effective construction team,  
10 and control costs, quality, and schedule.

11 Section 2. This act shall apply to construction of a new middle school for  
12 approximately 800 students using 1996 State Bond funding with design to begin in  
13 May, 1998, and with occupancy scheduled by April, 2000.

14 Section 3. This act is effective when it becomes law and expires on June  
15 30, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1494

Short Title: Statesville Charter.

(Local)

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Sponsors: Representative Mitchell.

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Referred to: Local and Regional Government II.

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May 25, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE SECTION OF THE CITY OF STATESVILLE'S  
3 CHARTER THAT PROHIBITS POLITICAL ACTIVITY BY CERTAIN CITY  
4 EMPLOYEES.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Section 5.16 of Article V of the Charter of the City of  
7 Statesville, being Chapter 289 of the 1977 Session Laws, is repealed.  
8 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1508

Short Title: Greenville MV Towing Hearings.

(Local)

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Sponsors: Representatives Aldridge; Mercer and Rogers.

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Referred to: Local and Regional Government I.

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May 26, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PERMIT THE CITY OF GREENVILLE TO HOLD POST-TOWING  
3 HEARINGS FOR ABANDONED OR JUNKED VEHICLES REMOVED FROM  
4 PRIVATE PROPERTY WITHOUT THE OWNER'S REQUEST.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 160A-303.2(a3) reads as rewritten:  
7 "(a3) Hearing Procedure. -- Regardless of whether a city does its own removal and  
8 disposal of motor vehicles or contracts with another person to do so, the city shall  
9 provide a ~~prior~~ hearing procedure for the owner. For purposes of this subsection, the  
10 definitions in G.S. 20-219.9 apply.  
11 (1) If the city operates in such a way that the person who tows the  
12 vehicle is responsible for collecting towing fees, all provisions of  
13 Article 7A, Chapter 20, apply.  
14 (2) If the city operates in such a way that it is responsible for  
15 collecting towing fees, it shall:  
16 a. Provide by contract or ordinance for a schedule of  
17 reasonable towing fees,  
18 b. Provide a procedure for a prompt fair hearing to contest the  
19 towing,  
20 c. Provide for an appeal to district court from that hearing,  
21 d. Authorize release of the vehicle at any time after towing by  
22 the posting of a bond or paying of the fees due, and  
23 e. Provide a sale procedure similar to that provided in G.S.  
24 44A-4, 44A-5, and 44A-6, except that no hearing in addition



1                           to the probable cause hearing is required. If no one  
2                           purchases the vehicle at the sale and if the value of the  
3                           vehicle is less than the amount of the lien, the city may  
4                           destroy it."

5           Section 2. This act applies to the City of Greenville only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1524  
Committee Substitute Favorable 6/17/98

Short Title: Morganton Mayor.

(Local)

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Sponsors:

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Referred to:

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May 27, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF  
3 MORGANTON AND TO MAKE TECHNICAL CORRECTIONS  
4 CONCERNING THAT OFFICE.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. (a) Section 2.11 of the Charter of the City of Morganton,  
7 being Chapter 180, Session Laws of 1975, reads as rewritten:  
8 "Chapter 2. Mayor.  
9 "Sec. 2.11. Election and term of office.--The Mayor shall be elected as provided in  
10 this Charter for a term of ~~two (2) years~~. four years. The term of office of the Mayor  
11 shall commence on the day and hour of the organizational meeting held at the first  
12 regular meeting of the Council in December after the results of the election have  
13 been certified, and he shall serve until his successor has taken office."  
14 (b) This section becomes effective beginning with the Mayor elected in  
15 the 1999 municipal election.  
16 Section 2. Section 2.14(b) of the Charter of the City of Morganton, being  
17 Chapter 180, Session Laws of 1975, reads as rewritten:  
18 "Sec. 2.14. Vacancy; absence or disability.--(a) A vacancy in the office of Mayor  
19 shall exist when a duly elected person fails to qualify or when a person who has been  
20 elected and has qualified dies, resigns, or no longer meets the requirements of Section  
21 2.11 of this Charter, or is recalled. If a vacancy occurs in the office of Mayor, the  
22 Council shall by majority vote appoint some qualified person to fill the office for the  
23 remainder of the unexpired term. The Mayor Pro Tempore shall discharge the

1 powers and duties of the office of Mayor until the office is filled, and he shall receive  
2 the same compensation as received by the office of Mayor during such period of  
3 service. The council seat of Mayor Pro Tempore is not vacant during any period in  
4 which the Mayor Pro Tempore discharges powers and duties of the office of Mayor.

5 (b) During the absence or disability of the Mayor, the Mayor Pro Tempore shall  
6 perform the powers and duties of the Mayor during the period that such absence or  
7 disability exists. The inability of the Mayor to perform the duties of his office shall  
8 be determined by the Council in accordance with the provisions of ~~G.S. 160A-70.~~  
9 G.S. 160A-70, except that the vote of the Mayor is not required in any such  
10 determination."

11 Section 3. Section 2.22(b) of the Charter of the City of Morganton, being  
12 Chapter 180, Session Laws of 1975, as amended by Chapter 299 of the Session Laws  
13 of 1977, reads as rewritten:

14 "(b) Except where a greater number is required by law, an affirmative vote equal to  
15 a majority of all the voting members of the council present and not excused from  
16 voting on a question ~~(including the mayor's vote in case of equal division)~~ shall be  
17 required to adopt any ordinance or any resolution or motion having the effect of an  
18 ordinance; provided, however, that no ordinance shall be finally adopted on the date  
19 it is introduced unless adopted by an affirmative vote equal to or greater than two  
20 thirds of all the council members, not including the mayor and any member excused  
21 from voting on the ~~question (but including the mayor's vote in case of equal~~  
22 ~~division): question.~~ No member of the Council shall be excused from voting except  
23 on matters involving the consideration of his own official conduct or involving his  
24 financial interest. The question of compensation and allowances of members of the  
25 Council or the Mayor shall not be considered to involve a member's own financial  
26 interest or official conduct. In all other cases, a failure to vote by a member who is  
27 physically present in the council chamber, or who has withdrawn without being  
28 excused by a majority vote of the remaining members present, shall be recorded as an  
29 affirmative vote."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1540  
Committee Substitute Favorable 6/15/98

Short Title: Havelock Council Vacancies.

(Local)

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Sponsors:

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Referred to:

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May 27, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO CONFORM THE CHARTER OF THE CITY OF HAVELOCK TO  
3 GENERAL LAW BY PROVIDING FOR AN ELECTION TO FILL THE  
4 REMAINDER OF THE UNEXPIRED TERM OF A COUNCIL MEMBER  
5 WHEN THE VACANCY OCCURS DURING THE FIRST TWO YEARS OF A  
6 FOUR-YEAR TERM.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. Section 3(c) of the Charter of the City of Havelock, being  
9 Chapter 952 of the 1959 Session Laws, as rewritten by Chapter 152 of the 1977  
10 Session Laws, reads as rewritten:  
11 "(c) If a vacancy, for any reason, occurs on the board of commissioners, the  
12 remaining members shall, within 30 days, appoint a qualified person to fill the  
13 vacancy as provided herein. If the vacancy occurs in the first two years of a four-year  
14 term, and more than ~~30 days~~ three days before the end of the filing period for that  
15 office as provided by the General Statutes prior to the regular municipal election, the  
16 person appointed shall serve until the next statutory organizational meeting of the  
17 board after the election. At the regular municipal election, ~~a person shall be elected~~  
18 ~~for the unexpired term,~~ the candidate for commissioner who receives the next highest  
19 number of votes after the candidates for commissioner who are elected for full terms  
20 pursuant to subsection (a) of this section is elected to the unexpired term, said term  
21 to begin on the date of the organizational meeting. A voter may vote for no more  
22 than the number of full and unexpired terms to be filled at the election. A vacancy  
23 occurring otherwise shall be filled for the unexpired term."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1554

Short Title: Mt. Airy Private Sale.

(Local)

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Sponsors: Representatives Hiatt; G. Wilson and Baker.

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Referred to: Local and Regional Government II.

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May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE CITY OF MOUNT AIRY TO CONVEY CERTAIN  
3 DESCRIBED PROPERTY BY PRIVATE SALE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Notwithstanding Article 12 of Chapter 160A of the General  
6 Statutes, the City of Mount Airy may convey by private negotiation and sale, with or  
7 without monetary consideration, any or all of its right, title, and interest in the  
8 following described property:

9 Being a 350.776 acre tract of land recorded in Plat Book 14 Page 97 of  
10 the Surry County Register of Deeds. The plat is entitled "The City of Mount Airy  
11 Annexation of May 15, 1997 Index# AX93" and was surveyed by Owen Lee  
12 Osborne, registered land surveyor, license number 3295. The property is shown as  
13 parcel 7162 on map 5919 of the Surry County Tax Maps.

14 Being a 25.954 acre tract of land recorded in Plat Book 14 Page 98 of the  
15 Surry County Register of Deeds. The plat is entitled "The City of Mount Airy  
16 Annexation of May 15, 1997 Index# AX93" and was surveyed by Owen Lee  
17 Osborne, registered land surveyor, license number 3295. The property is shown as  
18 parcel 7162 on map 5919 of the Surry County Tax Maps.

19 Section 2. The property shall be offered for private negotiation and sale  
20 with the following restrictions:

21 (1) The purchaser of the property shall develop the property for  
22 purposes allowable under M-1 Industrial and B-4 Highway  
23 Business of the City's zoning ordinance.

1           (2)    The industrial use and construction schedule proposed by the  
2                    purchaser shall be approved by a resolution passed by the City's  
3                    Board of Commissioners at a regular meeting.

4           (3)    The consideration for the private sale shall be agreed upon by the  
5                    Board of Commissioners and the purchaser, but shall not be less  
6                    than the fair actual value of the property as determined by the  
7                    Board based upon competent evidence.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1570

Short Title: Long Beach Street End Parks.

(Local)

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Sponsors: Representatives Redwine; and Hill.

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Referred to: Local and Regional Government I.

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May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO PERMIT THE TOWN OF LONG BEACH TO PASS ORDINANCES  
3 FOR DEVELOPING AND OPERATING PARKS ON DEAD-END STREETS.

4 The General Assembly of North Carolina enacts:

5 Section 1. In addition to any powers granted to the Town of Long Beach  
6 pursuant to Articles 15 and 18 of Chapter 160A of the General Statutes, the Town  
7 may pass ordinances providing for the development and operation of parks on  
8 municipal streets including those that dead-end on beaches, waterways, and at the  
9 ocean.

10 Section 2. This act applies to the Town of Long Beach, Brunswick  
11 County only.

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



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1595

Short Title: Wrightsville Beach Sprinkler Systems.

(Local)

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Sponsors: Representative McComas.

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Referred to: Local and Regional Government I.

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May 28, 1998

A BILL TO BE ENTITLED

1  
2 AN ACT TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO ADOPT  
3 ORDINANCES REQUIRING SPRINKLER SYSTEMS IN CERTAIN  
4 BUILDINGS.

5 The General Assembly of North Carolina enacts:

6           Section 1. Notwithstanding any provision of the North Carolina State  
7 Building Code or any general or local law to the contrary, including Chapter 143 of  
8 the General Statutes, a city may require, by ordinance, the installation of sprinkler  
9 systems in the following types of buildings that are constructed within the city or the  
10 city's extraterritorial planning jurisdiction after the effective date of any ordinance  
11 adopted by the city: (i) buildings in excess of 50 feet in height, (ii) nonresidential  
12 buildings regardless of height, and (iii) residential buildings that have three or more  
13 dwelling units regardless of height. The installation of sprinkler systems shall be  
14 completed within a reasonable period of time, which shall be provided in any  
15 ordinances adopted by the city.

16           Section 2. This act applies to the Town of Wrightsville Beach only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1596

Short Title: Wrightsville Beach Parking Proceeds.

(Local)

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Sponsors: Representative McComas.

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Referred to: Local and Regional Government I.

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May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO USE  
3 PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME  
4 MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING  
5 FACILITIES ARE USED.

6 The General Assembly of North Carolina enacts:

7 Section 1. Notwithstanding G.S. 160A-301(a), a city may use the  
8 proceeds from parking meters on public streets in the same manner in which  
9 proceeds from off-street parking facilities are permitted under G.S. 160A-301(b).

10 Section 2. This act applies to the Town of Wrightsville Beach only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1618  
Committee Substitute Favorable 6/30/98

Short Title: Eden Abandoned Structures.

(Local)

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Sponsors:

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Referred to:

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May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO GRANT AUTHORITY TO THE CITY OF EDEN TO ADDRESS  
3 ABANDONED STRUCTURES IN THE SAME MANNER AS  
4 MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE  
5 HUNDRED SIXTY-THREE THOUSAND.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. Section 2 of Chapter 733 of the 1995 Session Laws as  
8 amended by S.L. 1997-101 reads as rewritten:  
9 "Sec. 2. This act applies to the Cities of Eden, Lumberton and Roanoke Rapids  
10 only."  
11 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1624

Short Title: Repeal Northampton Fishing Law.

(Local)

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Sponsors: Representative Hardaway; Allen and H. Hunter.

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Referred to: Local and Regional Government I.

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May 28, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE LAW PERMITTING THE TAKING OF CATFISH  
3 AND EELS IN TRAPS FROM THE HIGHWAY 258 BRIDGE TO THE  
4 OCCONEECHEE GUT IN NORTHAMPTON COUNTY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Chapter 1278 of the 1981 Session Laws is repealed.  
7 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1625

Short Title: Modify Halifax Tourism Authority.

(Local)

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Sponsors: Representatives Hardaway, Allen and Crawford.

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Referred to: Ways and Means.

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May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT THE CHAIR OF THE HALIFAX TOURISM  
3 DEVELOPMENT AUTHORITY SHALL BE ELECTED BY THE MEMBERS  
4 OF THE AUTHORITY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Section 2 of Chapter 377 of the 1987 Session Laws reads as  
7 rewritten:  
8 "Sec. 2. Tourism Development Authority. (a) Appointment and membership.  
9 When the Board of Commissioners adopts a resolution levying a room occupancy tax  
10 under this act, it shall also adopt a resolution creating a county Tourism  
11 Development Authority, which shall be a public authority under the Local  
12 Government Budget and Fiscal Control Act. The resolution shall provide for the  
13 membership of the Authority including the members' qualifications and terms of  
14 office, and for the filling of vacancies on the Authority. The resolution shall provide  
15 that the chair of the Authority shall be elected by majority vote of the members of  
16 the Authority. The Board of Commissioners shall ~~designate one member of the~~  
17 ~~Authority as chair and shall~~ determine the compensation, if any, to be paid to  
18 members of the Authority.  
19 The Authority shall meet at the call of the chair and shall adopt rules of procedure  
20 to govern its meetings. The Finance Officer for Halifax County shall be the ex officio  
21 finance officer of the Authority.  
22 (b) Duties. The Authority shall promote travel, tourism, and conventions in the  
23 county, sponsor tourist-related events and activities in the county, and finance tourist-  
24 related capital projects in the county.

1 (c) Reports. The Authority shall report quarterly and at the close of the fiscal  
2 year to the Board of County Commissioners on its receipts and expenditures for the  
3 preceding quarter and for the year in such detail as the Board may require."

4 Section 2. This act becomes effective July 1, 1998, and applies to terms  
5 of office beginning on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1625  
Proposed Committee Substitute H1625-PCS6463

Short Title: Modify Halifax Tourism Authority.

(Local)

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Sponsors:

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Referred to:

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May 28, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT THE CHAIR OF THE HALIFAX TOURISM  
3 DEVELOPMENT AUTHORITY SHALL BE ELECTED BY THE MEMBERS  
4 OF THE AUTHORITY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. Section 2 of Chapter 377 of the 1987 Session Laws reads as  
7 rewritten:  
8 "Sec. 2. Tourism Development Authority. (a) Appointment and membership.  
9 When the Board of Commissioners adopts a resolution levying a room occupancy tax  
10 under this act, it shall also adopt a resolution creating a county Tourism  
11 Development Authority, which shall be a public authority under the Local  
12 Government Budget and Fiscal Control Act. The resolution shall provide for the  
13 membership of the Authority including the members' qualifications and terms of  
14 office, and for the filling of vacancies on the Authority. The resolution shall provide  
15 that the chair of the Authority shall be elected by majority vote of the members of  
16 the Authority. The Board of Commissioners shall ~~designate one member of the~~  
17 ~~Authority as chair and shall~~ determine the compensation, if any, to be paid to  
18 members of the Authority.  
19 The Authority shall meet at the call of the chair and shall adopt rules of procedure  
20 to govern its meetings. The Finance Officer for Halifax County shall be the ex officio  
21 finance officer of the Authority.

1 (b) Duties. The Authority shall promote travel, tourism, and conventions in the  
2 county, sponsor tourist-related events and activities in the county, and finance tourist-  
3 related capital projects in the county.

4 (c) Reports. The Authority shall report quarterly and at the close of the fiscal  
5 year to the Board of County Commissioners on its receipts and expenditures for the  
6 preceding quarter and for the year in such detail as the Board may require."

7 Section 2. This act is effective when it becomes law and applies to terms  
8 of office beginning on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 1629  
Committee Substitute Favorable 6/30/98  
Committee Substitute #2 Favorable 7/28/98

Short Title: Asheboro Annexations.

(Local)

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Sponsors:

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Referred to:

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May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE  
3 CITY OF ASHEBORO, TO ANNEX AN AREA AS DESCRIBED INTO THE  
4 CORPORATE LIMITS OF THE CITY OF ASHEBORO, AND GIVE  
5 ADDITIONAL AUTHORITY TO THAT CITY TO MAKE VOLUNTARY  
6 SATELLITE ANNEXATIONS.

7 The General Assembly of North Carolina enacts:

8 Section 1. (a) The following described territory is removed from the  
9 corporate limits of the City of Asheboro:

10 Lying and being in Franklinville Township, Randolph County, North Carolina:

11 BEGINNING at a point in the west right-of-way line of Henley Country  
12 Road (NCSR 2215), said point being also located at North Carolina Grid Coordinates  
13 North = 731,316.884 and East = 1,770,498.738 (NAD 27); thence from said  
14 beginning point the following courses and distances along the west right-of-way line  
15 of Henley Country Road: South 24 degrees 52 minutes 14 seconds East 142.66 feet to  
16 a point, South 23 degrees 00 minutes 08 seconds East 138.13 feet to a point, South 19  
17 degrees 40 minutes 50 seconds East 325.13 feet to a point, South 14 degrees 35  
18 minutes 16 seconds East 57.32 feet to a point, South 09 degrees 38 minutes 38  
19 seconds East 104.07 feet to a point, South 04 degrees 42 minutes 37 seconds East  
20 88.53 feet to a point, South 00 degrees 09 minutes 31 seconds East 92.51 feet to a  
21 point and South 09 degrees 10 minutes 54 seconds West 100.42 feet to an existing  
22 iron pipe, in Michael Glass' line in the west right-of-way of Henley Country Road;

1 thence the following courses and distances along Michael Glass' line: North 54  
2 degrees 38 minutes 39 seconds West 188.23 feet to an existing iron rod, North 63  
3 degrees 54 minutes 37 seconds West 44.32 feet to an existing iron rod, North 69  
4 degrees 18 minutes 05 seconds West 21.50 feet to an existing iron rod at a control  
5 corner and South 28 degrees 55 minutes 31 seconds West 514.60 feet to an existing  
6 iron rod at a control corner in the line of R. B. York, Jr.; thence North 89 degrees 22  
7 minutes 52 seconds West, along York's line, 779.05 feet to an existing iron pipe and  
8 stones in the centerline of Lick Branch; thence the following courses and distances  
9 along the centerline of Lick Branch: North 28 degrees 16 minutes 09 seconds East  
10 69.15 feet to a point, North 23 degrees 29 minutes 58 seconds West 63.98 feet to a  
11 point, North 45 degrees 00 minutes 12 seconds East 79.02 feet to a point, North 74  
12 degrees 24 minutes 27 seconds East 56.85 feet to a point, North 17 degrees 01 minute  
13 35 seconds East 130.33 feet to a point, North 05 degrees 32 minutes 53 seconds East  
14 124.74 feet to a point, North 27 degrees 53 minutes 19 seconds East 58.11 feet to a  
15 point, North 38 degrees 04 minutes 18 seconds West 28.91 feet to a point, North 13  
16 degrees 07 minutes 00 seconds West 72.23 feet to a point, North 16 degrees 06  
17 minutes 34 seconds East 33.82 feet to a point, North 59 degrees 09 minutes 21  
18 seconds East 57.23 feet to a point, North 19 degrees 25 minutes 06 seconds East 68.97  
19 feet to a point, South 89 degrees 14 minutes 44 seconds East 66.42 feet to a point,  
20 North 21 degrees 27 minutes 58 seconds East 53.83 feet to a point, North 38 degrees  
21 48 minutes 09 seconds East 60.19 feet to a point, North 07 degrees 38 minutes 50  
22 seconds East 107.44 feet to a point, North 24 degrees 41 minutes 42 seconds West  
23 148.64 feet to a point and North 29 degrees 50 minutes 48 seconds West 34.78 feet to  
24 a point; thence North 48 degrees 47 minutes 46 seconds East 289.38 feet to an existing  
25 iron rod; thence south 46 degrees 25 minutes 26 seconds East 130.67 feet to an  
26 existing iron rod; thence North 32 degrees 16 minutes 04 seconds East 184.55 feet to  
27 an existing iron rod at a corner with W. R. Craven, Jr.; thence along Craven's line  
28 South 48 degrees 46 minutes 16 seconds East 224.27 feet to an existing iron pipe and  
29 North 43 degrees 39 minutes 17 seconds East 164.71 feet to the point and place of  
30 Beginning, containing 24.634 acres.

31 This description is in accordance with a survey entitled "Annexation Map  
32 for the City of Asheboro", dated October 6, 1997, prepared by Philip M. Henley, and  
33 designated as Job No. S-4303.

34 (b) From and after the effective date of this section, the real and  
35 personal property in the area described in subsection (a) of this section shall not be  
36 subject to taxes of the City of Asheboro.

37 Section 2. The following described territory is added to the corporate  
38 limits of the City of Asheboro:

39 BEGINNING at an existing iron pipe in the south right-of-way line of  
40 Pilots View Road (State Road #1197), said iron pipe being also located in the city  
41 limits line of the City of Asheboro; thence from said beginning point South 61  
42 degrees 21 minutes 00 seconds East, along the south right-of-way line of Pilots Vie  
43 Road, 200.00 feet to a corner not set; thence South 22 degrees 05 minutes 00 seco  
44 West 1,549.23 feet to a corner not set within the City of Asheboro property; t<sup>h</sup>

1 North 67 degrees 55 minutes 00 seconds West 771.17 feet to an existing iron pipe in  
2 the present city limits line; thence along the present city limits line, the following  
3 courses and distances: North 22 degrees 05 minutes 00 seconds East 1,638.00 feet to  
4 an existing iron pipe and South 61 degrees 21 minutes 00 seconds East 576.26 feet to  
5 the point and place of Beginning, containing 28.213 acres, more or less.

6 This description is in accordance with a survey entitled "Asheboro  
7 Municipal Airport Annexation Map", dated June 17, 1998, prepared by Jack R.  
8 Ragland, R. L. S., and designated as Job No. 1355.

9 Section 3. (a) G.S. 160A-58.1(b)(5) reads as rewritten:

10 "(5) The area within the proposed satellite corporate limits, when  
11 added to the area within all other satellite corporate limits, may  
12 not exceed ~~ten percent (10%)~~ twenty percent (20%) of the area  
13 within the primary corporate limits of the annexing city."

14 (b) This section applies to the City of Asheboro only.

15 Section 4. This act is effective when it becomes law, except that Section  
16 1 becomes effective November 6, 1997.

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 1997**

S

1

**SENATE BILL 1398**

Short Title: RDU Construction Bid Exemptions.

(Local)

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Sponsors: Senators Gulley; and Lucas.

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

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May 27, 1998

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO AMEND CHAPTER 168 OF THE 1939 PUBLIC-LOCAL LAWS, AS  
3 PREVIOUSLY AMENDED, WHICH ENABLED THE ESTABLISHMENT OF  
4 THE RALEIGH-DURHAM AIRPORT AUTHORITY, TO ALLOW THE  
5 AUTHORITY TO CONTRACT WITH PRIVATE PARTIES FOR THE  
6 DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF SPECIAL USER  
7 PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143  
8 OF THE GENERAL STATUTES.

9 The General Assembly of North Carolina enacts:

10           Section 1. Subsection (f) of Section 7 of Chapter 168 of the Public-Local  
11 Laws of 1939, as rewritten in Chapter 1096 of the 1955 Session Laws, is further  
12 amended by adding a new subdivision to read:

13           "(1) Special User Projects. To contract with persons, firms, or  
14 corporations for terms not to exceed 40 years for special user  
15 projects as defined and described in this subdivision.

16                       Special user projects are projects that are undertaken for the  
17 use and benefit of one or more private entities who will lease the  
18 facilities from the Authority upon terms and conditions that will  
19 make the private entities solely responsible for the repayment of all  
20 notes, bonds, debts, or other costs incurred in the financing,  
21 acquisition, development, or construction of the project.

22                       A special user project shall include all of the following:

23           a. The acquisition of real property and equipment, the  
24 development of land belonging to the Authority, the

1 construction of buildings or other structures on a site or sites  
2 located on the property of the Authority, or the addition to  
3 or the improvement, rehabilitation, renovation, or  
4 enlargement of a site or a structure located on the property  
5 of the Authority.

6 b. The issuance of the Authority's special facility revenue  
7 bonds or other debt instruments by the Local Government  
8 Commission, the proceeds of which shall be used to pay the  
9 costs of the special user project and which bonds or other  
10 debt instruments shall be repayable solely from the  
11 Authority's rents, fees, charges, payments, or other revenues  
12 from the special user project or from the funds, collateral,  
13 and undertakings of private parties that are either assigned  
14 or pledged by those parties.

15 c. The use of the property acquired, developed, or constructed  
16 shall be limited to airline, aircraft, aviation support, air  
17 passenger, air cargo, aircraft maintenance and repair, or  
18 other transportation, distribution, or other airport related  
19 purposes, but may include appurtenances and incidental  
20 facilities such as roads, driveways, sidewalks, parking  
21 facilities, utilities, warehouses, loading facilities,  
22 administrative and other office facilities, and other  
23 improvements necessary or convenient for the operation of  
24 any of these facilities.

25 Notwithstanding any other provision of law, the Authority  
26 may agree that all contracts relating to the acquisition, design,  
27 construction, installation, or equipping of the special user project  
28 shall be solicited, negotiated, awarded, and executed by the private  
29 parties for which the Authority is financing the special user project  
30 or any agents of the private parties subject only to approval by the  
31 Authority, as the Authority may require. The Authority may, out  
32 of the proceeds of bonds or other debt instruments, make advances  
33 to or reimburse the private parties or their agents for all or a  
34 portion of the costs incurred in connection with the contracts. For  
35 all purposes related to special user projects and contracts related to  
36 special user projects, the Authority shall be exempt from the  
37 requirements of Article 8 of Chapter 143 of the General Statutes."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1398  
Proposed Committee Substitute S1398-PCS9516-SD002

Short Title: RDU Construction Bid Exemptions.

(Local)

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Sponsors:

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Referred to:

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May 27, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND CHAPTER 168 OF THE 1939 PUBLIC-LOCAL LAWS, AS  
3 PREVIOUSLY AMENDED, WHICH ENABLED THE ESTABLISHMENT OF  
4 THE RALEIGH-DURHAM AIRPORT AUTHORITY, TO ALLOW THE  
5 AUTHORITY TO CONTRACT WITH PRIVATE PARTIES FOR THE  
6 DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF SPECIAL USER  
7 PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143  
8 OF THE GENERAL STATUTES.

9 The General Assembly of North Carolina enacts:

10 Section 1. Subsection (f) of Section 7 of Chapter 168 of the Public-Local  
11 Laws of 1939, as amended by Chapter 1096 of the 1955 Session Laws, and Chapter  
12 755 of the Session Laws of 1959, is further amended by adding a new subdivision to  
13 read:

14 "(1) Special User Projects. To contract with persons, firms, or  
15 corporations for special user projects as defined and described in  
16 this subdivision.

17 Special user projects are projects that are undertaken for  
18 the use and benefit of one or more private entities who  
19 will lease the facilities from the Authority upon terms and  
20 conditions that will make the private entities solely  
21 responsible for the repayment of all notes, bonds, debts, or  
22 other costs incurred in the financing, acquisition,  
23 development, or construction of the project.

1 A special user project shall include all of the following:

- 2 a. The acquisition of equipment, the development of land  
3 belonging to the Authority, the construction of buildings or  
4 other structures belonging to the Authority on land  
5 belonging to the Authority.
- 6 b. The issuance of the Authority's special facility revenue  
7 bonds or other debt instruments, as authorized in Article 5  
8 of Chapter 159 of the General Statutes, in an amount not  
9 less than four million dollars (\$4,000,000) by the Local  
10 Government Commission, the proceeds of which shall be  
11 used to pay the costs of the special user project and which  
12 bonds or other debt instruments shall be repayable solely  
13 from the rents, fees, charges, payments, or other revenues  
14 payable to the Authority by the special user or from the  
15 funds, collateral, and undertakings of private parties that  
16 are either assigned or pledged by those parties.
- 17 c. The use of the property acquired, developed, or  
18 constructed shall be limited to airline, aircraft, aviation  
19 support, air passenger, aircraft maintenance and repair,  
20 other airport related purposes, but may include  
21 appurtenances and incidental facilities such as driveways,  
22 sidewalks, parking facilities, utilities, warehouses, loading  
23 facilities, administrative and other office facilities, and  
24 other improvements necessary or convenient for the  
25 operation of these facilities.

26 Notwithstanding any other provision of law, the Authority  
27 may agree that all contracts relating to the acquisition, design,  
28 construction, installation, or equipping of the special user project  
29 shall be solicited, negotiated, awarded, and executed by the  
30 private parties for which the Authority is financing the special  
31 user project or any agents of the private parties subject only to  
32 approval by the Authority, as the Authority may require. The  
33 Authority may, out of the proceeds of bonds or other debt  
34 instruments, make advances to or reimburse the private parties or  
35 their agents for all or a portion of the costs incurred in  
36 connection with the contracts. For all contracts related to special  
37 user projects, the Authority shall be exempt from the  
38 requirements of Article 8 of Chapter 143 of the General  
39 Statutes."

40 Section 2. This act is effective when it becomes law and expires on  
41 January 1, 2003. All contracts executed under the authority of this act and any bonds  
42 or other debt instruments issued pursuant to this act prior to the expiration date of  
43 this act shall remain effective until the contracts are completed or the bonds or other  
44 debt instruments are retired.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

S1398-PCSSD-002

PROPOSED SENATE COMMITTEE SUBSTITUTE

SENATE BILL 1398

THIS IS A DRAFT 5-AUG-98 14:16:15

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: RDU Construction Bid Exemptions.

(Local)

Sponsors:

Referred to: State Government, Local Government, and Personnel

May 27, 1998

A BILL TO BE ENTITLED

1 AN ACT TO AMEND CHAPTER 168 OF THE 1939 PUBLIC-LOCAL LAWS, AS  
2 PREVIOUSLY AMENDED, WHICH ENABLED THE ESTABLISHMENT OF THE  
3 RALEIGH-DURHAM AIRPORT AUTHORITY, TO ALLOW THE AUTHORITY TO  
4 CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT,  
5 CONSTRUCTION, AND OCCUPANCY OF SPECIAL USER PROJECTS WITHOUT  
6 COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL  
7 STATUTES.

8 The General Assembly of North Carolina enacts:

9 Section 1. Subsection (f) of Section 7 of Chapter 168  
10 of the Public-Local Laws of 1939, as amended by Chapter 1096 of  
11 the 1955 Session Laws, and Chapter 755 of the Session Laws of  
12 1959, is further amended by adding a new subdivision to read:

13 "(1) Special User Projects. To contract with persons,  
14 firms, or corporations for special user projects  
15 as defined and described in this subdivision.

16 Special user projects are projects that are  
17 undertaken for the use and benefit of one or  
18 more private entities who will lease the  
19 facilities from the Authority upon terms and  
20



conditions that will make the private entities solely responsible for the repayment of all notes, bonds, debts, or other costs incurred in the financing, acquisition, development, or construction of the project. A special user project shall include all of the following:

- a. The acquisition of equipment, the development of land belonging to the Authority, the construction of buildings or other structures belonging to the Authority on land belonging to the Authority.
- b. The issuance of the Authority's special facility revenue bonds or other debt instruments, as authorized in Article 5 of Chapter 159 of the General Statutes, in an amount not less than four million dollars (\$4,000,000) by the Local Government Commission, the proceeds of which shall be used to pay the costs of the special user project and which bonds or other debt instruments shall be repayable solely from the rents, fees, charges, payments, or other revenues payable to the Authority by the special user or from the funds, collateral, and undertakings of private parties that are either assigned or pledged by those parties.
- c. The use of the property acquired, developed, or constructed shall be limited to airline, aircraft, aviation support, air passenger, aircraft maintenance and repair, other airport related purposes, but may include appurtenances and incidental facilities such as driveways, sidewalks, parking facilities, utilities, warehouses, loading facilities, administrative and other office facilities, and other improvements necessary or convenient for the operation of these facilities.

Notwithstanding any other provision of law, the Authority may agree that all contracts relating to the acquisition, design, construction, installation, or equipping of the special user project shall be solicited, negotiated, awarded,

1 and executed by the private parties for which the  
2 Authority is financing the special user project or  
3 any agents of the private parties subject only to  
4 approval by the Authority, as the Authority may  
5 require. The Authority may, out of the proceeds  
6 of bonds or other debt instruments, make advances  
7 to or reimburse the private parties or their  
8 agents for all or a portion of the costs incurred  
9 in connection with the contracts. For all  
10 contracts related to special user projects, the  
11 Authority shall be exempt from the requirements of  
12 Article 8 of Chapter 143 of the General Statutes."  
13 Section 2. This act is effective when it becomes law  
14 and expires on January 1, 2003. All contracts executed under the  
15 authority of this act and any bonds or other debt instruments  
16 issued pursuant to this act prior to the expiration date of this  
17 act shall remain effective until the contracts are completed or  
18 the bonds or other debt instruments are retired.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1509

Short Title: Durham Citizen Review Board.

(Local)

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Sponsors: Senator Gulley.

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

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May 28, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW THE CITY OF DURHAM TO DISCLOSE LIMITED  
3 PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN  
4 REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY  
5 CASES.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 120 of the Charter of the City of Durham, being  
8 Chapter 671 of the 1975 Session Laws, as amended by Chapter 1249 of the 1979  
9 Session Laws, reads as rewritten:

10 "Sec. 120. (a) Personnel Records. -- Notwithstanding any provision of G.S.  
11 160A-168, the city manager may, with the approval of the city council, inform any  
12 person or corporation of any promotion, demotion, suspension, reinstatement,  
13 transfer, separation, dismissal, employment or nonemployment of any applicant,  
14 employee or former employee employed by or assigned to the city or whose  
15 personnel file is maintained by the city and the reasons therefor and may allow the  
16 personnel file of such person or any portion thereof to be inspected and examined by  
17 any person or corporation when the city manager shall determine that the release of  
18 such information or the inspection and examination of such file or portion thereof is  
19 essential to maintaining the integrity of the city or to maintaining the level or quality  
20 of services provided by the city; provided that prior to releasing such information or  
21 making such file or portion thereof available as provided herein, the city manager  
22 shall prepare a memorandum setting forth the circumstances which he deems to  
23 require such disclosure and the information to be disclosed. The memorandum shall  
24 be retained in the files of the city and shall be a public record.

1     **(b) Notwithstanding G.S. 160A-168, the city manager or the city manager's**  
2 **designee may, to facilitate citizen review of the police disciplinary process, release the**  
3 **disposition of disciplinary charges against a police officer and the facts relied upon in**  
4 **determining the disposition to (i) members of the citizen review board and (ii) the**  
5 **person alleged to have been aggrieved by the police officer's action or the person's**  
6 **survivor. The disposition of disciplinary charges includes a determination that the**  
7 **charges were sustained, not sustained, unfounded, exonerated, or the result of a**  
8 **policy failure. If the citizen review board hears an appeal of a police disciplinary**  
9 **case, the disposition of disciplinary charges as well as the facts and circumstances of**  
10 **the case may be released by the city manager or the city manager's designee to any**  
11 **person who is necessary to the appeals process as determined by the city manager or**  
12 **the city manager's designee. Citizen review board members and other persons shall**  
13 **keep confidential all information released to them under this subsection that is not a**  
14 **matter of public record under G.S. 160A-168 or subsection (a) of this section, and**  
15 **any person who violates the confidentiality shall be prosecuted as prescribed in G.S.**  
16 **160A-168(e) and (f)."**

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1997

S

1

SENATE BILL 1512

Short Title: Durham County Bikeways Funds.

(Local)

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Sponsors: Senators Gulley; and Lucas.

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Referred to: Appropriations.

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May 28, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO CLARIFY THE AUTHORITY OF THE COUNTY OF DURHAM TO  
3 FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS  
4 THROUGHOUT THE COUNTY.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 136-71.12 reads as rewritten:

7 "§ 136-71.12. Funds.

8 The General Assembly hereby authorizes the Department to include needed funds  
9 for the program in its annual budgets for fiscal years after June 30, 1975, subject to  
10 the approval of the General Assembly.

11 The Department is authorized to spend any federal, State, local or private funds  
12 available to the Department and designated for the accomplishment of this Article.  
13 ~~Cities and towns~~ Cities, towns, and counties may use any funds available."

14 Section 2. This act applies to the County of Durham only.

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



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April 21, 1997

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 894: Stoneville Terms

House Bill 894 amends the charter of the Town of Stoneville to extend the term of the mayor and the members of the town council from 2 to 4 years. The terms of the members of the town council will be staggered.

The act is effective when it becomes law and applies with persons elected in 1999.



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June 3, 1998

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

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 1254 - Transylvania County Land Use

House Bill 1254 authorizes Transylvania County to use land acquired in South Broad Park under the Land and Water Conservation Fund for library purposes.

This act is effective when it becomes law.

H1254-SMSA-001



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June 3, 1998

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

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 1275 - Statesville Airport Lease Length

House Bill 1275 extends the permissible length of leases entered into by the Statesville Municipal Airport from 20 years to 25 years.

This act is effective when it becomes law.

H1275-SMSA-001





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June 3, 1998

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

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 1401 - Pleasant Garden Boundaries

House Bill 1401 adjusts the boundaries of the Town of Pleasant Garden to include the entire right-of-way of certain roads.

This act becomes effective June 30, 1998.

H1401-SMSA-001



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June 10, 1998

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

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 1453 - Rowan School Bid Exemption

House Bill 1453 exempts the Rowan-Salisbury schools from the provisions regarding public contracts for the purpose of contracting for the construction of a new middle school if they determine that using the selection and negotiations process instead of competitive bidding will expedite the project, create an effective construction team and control costs, quality, and schedule.

This act is effective when it becomes law and expires on June 30, 2001.

H1453-SMSA-001



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June 10, 1998

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

FROM: Susan L. Hayes, Committee Counsel

RE: House Bill 1494 - Statesville Charter

House Bill 1494 deletes the section of the Statesville Charter that prohibits political activity by certain city employees.

This act is effective when it becomes law.

H1494-SMSA-001



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June 2, 1998

MEMORANDUM

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

From: Giles S. Perry, Committee Counsel

Re: House Bill 1508 Greenville MV Towing Hearings  
Introduced by Rep. Aldridge

G.S. 160A-303.2 authorizes municipalities to regulate by ordinance the abandonment of junked motor vehicles on private and public property, and to require their removal. A hearing must be held *prior* to removal.

House Bill 1508 would allow the City of Greenville to hold the hearing *after* removal.

House Bill 1508 would become effective when it becomes law.

H1508-SMRW-001



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August 4, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1540: Havelock Council Vacancies

House Bill 1540, introduced by Representative Wainwright, changes the procedure for filling vacancies on the board of commissioners that occur during the first two years of a 4 year term.

The new procedure provides that if a vacancy occurs more than 3 days prior to the end of the filing period for the office, then the appointee will serve until the next statutory organizational meeting of the board of commissioners after the election.

As regards the election itself, the candidate who garners the most votes after those candidates who are elected for full terms will fill the vacancy for the unexpired term. Voters may not vote for more candidates than there are full and unexpired terms to be filled.

The act is effective when it becomes law.



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June 9, 1998

MEMORANDUM

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

From: Giles S. Perry, Committee Counsel

Re: House Bill 1570 Long Beach Street End Parks  
Introduced by Representatives Redwine; and Hill

House Bill 1570 authorizes the Town of Long Beach in Brunswick County to pass ordinances providing for the development and operation of parks on dead-end streets.

House Bill 1570 would become effective when it becomes law.

H1570-SMRW-001



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June 16, 1998

**MEMORANDUM**

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

From: Giles S. Perry, Committee Counsel

Re: House Bill 1596 Wrightsville Beach Parking Proceeds  
Introduced by Rep. McComas

Current law requires municipalities to use proceeds from parking meters on public streets "to defray the cost of enforcing and administering traffic and parking ordinances and regulations."

House Bill 1596 would allow the Town of Wrightsville Beach to use these revenues to amortize bonds issued to finance off-street parking, or for any other public purpose.

House Bill 1596 would become effective when it becomes law.

HI1596-SMRW-001



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August 4, 1998

**MEMORANDUM**

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

From: Giles S. Perry, Committee Counsel

Re: House Bill 1624 Repeal Northampton Fishing Law  
Introduced by Representatives Hardaway; Allen and H. Hunter

House Bill 1624 repeals a 1981 local act that permitted the trapping of catfish and eels in a portion of the Occoneechee Creek in Northampton County.

House Bill 1624 would become effective when it becomes law.

H1624-SMRW-001





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August 4, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1595: Wrightsville Beach Sprinkler Systems.

House Bill 1595, introduced by Representative McComas, authorizes the Town of Wrightsville Beach to enact ordinances requiring sprinkler systems in buildings that are:

1. Greater than 50' tall;
2. Nonresidential buildings regardless of height; or
3. Multifamily buildings with 3 or more dwelling units.

Installation is to be completed within a reasonable time which shall be provided in any ordinance adopted by the Town.

The act is effective when it becomes law.



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August 5, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1554 Mt. Airy Private Sale.

House Bill 1554 would allow the City of Mount Airy to transfer specified property 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 transfer of property by private sale is subject to a number of restrictions including:

1. The purchaser shall develop the property for M-1 Industrial or B-4 Highway purposes.
2. The industrial use and construction schedule shall be approved by resolution of the city board; and
3. Consideration shall not be less than actual fair value of the property.
- 4.

The act is effective when it becomes law.



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August 5, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** **House Bill 1524: Morganton Mayor**

House Bill 1524, introduced by Representative Church would increase the term of the Morganton Mayor from 2 to 4 years. The bill also clarifies the voting duties of the mayor.

The bill is effective upon ratification.



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August 5, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1618: Eden Abandoned Structures

House Bill 1618 adds the City of Eden 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 Roanoke Rapids in 1997.

The act is effective when it becomes law.



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August 5, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 1629: Asheboro Annexations

House Bill 1629 removes specified territory from the corporate limits of Asheboro. The bill also allows Asheboro 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.

## VISITOR REGISTRATION SHEET

11:00 AM

STATE &amp; Local Gov.

8-5-98

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

E. Regan

N.C. Assoc. of Co. Comm

Munster Glass

DDA

Mike Curran

NC/BA

# STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL

SEPTEMBER 2, 1998

## MINUTES

The Senate State Government, Local Government and Personnel Committee met on Wednesday, September 2, 1998 at 11:00 a.m. in room 422 of the Legislative Office Building. Ten members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

**HB 1114**, Bad Check Collections Pilot, was explained by Senator Reeves. Senator Soles moved adoption of 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 Committee Substitute Bill No. 1, but favorable as to Senate Committee Substitute.**

**HB 1361**, Annex & Incorporation Revision, was explained by Representative Starnes. The bill was displaced to be voted on at a future meeting. Senator Miller recognized the following people to speak to the bill, all of whom spoke in support: Andy Romenet, NC League of Municipalities; Jim Blackburn, NC County Commissioners Association; Natalie Haskins, Charlotte Chamber of Commerce; Benny Scarboro, Good Neighbors Association; Anne Coan, NC Farm Bureau Federation.

**HB 1469**, State Personnel Comm. Reorganized, was explained by Representatives Sherrill and Cansler. Senator Soles moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Speaking in favor of the Proposed Committee Substitute were Carl Goodwin with the Office of State Personnel and Daryl Arnold with SEANC. After further discussion, Senator Miller announced that the bill would be displaced until the following week, to allow for additional changes to be made.

**SB 1539**, Urban Redevelopment Zoning, was explained by Senator Reeves. Senator Reeves moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Miller recognized Ann Fulton with the ABC Commission to explain changes proposed by the Commission. Further discussion was delayed, to be continued at a later meeting.

The meeting adjourned at 12:00 p.m. to reconvene later that day, one hour after session.

The Senate State Government, Local Government and Personnel Committee reconvened on Wednesday, September 2, 1998 at 4:00 p.m. in room 422 of the Legislative Office Building. Four members were present, including Senator Brad Miller, who presided.

Action was taken on the following bill:

**SB 1539**, Urban Redevelopment Zoning, was again explained by Senator Reeves. Speaking in favor of the bill were Fran Preston, NC Retail Merchants Association and Andy Romenet, NC League of Municipalities. The following people were recognized to speak to the bill, all of whom supported changes to the bill: William Potter, NC ABC Permit Group; Steve Levitas, NC Association of Convenience Stores; Henry Jones, 7-Even, Inc. Lacking a quorum, Senator Miller adjourned at 4:30 p.m., to reconvene the following day for a ratifying vote.

The Senate State Government, Local Government and Personnel Committee met on Thursday, September 3, 1998 at 9:15 a.m. in the Senate Chamber. Six members were present, including Senator Brad Miller, who presided.

Senator Reeves was again called on to explain **SB 1539**, Urban Redevelopment Zoning. Senator Jenkins moved to give the Proposed Committee Substitute a favorable report. The motion carried. **Unfavorable as to Committee Substitute Bill No. 1, but favorable as to Committee Substitute Bill No. 2.**



\_\_\_\_\_  
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, September 08, 1998

**SENATOR BRAD MILLER,**

submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,  
BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2**

<b>S.B.(CS #1)1539</b>	<b>Urban Redevelopment Zoning.</b>	
	Draft Number:	PCS9616
	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**

<b>H.B.(CS #1)1114</b>	<b>Bad Check Collections Pilot.</b>	
	Draft Number:	PCS2419
	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**

**SEPTEMBER 2, 1998**

**ROOM 422**

<b>HB 1114</b>	<b>Bad Check Collections Pilot</b>	<b>Representative Eddins</b>
<b>HB 1361</b>	<b>Annex &amp; Incorporation Revision</b>	<b>Representative Starnes</b>
<b>HB 1469</b>	<b>State Personnel Comm. Reorganized</b>	<b>Representative Sherrill</b>
<b>SB 1539</b>	<b>Urban Redevelopment Zoning</b>	<b>Senator Reeves</b>

**Adjournment**

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 1114  
Committee Substitute Favorable 7/16/97  
Third Edition Engrossed 7/24/97

Short Title: Bad Check Collections Pilot.

(Public)

Sponsors:

Referred to:

April 21, 1997

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ASSESS A FEE OF FIFTY DOLLARS FOR WORTHLESS CHECKS  
3 COLLECTED THROUGH THE BAD CHECK COLLECTION PROGRAM.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 7A-308 is amended by adding a new section to read:  
6 "(c) A person who participates in a program for the collection of worthless checks  
7 under G.S. 14-107.2 must pay a fee of fifty dollars (\$50.00). The fee collected under  
8 this subsection must be remitted to the State by the clerk of court in the county in  
9 which the program is established and credited to the Collection of Worthless Checks  
10 Fund. The Collection of Worthless Checks Fund is created as a special revenue fund.  
11 Revenue in the Fund does not revert at the end of the fiscal year, and interest and  
12 other investment income earned by the Fund accrues to the Fund. The money in the  
13 Fund is subject to appropriation by the General Assembly and may be used solely for  
14 the expenses of the programs established under G.S. 14-107.2 for the collection of  
15 worthless checks."  
16 Section 2. Chapter 14 of the General Statutes is amended by adding a  
17 new section to read:  
18 "§ 14-107.2. Program for the collection of worthless check cases.  
19 A district attorney may establish a program for the collection of worthless check  
20 cases that would, if prosecuted under G.S. 14-107, be punishable as a Class 2  
21 misdemeanor. The purpose of the program is to collect worthless checks in a more  
22 timely manner, to alleviate the need to prosecute each worthless check case, and to

1 provide an opportunity for the check passer to avoid criminal prosecution. In  
2 creating the program, the district attorney must establish criteria for the types of  
3 worthless check cases that will be eligible for collection under the program. If the  
4 check passer participates in the program by paying the fee under G.S. 7A-308(c) and  
5 providing restitution to the check taker for (i) the amount of the check or draft, (ii)  
6 any service charges imposed on the check taker by a bank or depository for  
7 processing the dishonored check, and (iii) any processing fees imposed by the check  
8 taker pursuant to G.S. 25-3-512, then the district attorney will not prosecute the  
9 worthless check case under G.S. 14-107. The Administrative Office of the Court  
10 must establish procedures for remitting the fee and providing restitution to the check  
11 taker. For the purposes of this section, the terms 'check passer' and 'check taker'  
12 have the same meanings as defined in G.S. 14-107.1."

13           Section 3. This act applies only to Rockingham and Wake Counties.

14           Section 4. This act becomes effective October 1, 1997, if Senate Bill 352  
15 is enacted and provides funds to establish a bad check collection pilot program in  
16 Rockingham and Wake Counties. This act shall sunset June 30, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1114  
Committee Substitute Favorable 7/16/97  
Third Edition Engrossed 7/24/97  
Proposed Senate Committee Substitute H1114-PCS2419-LR1

Short Title: Swift Creek Management Plan.

(Local)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING THAT CERTAIN LOCAL GOVERNMENTS MAINTAIN  
3 THE SWIFT CREEK MANAGEMENT PLAN AS AGREED TO BY THOSE  
4 JURISDICTIONS.

5 Whereas, in January 1988, the late Mayor Avery Upchurch of Raleigh  
6 invited chief elected officials of the Swift Creek area to meet to discuss the  
7 development of a coordinated land-use plan for the area; and

8 Whereas, the able efforts of elected officials and technical staff of the  
9 County of Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner  
10 resulted in the development of the Swift Creek Management Plan in September 1988;  
11 and

12 Whereas, the various local governments having jurisdiction over the area  
13 have approved the Swift Creek Management Plan through appropriate action of their  
14 respective governing bodies; and

15 Whereas, the General Assembly finds that it is in the best interest of the  
16 citizens of the Swift Creek area and the various local governments to maintain the  
17 Swift Creek Management Plan as agreed to by those jurisdictions; Now, therefore,  
18 The General Assembly of North Carolina enacts:

19 Section 1. (a) A jurisdiction affected by this act shall not adopt any  
20 ordinance authorized by Article 18 of Chapter 153A of the General Statutes, Article  
21 19 of Chapter 160A of the General Statutes, or under any local act or charter

1 provision relating to the subject of those Articles, nor grant any permit or approval  
2 pursuant to those ordinances, that would be inconsistent with the standards and  
3 provisions of the Swift Creek Management Plan.

4 (b) This act applies to any zoning map amendment and to any other  
5 zoning amendment, modification, repeal, or change in zoning regulations and  
6 restrictions or zone boundaries relating to the area set forth in the Swift Creek  
7 Management Plan, but shall not be construed to prevent any jurisdiction subject to its  
8 provisions from adopting zoning ordinance text changes.

9 (c) This act shall not affect any valid and unexpired vested right of any  
10 landowner arising by law pursuant to G.S. 153A-344.1 or G.S. 160A-385.1, nor shall  
11 this act affect the right of any person to protest zoning changes or otherwise appeal  
12 planning, subdivision, or zoning actions as provided by Article 18 of Chapter 153A of  
13 the General Statutes, or Article 19 of Chapter 160A of the General Statutes, or by  
14 local ordinance.

15 Section 2. If a jurisdiction affected by this act has an ordinance to  
16 effectuate the recommended minimum performance standards for the Swift Creek  
17 watershed and the other specific features set forth in the Swift Creek Management  
18 Plan, then the jurisdiction may modify its zoning ordinance to further meet or exceed  
19 the requirements of the Swift Creek Management Plan without having to:

20 (1) Obtain authorization from the General Assembly; or

21 (2) Enter into an interlocal agreement.

22 Section 3. The jurisdictions affected by this act may extend utilities  
23 unilaterally to any portion of their respective jurisdictions subject to the Swift Creek  
24 Management Plan provided that, prior to the effective date of this act, the  
25 municipalities zoned or rezoned the subject area in anticipation of providing utilities  
26 to the area.

27 Section 4. (a) The qualified resident voters of the area described in the  
28 Swift Creek Management Plan shall be given the opportunity to vote in a nonbinding  
29 advisory referendum on incorporation of the Swift Creek area as a municipality. The  
30 question to be used in the voting systems and ballots shall be:

31 "[ ] FOR [ ] AGAINST

32 Incorporation of the Swift Creek area as a municipality, along with the  
33 payment of additional property taxes which the proposed municipality may levy."

34 (b) Registration for the election shall be conducted in accordance with  
35 G.S. 163-288.2. The referendum shall be conducted on a date, no later than  
36 December 31, 1999, set by the Wake County Board of Elections.

37 Section 5. This act applies only to the County of Wake, the City of  
38 Raleigh, and the Towns of Apex, Cary, and Garner.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1361\*  
Committee Substitute Favorable 6/24/98

Short Title: Annex & Incorporation Revision.

(Public)

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Sponsors:

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Referred to:

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May 20, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE MUNICIPAL ANNEXATION LAWS AND TO  
3 CHANGE THE CRITERIA TO BE CONSIDERED BY THE JOINT  
4 LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 105-277.4(b) reads as rewritten:  
7 "(b) Appraisal at Present-use Value. -- Upon receipt of a properly executed  
8 application, the assessor shall appraise the property at its present-use value as  
9 established in the schedule prepared pursuant to G.S. 105-317. In appraising the  
10 property at its present-use value, the assessor shall appraise the improvements located  
11 on qualifying land according to the schedules and standards used in appraising other  
12 similar improvements in the county. If all or any part of a qualifying tract of land is  
13 located within the limits of an incorporated city or town, or is property annexed  
14 subject to G.S. 160A-37(f1) or G.S. 160A-49(f1), the assessor shall furnish a copy of  
15 the property record showing both the present-use appraisal and the valuation upon  
16 which the property would have been taxed in the absence of this classification to the  
17 collector of the city or town. He shall also notify the tax collector of any changes in  
18 the appraisals or in the eligibility of the property for the benefit of this classification.  
19 Upon a request for a certification pursuant to G.S. 160A-37(f1) or G.S.160A-49(f1),  
20 or any change in the certification, the assessor for the county where the land subject  
21 to the annexation is located shall, within 30 days, determine if the land meets the  
22 requirements of G.S. 160A-37(f1)(2) or G.S. 160A-49(f1)(2) and report the results of  
23 its findings to the city."

Section 2. G.S. 120-166 reads as rewritten:

"§ 120-166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
- (3) The nearby municipality municipalities within the distances described in subsection (a) of this section by resolution expresses its express their approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved."

Section 3. Article 20 of Chapter 120 is amended by adding a new section to read:

"§ 120-169.1. Additional criteria; level of development, services.

(a) Level of Development. -- The Commission may not make a positive recommendation unless the entire area proposed for incorporation meets the applicable criteria for development under G.S. 160A-36(c) or G.S. 160A-48(c).

(b) Services. -- The Commission may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. To meet the requirements of this subsection, the persons submitting the plan for incorporation must propose to provide at least two of the following services:

- (1) Police protection.
- (2) Fire protection.
- (3) Garbage and refuse collection or disposal.
- (4) Water distribution.
- (5) Sewer collection or disposal.
- (6) Street maintenance, construction, or right-of-way acquisition.
- (7) Street lighting.



(8) Adoption of citywide planning and zoning."

Section 4. 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. 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. 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,

1 according to municipal policies, make such connection to  
2 such lines, then the plans must call for contracts to be let  
3 and construction to begin on such lines within one year  
4 following the effective date of annexation. In areas where  
5 the installation of sewer is not economically feasible due to  
6 the unique topography of the area, the municipality may  
7 agree to provide septic system maintenance and repair  
8 service until such time as sewer service is provided to  
9 properties similarly situated.

10 c. Set forth the method under which the municipality plans to  
11 finance extension of services into the area to be annexed.

12 (4) A statement of the impact of the annexation on any rural fire  
13 department providing service in the area to be annexed and a  
14 statement of the impact of the annexation on fire protection and  
15 fire insurance rates in the area to be annexed, if the area where  
16 service is provided is in an insurance district designated under G.S.  
17 153A-233, a rural fire protection district under Article 3A of  
18 Chapter 69 of the General Statutes, or a fire service district under  
19 Article 16 of Chapter 153A of the General Statutes. The rural fire  
20 department shall make available to the city not later than 30 days  
21 following a written request from the city all information in its  
22 possession or control, including but not limited to operational,  
23 financial and budgetary information, necessary for preparation of a  
24 statement of impact. The rural fire department forfeits its rights  
25 under G.S. 160A-37.1 and G.S. 160A-37.2 if it fails to make a good  
26 faith response within 45 days following receipt of the written  
27 request for information from the city, provided that the city's  
28 written request so states by specific reference to this section.

29 (5) A statement showing how the proposed annexation will affect the  
30 city's finances and services, including city revenue change  
31 estimates. This statement shall be delivered to the clerk of the  
32 board of county commissioners at least 30 days before the date of  
33 the public informational meeting on any annexation under this  
34 Part."

35 Section 5. G.S. 160A-35.1 reads as rewritten:

36 "§ 160A-35.1. Limitation on change in financial participation prior to annexation.

37 No For purposes of the extension of water and sewer services required under G.S.  
38 160A-35, no ordinance or policy substantially diminishing the financial participation  
39 of a municipality in the construction of water or sewer facilities required under this  
40 Article may apply to an area being annexed unless the ordinance or policy became  
41 effective at least 180 days prior to the date of adoption by the municipality of the  
42 resolution giving notice of intent to consider annexing the area under G.S. 160A-  
43 37(a)."

44 Section 6. G.S. 160A-36 reads as rewritten:

1 "§ 160A-36. Character of area to be annexed.

2 (a) A municipal governing board may extend the municipal corporate limits to  
3 include any area which meets the general standards of subsection (b), and which  
4 meets the requirements of subsection (c).

5 (b) The total area to be annexed must meet the following standards:

6 (1) It must be adjacent or contiguous to the municipality's boundaries  
7 at the time the annexation proceeding is begun, except if the entire  
8 territory of a county water and sewer district created under G.S.  
9 162A-86(b1) is being annexed, the annexation shall also include  
10 any noncontiguous pieces of the district as long as the part of the  
11 district with the greatest land area is adjacent or contiguous to the  
12 municipality's boundaries at the time the annexation proceeding is  
13 begun.

14 (2) At least one eighth of the aggregate external boundaries of the area  
15 must coincide with the municipal boundary.

16 (3) No part of the area shall be included within the boundary of  
17 another incorporated municipality.

18 (c) The area to be annexed must be developed for urban ~~purposes~~ purposes at  
19 the time of approval of the report provided for in G.S. 160A-35. For purposes of this  
20 section, a lot or tract shall not be considered in use for a commercial, industrial,  
21 institutional, or governmental purpose if the lot or tract is used only temporarily,  
22 occasionally, or on an incidental or insubstantial basis in relation to the size and  
23 character of the lot or tract. For purposes of this section, acreage in use for  
24 commercial, industrial, institutional, or governmental purposes shall include acreage  
25 actually occupied by buildings or other man-made structures together with all areas  
26 that are reasonably necessary and appurtenant to such facilities for purposes of  
27 parking, storage, ingress and egress, utilities, buffering, and other ancillary services  
28 and facilities. Area of streets and street rights-of-way shall not be used to determine  
29 total acreage under this section. An area developed for urban purposes is defined as  
30 any as:

31 (1) Any area which is so developed that at least sixty percent (60%) of  
32 the total number of lots and tracts in the area at the time of  
33 annexation are used for residential, commercial, industrial,  
34 institutional or governmental purposes, and is subdivided into lots  
35 and tracts such that at least sixty percent (60%) of the total  
36 acreage, not counting the acreage used at the time of annexation  
37 for commercial, industrial, governmental or institutional purposes,  
38 consists of lots and tracts ~~five~~ three acres or less in size.

39 (2) An area so developed that, at the time of the approval of the  
40 annexation report, all tracts in the area to be annexed are used for  
41 commercial, industrial, governmental, or institutional purposes.

42 (3) ~~An area developed for urban purposes is also the~~ The entire area  
43 of any county water and sewer district created under G.S. 162A-

86(b1), but this ~~sentence~~ subsection only applies to annexation by a municipality if that:

(1) ~~a.~~ Municipality has provided in a contract with that district that the area is developed for urban purposes; and

(2) ~~b.~~ Contract provides for the municipality to operate the sewer system of that county water and sewer district;

provided that the special categorization provided by this ~~sentence~~ subsection only applies if the municipality is annexing in one proceeding the entire territory of the district not already within the corporate limits of a municipality.

(d) In fixing new municipal boundaries, a municipal governing board ~~shall, wherever practical, use natural topographic features such as ridge lines and streams and creeks as boundaries, and may use streets as boundaries.~~ shall use recorded property lines and streets as boundaries. Some or all of the boundaries of a county water and sewer district may also be used when the entire district not already within the corporate limits of a municipality is being annexed.

(e) The area of an abolished water and sewer district shall be considered to be a water and sewer district for the purpose of this section even after its abolition under G.S. 162A-87.2(b)."

Section 7. G.S. 160A-37 reads as rewritten:

"§ 160A-37. Procedure for annexation.

(a) Notice of Intent. -- Any municipal governing board desiring to annex territory under the provisions of this Part shall first pass a resolution stating the intent of the municipality to consider annexation. Such resolution shall describe the boundaries of the area under ~~consideration~~ consideration, fix a date for the public informational meeting, and fix a date for a public hearing on the question of annexation, the annexation. The date for the public informational meeting shall be not less than 45 days and not more than 55 days following passage of the resolution. The date for ~~such the~~ public hearing to be not less than 45 60 days and not more than 90 days following passage of the resolution.

(b) Notice of Public Hearing. -- The notice of public hearing shall:

(1) Fix the date, hour and place of the public informational meeting and the date, hour, and place of the public hearing.

(2) Describe clearly the boundaries of the area under consideration, and include a legible map of the area.

(3) State that the report required in G.S. 160A-35 will be available at the office of the municipal clerk at least 30 days prior to the date of the public ~~hearing~~ informational meeting.

(4) Include an explanation of an owner's rights pursuant to subsection (f1) and (f2) of this section.

Such notice shall be given by publication once a week for at least two successive weeks prior to the date of the ~~hearing~~ informational meeting in a newspaper having general circulation in the municipality and, in addition thereto, if the area to be annexed lies in a county containing less than fifty percent (50%) of the land area of

1 the municipality, in a newspaper having general circulation in the area of proposed  
2 annexation. The period from the date of the first publication to the date of the last  
3 publication, both dates inclusive, shall be not less than eight days including Sundays,  
4 and the date of the last publication shall be not more than seven days preceding the  
5 date of public ~~hearing~~ informational meeting. If there be no such newspaper, the  
6 municipality shall post the notice in at least five public places within the municipality  
7 and at least five public places in the area to be annexed for 30 days prior to the date  
8 of public ~~hearing~~ informational meeting. In addition, notice shall be mailed at least  
9 four weeks prior to date of the ~~hearing~~ informational meeting, by first class mail,  
10 postage prepaid to the owners as shown by the tax records of the county of all  
11 freehold interests in real property located within the area to be annexed. The person  
12 or persons mailing such notices shall certify to the governing board that fact, and  
13 such certificate shall become a part of the record of the annexation proceeding and  
14 shall be deemed conclusive in the absence of fraud. If the notice is returned to the  
15 city by the postal service by the tenth day before the ~~hearing~~ informational meeting,  
16 a copy of the notice shall be sent by certified mail, return receipt requested, at least  
17 seven days before the ~~hearing~~ informational meeting. Failure to comply with the  
18 mailing requirement of this subsection shall not invalidate the annexation unless it is  
19 shown that the requirements were not substantially complied with.

20 If the governing board by resolution finds that the tax records are not adequate to  
21 identify the owners of some or all of the parcels of real property within the area it  
22 may in lieu of the mail procedure as to those parcels where the owners could not be  
23 so identified, post the notice at least 30 days prior to the date of public ~~hearing~~  
24 informational meeting on all buildings on such parcels, and in at least five other  
25 places within the area to be annexed. In any case where notices are placed on  
26 property, the person placing the notice shall certify that fact to the governing board.

27 (c) Action Prior to ~~Hearing~~ Informational Meeting. -- At least 30 days before the  
28 date of the public ~~hearing~~ informational meeting, the governing board shall approve  
29 the report provided for in G.S. 160A-35, and shall make it available to the public at  
30 the office of the municipal clerk. In addition, the municipality may prepare a  
31 summary of the full report for public distribution. In addition, the city shall post in  
32 the office of the city clerk at least 30 days before the public ~~hearing~~ informational  
33 meeting a legible map of the area to be annexed and a list of the persons holding  
34 freehold interests in property in the area to be annexed that it has identified.

35 (c1) Public Informational Meeting. -- At the public informational meeting a  
36 representative of the municipality shall first make an explanation of the report  
37 required in G.S. 160A-35. Following such explanation, all persons resident or  
38 owning property in the territory described in the notice of public hearing, and all  
39 residents of the municipality, shall be given the opportunity to ask questions and  
40 receive answers regarding the proposed annexation.

41 (d) Public Hearing. -- At the public hearing a representative of the municipality  
42 shall first make an explanation of the report required in G.S. 160A-35. Following  
43 such explanation, all persons resident or owning property in the territory described in

1 the notice of public hearing, and all residents of the municipality, shall be given an  
2 opportunity to be heard.

3 (e) Passage of the Annexation Ordinance. -- The municipal governing board shall  
4 take into consideration facts presented at the public hearing and shall have authority  
5 to amend the report required by G.S. 160A-35 to make changes in the plans for  
6 serving the area proposed to be annexed so long as such changes meet the  
7 requirements of G.S. 160A-35. At any regular or special meeting held no sooner than  
8 the tenth day following the public hearing and not later than 90 days following such  
9 public hearing, the governing board shall have authority to adopt an ordinance  
10 extending the corporate limits of the municipality to include all, or such part, of the  
11 area described in the notice of public hearing which meets the requirements of G.S.  
12 160A-36 and which the governing board has concluded should be annexed. The  
13 ordinance shall:

14 (1) Contain specific findings showing that the area to be annexed  
15 meets the requirements of G.S. 160A-36. The external boundaries  
16 of the area to be annexed shall be described by metes and bounds.  
17 In showing the application of G.S. 160A-36(c) and (d) to the area,  
18 the governing board may refer to boundaries set forth on a map of  
19 the area and incorporate same by reference as a part of the  
20 ordinance.

21 (2) A statement of the intent of the municipality to provide services to  
22 the area being annexed as set forth in the report required by G.S.  
23 160A-35.

24 (3) A specific finding that on the effective date of annexation the  
25 municipality will have funds appropriated in sufficient amount to  
26 finance construction of any water and sewer lines found necessary  
27 in the report required by G.S. 160A-35 to extend the basic water  
28 and/or sewer system of the municipality into the area to be  
29 annexed, or that on the effective date of annexation the  
30 municipality will have authority to issue bonds in an amount  
31 sufficient to finance such construction. If authority to issue such  
32 bonds must be secured from the electorate of the municipality  
33 prior to the effective date of annexation, then the effective date of  
34 annexation shall be no earlier than the day following the statement  
35 of the successful result of the bond election.

36 (4) Fix the effective date for annexation. The effective date of  
37 annexation may be fixed for any date not less than 40 days nor  
38 more than 400 days from the date of passage of the ordinance.

39 (f) Effect of Annexation Ordinance. -- Except as provided in subsection (f1) of  
40 this section, from ~~From~~ and after the effective date of the annexation ordinance, the  
41 territory and its citizens and property shall be subject to all debts, laws, ordinances  
42 and regulations in force in such municipality and shall be entitled to the same  
43 privileges and benefits as other parts of such municipality. Real and personal property  
44 in the newly annexed territory on the January 1 immediately preceding the beginning

1 of the fiscal year in which the annexation becomes effective is subject to municipal  
2 taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between  
3 June 1 and June 30, and the effective date of the privilege license tax ordinance of  
4 the annexing municipality is June 1, then businesses in the area to be annexed shall  
5 be liable for taxes imposed in such ordinance from and after the effective date of  
6 annexation.

7 (f1) Property Subject to Present-Use Value Appraisal. -- If an area described in an  
8 annexation ordinance includes agricultural land, horticultural land, or forestland that  
9 on the effective date of annexation is:

10 (1) Land that is being taxed at present-use value pursuant to G.S. 105-  
11 277.4; or

12 (2) Land that:

13 a. Was on the date of the resolution of intent for annexation  
14 being used for actual production and is eligible for present-  
15 use value taxation under G.S. 105-277.4, but the land has  
16 not been in use for actual production for the required time  
17 under G.S. 105-277.3; and

18 b. The assessor for the county where the land subject to  
19 annexation is located has certified to the city that the land  
20 meets the requirements of this subdivision

21 the annexation becomes effective as to that property pursuant to subsection (f2) of  
22 this section.

23 (f2) Effective Date of Annexation for Certain Property. -- Annexation of property  
24 subject to annexation under subsection (f1) of this section shall become effective:

25 (1) Upon the effective date of the annexation ordinance, the property  
26 is considered part of the city only (i) for the purpose of  
27 establishing city boundaries for additional annexations pursuant to  
28 this Article and (ii) for the exercise of city authority pursuant to  
29 Article 19 of this Chapter.

30 (2) For all other purposes, the annexation becomes effective as to each  
31 tract of such property or part thereof on the last day of the month  
32 in which that tract or part thereof becomes ineligible for  
33 classification pursuant to G.S. 105-227.4 or no longer meets the  
34 requirements of subdivision (f1)(2) of this section. Until  
35 annexation of a tract or a part of a tract becomes effective pursuant  
36 to this subdivision, the tract or part of a tract is not subject to  
37 taxation by the city under Article 12 of Chapter 105 of the General  
38 Statutes nor is the tract or part of a tract entitled to services  
39 provided by the city.

40 (g) Simultaneous Annexation Proceedings. -- If a municipality is considering the  
41 annexation of two or more areas which are all adjacent to the municipal boundary  
42 but are not adjacent to one another, it may undertake simultaneous proceedings  
43 under authority of this Part for the annexation of such areas.

1 (h) Remedies for Failure to Provide Services. -- If, not earlier than one year from  
2 the effective date of annexation, and not later than 15 months from the effective date  
3 of annexation, any person owning property in the annexed territory shall believe that  
4 the municipality has not followed through on its service plans adopted under the  
5 provisions of G.S. 160A-35(3) and 160A-37(e), such person may apply for a writ of  
6 mandamus under the provisions of Article 40, Chapter 1 of the General Statutes.  
7 Relief may be granted by the judge of superior court

8 (1) If the municipality has not provided the services set forth in its  
9 plan submitted under the provisions of G.S. 160A-35(3)a on  
10 substantially the same basis and in the same manner as such  
11 services were provided within the rest of the municipality prior to  
12 the effective date of annexation, and

13 (2) If at the time the writ is sought such services set forth in the plan  
14 submitted under the provisions of G.S. 160A-35(3)a are still being  
15 provided on substantially the same basis and in the same manner  
16 as on the date of annexation of the municipality.

17 Relief may also be granted by the judge of superior court

18 (1) If the plans submitted under the provisions of G.S. 160A-35(3)c  
19 require the construction of major trunk water mains and sewer  
20 outfall lines and

21 (2) If contracts for such construction have not yet been let.

22 If a writ is issued, costs in the action, including a reasonable attorney's fee for such  
23 aggrieved person, shall be charged to the municipality.

24 (i) No resolution of intent may be adopted under subsection (a) of this section  
25 unless the city council (or a planning agency created or designated under either G.S.  
26 160A-361 or the charter) has, by resolution adopted at least one year prior to  
27 adoption of the resolution of intent, identified the area as being under consideration  
28 for ~~annexation~~; annexation and included a statement in the resolution notifying  
29 persons subject to the annexation of their rights under subsections (f1) and (f2) of this  
30 section; provided, adoption of such resolution of consideration shall not confer prior  
31 jurisdiction over the area as to any other city. The area described under the  
32 resolution of intent may comprise a smaller area than that identified by the resolution  
33 of consideration. The resolution of consideration may have a metes and bounds  
34 description or a map, shall remain effective for two years after adoption, and shall be  
35 filed with the city clerk. A new resolution of consideration adopted before expiration  
36 of the two-year period for a previously adopted resolution covering the same area  
37 shall relate back to the date of the previous resolution.

38 (j) Subsection (i) of this section shall not apply to the annexation of any area if  
39 the resolution of intent describing the area and the ordinance annexing the area both  
40 provide that the effective date of the annexation shall be at least one year from the  
41 date of passage of the annexation ordinance.

42 (k) If a city fails to deliver police protection, fire protection, solid waste or street  
43 maintenance services as provided for in G.S. 160A-35(3)a, within 60 days after the  
44 effective date of the annexation, the owner of the property may petition the Local



1 Government Commission for abatement of taxes to be paid to the city for taxes that  
2 have been levied as of the end of the 60-day period, if the petition is filed not more  
3 than 90 days after the expiration of the 60-day period. If the Local Government  
4 Commission finds that services were not extended by the end of the 60-day period, it  
5 shall enter an order directing the city not to levy any further ad valorem taxes on the  
6 property until the fiscal year commencing after extension of the municipal services."

7 Section 8. G.S. 160A-37.2 reads as rewritten:

8 "**§ 160A-37.2. Assumption of debt.**

9 (a) If the city has annexed any area which is served by a rural fire department and  
10 which is in an insurance district defined under G.S. 153A-233, a rural fire protection  
11 district under Article 3A of Chapter 69 of the General Statutes or a fire service  
12 district under Article 17 of Chapter 153A of the General Statutes, then upon the  
13 effective date of annexation if the city has not contracted with the rural fire  
14 department for fire protection, or when the rural fire department ceases to provide  
15 fire protection under contract, then the city shall pay annually a proportionate share  
16 of any payments due on any debt (including principal and interest) relating to  
17 facilities or equipment of the rural fire department, if the debt was existing at the  
18 time of adoption of the resolution of intent, with the payments in the same  
19 proportion that the assessed valuation of the area of the district annexed bears to the  
20 assessed valuation of the entire district on the date the annexation ordinance becomes  
21 effective. effective or another date for valuation mutually agreed upon by the city and  
22 the fire department.

23 (b) The city and rural fire department shall jointly present a payment schedule to  
24 the Local Government Commission for approval and no payment may be made until  
25 such schedule is approved."

26 Section 9. G.S.160A-37.3 is amended by adding a new subsection to  
27 read:

28 "(h) A firm which has given notice under subsection (a) of this section that it  
29 desires to contract, and any firm that the city believes is eligible to give such notice,  
30 shall make available to the city not later than five 10 business days following a  
31 written request of the ~~city~~ city, sent by certified mail return receipt requested, all  
32 information in its possession or control, including but not limited to operational,  
33 financial and budgetary information, necessary for the city to determine if the firm  
34 qualifies for the benefits of this section and to determine the nature and scope of the  
35 potential contract and/or economic loss. The firm forfeits its rights under this section  
36 if it fails to make a good faith response within 10 business days following receipt of  
37 the written request for information from the city, provided that the city's written  
38 request states that statutory rights will be forfeited in the absence of a timely response  
39 and includes a specific reference to this section."

40 Section 10. G.S. 160A-38 reads as rewritten:

41 "**§ 160A-38. Appeal.**

42 (a) Within ~~30 days~~ 60 days following the passage of an annexation ordinance  
43 under authority of this Part, any person owning property in the annexed territory who  
44 shall believe that he will suffer material injury by reason of the failure of the

1 municipal governing board to comply with the procedure set forth in this Part or to  
2 meet the requirements set forth in G.S. 160A-36 as they apply to his property may  
3 file a petition in the superior court of the county in which the municipality is located  
4 seeking review of the action of the governing board.

5 (b) Such petition shall explicitly state what exceptions are taken to the action of  
6 the governing board and what relief the petitioner seeks. Within ~~five days~~ 10 days  
7 after the petition is filed with the court, the person seeking review shall serve copies  
8 of the petition by registered mail, return receipt requested, upon the municipality.

9 (c) Within 15 days after receipt of the copy of the petition for review, or within  
10 such additional time as the court may allow, the municipality shall transmit to the  
11 reviewing court

12 (1) A transcript of the portions of the municipal journal or minute  
13 book in which the procedure for annexation has been set forth and

14 (2) A copy of the report setting forth the plans for extending services  
15 to the annexed area as required in G.S. 160A-35.

16 (d) If two or more petitions for review are submitted to the court, the court may  
17 consolidate all such petitions for review at a single hearing, and the municipality shall  
18 be required to submit only one set of minutes and one report as required in  
19 subsection (c).

20 (e) At any time before or during the review proceeding, any petitioner or  
21 petitioners may apply to the reviewing court for an order staying the operation of the  
22 annexation ordinance pending the outcome of the review. The court may grant or  
23 deny the stay in its discretion upon such terms as it deems proper, and it may permit  
24 annexation of any part of the area described in the ordinance concerning which no  
25 question for review has been raised.

26 (f) The court shall fix the date for review of annexation proceedings under this  
27 Chapter, which review date shall preferably be within 30 days following the last day  
28 for receiving petitions to the end that review shall be expeditious and without  
29 unnecessary delays. The review shall be conducted by the court without a jury. The  
30 court may hear oral arguments and receive written briefs, and may take evidence  
31 intended to show either

32 (1) That the statutory procedure was not followed or

33 (2) That the provisions of G.S. 160A-35 were not met, or

34 (3) That the provisions of G.S. 160A-36 have not been met.

35 (g) The court may affirm the action of the governing board without change, or it  
36 may

37 (1) Remand the ordinance to the municipal governing board for  
38 further proceedings if procedural irregularities are found to have  
39 materially prejudiced the substantive rights of any of the  
40 petitioners.

41 (2) Remand the ordinance to the municipal governing board for  
42 amendment of the boundaries to conform to the provisions of G.S.  
43 160A-36 if it finds that the provisions of G.S. 160A-36 have not  
44 been met; provided, that the court cannot remand the ordinance to

- 1 the municipal governing board with directions to add area to the  
2 municipality which was not included in the notice of public  
3 hearing and not provided for in plans for service.
- 4 (3) Remand the report to the municipal governing board for  
5 amendment of the plans for providing services to the end that the  
6 provisions of G.S. 160A-35 are satisfied.
- 7 (4) Declare the ordinance null and void, if the court finds that the  
8 ordinance cannot be corrected by remand as provided in  
9 subdivisions (1), (2), or (3) of this subsection.

10 If any municipality shall fail to take action in accordance with the court's  
11 instructions upon remand within three months from receipt of such instructions, the  
12 annexation proceeding shall be deemed null and void.

13 (h) Any party to the review proceedings, including the municipality, may appeal  
14 to the Court of Appeals from the final judgment of the superior court under rules of  
15 procedure applicable in other civil cases. The superior court may, with the agreement  
16 of the municipality, permit annexation to be effective with respect to any part of the  
17 area concerning which no appeal is being made and which can be incorporated into  
18 the city without regard to any part of the area concerning which an appeal is being  
19 made.

20 (i) If part or all of the area annexed under the terms of an annexation ordinance  
21 is the subject of an appeal to the superior court, Court of Appeals or Supreme Court  
22 on the effective date of the ordinance, then the ordinance shall be deemed amended  
23 to make the effective date with respect to such area the last day of the next full  
24 calendar month following the date of the final judgment of the superior court, Court  
25 of Appeals or Supreme Court, whichever is appropriate, or the date the municipal  
26 governing board completes action to make the ordinance conform to the court's  
27 instructions in the event of remand. For the purposes of this subsection, a denial of a  
28 petition for a rehearing or for discretionary review shall be treated as a final  
29 judgement.

30 (j) The provisions of subsection (i) of this section shall apply to any judicial  
31 review authorized in whole or in part by G.S. 160A-37.1(i) or G.S. 160A-37.3(g).

32 (k) In any proceeding related to an annexation ordinance appeal under this  
33 section, a city shall not state a claim for lost property tax revenue caused by the  
34 appeal. Nothing in this Article shall be construed to mean that as a result of an  
35 appeal a municipality may assert a claim for property tax revenue lost during the  
36 pendency of the appeal.

37 (l) Any settlement agreed to by all parties in an appeal under this section may be  
38 presented to the superior court in the county in which the municipality is located. If  
39 the superior court, in its discretion, approves the settlement, it shall be binding on all  
40 parties without the need for approval by the General Assembly."

41 Section 11. G.S. 160A-42 reads as rewritten:

42 "§ 160A-42. Land estimates.

43 In determining degree of land subdivision for purposes of meeting the  
44 requirements of G.S. 160A-36, the municipality shall use methods calculated to

1 provide reasonably accurate results. In determining whether the standards set forth in  
2 G.S. 160A-36 have been met on appeal to the superior court under G.S. 160A-38, the  
3 reviewing court shall accept the estimates of the ~~municipality~~ municipality as  
4 provided in this section unless the actual total area or degree of subdivision falls  
5 below the standards in G.S. 160A-36:

6 (1) As to total area if the estimate is based on an actual survey, or on  
7 county tax maps or records, or on aerial photographs, or on some  
8 other reasonably reliable map used for official purposes by a  
9 governmental agency unless the petitioners on appeal demonstrate  
10 that such estimates are in error in the amount of five percent (5%)  
11 or more.

12 (2) As to degree of land subdivision, if the estimates are based on an  
13 actual survey, or on county tax maps or records, or on aerial  
14 photographs, or on some other reasonably reliable source, unless  
15 the petitioners on appeal show that such estimates are in error in  
16 the amount of five percent (5%) or more."

17 Section 12. G.S. 160A-47 reads as rewritten:

18 "**§ 160A-47. Prerequisites to annexation; ability to serve; report and plans.**

19 A municipality exercising authority under this Part shall make plans for the  
20 extension of services to the area proposed to be annexed and shall, prior to the public  
21 hearing provided for in G.S. 160A-49, prepare a report setting forth such plans to  
22 provide services to such area. The report shall include:

23 (1) A map or maps of the municipality and adjacent territory to show  
24 the following information:

- 25 a. The present and proposed boundaries of the municipality.  
26 b. The present major trunk water mains and sewer interceptors  
27 and outfalls, and the proposed extensions of such mains and  
28 outfalls as required in subdivision (3) of this section. The  
29 water and sewer map must bear the seal of a registered  
30 professional engineer.

31 c. The general land use pattern in the area to be annexed.

32 (2) A statement showing that the area to be annexed meets the  
33 requirements of G.S. 160A-48.

34 (3) A statement setting forth the plans of the municipality for  
35 extending to the area to be annexed each major municipal service  
36 performed within the municipality at the time of annexation.  
37 Specifically, such plans shall:

- 38 a. Provide for extending police protection, fire protection, solid  
39 waste collection and street maintenance services to the area  
40 to be annexed on the date of annexation on substantially the  
41 same basis and in the same manner as such services are  
42 provided within the rest of the municipality prior to  
43 annexation. A contract with a rural fire department to  
44 provide fire protection shall be an acceptable method of

1 providing fire protection. If a water distribution system is  
2 not available in the area to be annexed, the plans must call  
3 for reasonably effective fire protection services until such  
4 time as waterlines are made available in such area under  
5 existing municipal policies for the extension of waterlines.  
6 A contract with a private firm to provide solid waste  
7 collection services shall be an acceptable method of  
8 providing solid waste collection services.

9 b. Provide for extension of major trunk water mains and sewer  
10 outfall lines into the area to be annexed so that when such  
11 lines are constructed, property owners in the area to be  
12 annexed will be able to secure public water and sewer  
13 service, according to the policies in effect in such  
14 municipality for extending water and sewer lines to  
15 individual lots or subdivisions. If requested by the owner of  
16 an occupied dwelling unit or an operating commercial or  
17 industrial property in writing on a form provided by the  
18 municipality, which form acknowledges that such extension  
19 or extensions will be made according to the current financial  
20 policies of the municipality for making such extensions, and  
21 if such form is received by the city clerk ~~not less than 30~~  
22 ~~days before adoption of the annexation ordinance;~~ no later  
23 than five days after the public hearing, provide for extension  
24 of water and sewer lines to the property or to a point on a  
25 public street or road right-of-way adjacent to the property  
26 according to the financial policies in effect in such  
27 municipality for extending water and sewer lines. If any  
28 such requests are timely made, the municipality shall at the  
29 time of adoption of the annexation ordinance amend its  
30 report and plan for services to reflect and accommodate  
31 such ~~requests.~~ requests, if an amendment is necessary. In  
32 areas where the municipality is required to extend sewer  
33 service according to its policies, but the installation of sewer  
34 is not economically feasible due to the unique topography of  
35 the area, the municipality shall provide septic system  
36 maintenance and repair service until such time as sewer  
37 service is provided to properties similarly situated.

38 c. If extension of major trunk water mains, sewer outfall lines,  
39 sewer lines and water lines is necessary, set forth a proposed  
40 timetable for construction of such mains, outfalls and lines  
41 as soon as possible following the effective date of  
42 annexation. In any event, the plans shall call for  
43 construction to be completed within two years of the  
44 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.

(5) A statement showing how the proposed annexation will affect the city's finances and services, including city revenue change estimates. This statement shall be delivered to the clerk of the board of county commissioners at least 30 days before the date of the public informational meeting on any annexation under this Part."

Section 13. G.S. 160A-47.1 reads as rewritten:

"§ 160A-47.1. Limitation on change in financial participation prior to annexation.

~~No~~ For purposes of the extension of water and sewer services required under G.S. 160A-47, no ordinance or policy substantially diminishing the financial participation of a municipality in the construction of water or sewer facilities required under this Article may apply to an area being annexed unless the ordinance or policy became effective at least 180 days prior to the date of adoption by the municipality of the resolution giving notice of intent to consider annexing the area under G.S. 160A-49(a)."

Section 14. G.S. 160A-48 reads as rewritten:

"§ 160A-48. Character of area to be annexed.

(a) A municipal governing board may extend the municipal corporate limits to include any area

(1) Which meets the general standards of subsection (b), and

(2) Every part of which meets the requirements of either subsection (c) or subsection (d).

(b) The total area to be annexed must meet the following standards:

(1) It must be adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun, except if the entire

territory of a county water and sewer district created under G.S. 162A-86(b1) is being annexed, the annexation shall also include any noncontiguous pieces of the district as long as the part of the district with the greatest land area is adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun.

(2) At least one eighth of the aggregate external boundaries of the area must coincide with the municipal boundary.

(3) No part of the area shall be included within the boundary of another incorporated municipality.

(c) Part or all of the area to be annexed must be developed for urban purposes. purposes at the time of approval of the report provided for in G.S. 160A-47. Area of streets and street rights-of-way shall not be used to determine total acreage under this section. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(1) Has a total resident population equal to at least ~~two~~ two and three-tenths persons for each acre of land included within its boundaries; or

(2) Has a total resident population equal to at least one person for each acre of land included within its boundaries, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage consists of lots and tracts ~~five~~ three acres or less in size and such that at least sixty-five percent (65%) of the total number of lots and tracts are one acre or less in size; or

(3) Is so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional or governmental purposes, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental or institutional purposes, consists of lots and tracts ~~five~~ three acres or less in size; ~~or size.~~ For purposes of this section, a lot or tract shall not be considered in use for a commercial, industrial, institutional, or governmental purpose if the lot or tract is used only temporarily, occasionally, or on an incidental or insubstantial basis in relation to the size and character of the lot or tract. For purposes of this section, acreage in use for commercial, industrial, institutional, or governmental purposes shall include acreage actually occupied by buildings or other man-made structures together with all areas that are reasonably necessary and appurtenant to such facilities for purposes of parking, storage, ingress and egress, utilities, buffering, and other ancillary services and facilities; or

(4) Is the entire area of any county water and sewer district created under G.S. 162A-86(b1), but this subdivision only applies to annexation by a municipality if that:

a. Municipality has provided in a contract with that district that the area is developed for urban purposes; and

b. Contract provides for the municipality to operate the sewer system of that county water and sewer district;

provided that the special categorization provided by this subdivision only applies if the municipality is annexing in one proceeding the entire territory of the district not already within the corporate limits of a ~~municipality~~; municipality; or

(5) Is so developed that, at the time of the approval of the annexation report, all tracts in the area to be annexed are used for commercial, industrial, governmental, or institutional purposes.

(d) In addition to areas developed for urban purposes, a governing board may include in the area to be annexed any area which does not meet the requirements of subsection (c) if such area either:

(1) Lies between the municipal boundary and an area developed for urban purposes so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services and/or water and/or sewer lines through such sparsely developed area; or

(2) Is adjacent, on at least sixty percent (60%) of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (c).

The purpose of this subsection is to permit municipal governing boards to extend corporate limits to include all nearby areas developed for urban purposes and where necessary to include areas which at the time of annexation are not yet developed for urban purposes but which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes. For purposes of this subsection, 'necessary land connection' means an area that does not exceed twenty-five percent (25%) of the total area to be annexed.

(e) In fixing new municipal boundaries, a municipal governing board ~~shall, wherever practical, use natural topographic features such as ridge lines and streams and creeks as boundaries, and may use streets as boundaries.~~ shall use recorded property lines and streets as boundaries. Some or all of the boundaries of a county water and sewer district may also be used when the entire district not already within the corporate limits of a municipality is being annexed.

(f) The area of an abolished water and sewer district shall be considered to be a water and sewer district for the purpose of this section even after its abolition under G.S. 162A-87.2(b)."

Section 15. G.S. 160A-49 reads as rewritten:



1 "§ 160A-49. Procedure for annexation.

2 (a) Notice of Intent. -- Any municipal governing board desiring to annex territory  
3 under the provisions of this Part shall first pass a resolution stating the intent of the  
4 municipality to consider annexation. Such resolution shall describe the boundaries of  
5 the area under ~~consideration~~ consideration, fix a date for a public informational  
6 meeting, and fix a date for a public hearing on the question of ~~annexation~~, the  
7 annexation. The date for the public informational meeting shall be not less than 45  
8 days and not more than 55 days following passage of the resolution. The date for  
9 ~~such~~ the public hearing to be not less than 45 60 days and not more than 90 days  
10 following passage of the resolution.

11 (b) Notice of Public Hearing. -- The notice of public hearing shall:

- 12 (1) Fix the date, hour and place of the public informational meeting  
13 and the date, hour, and place of the public hearing.
- 14 (2) Describe clearly the boundaries of the area under consideration,  
15 and include a legible map of the area.
- 16 (3) State that the report required in G.S. 160A-47 will be available at  
17 the office of the municipal clerk at least 30 days prior to the date  
18 of the public ~~hearing~~, informational meeting.
- 19 (4) Include a notice of a property owner's rights to request water and  
20 sewer service in accordance with G.S. 160A-47.
- 21 (5) Include an explanation of a property owner's rights pursuant to  
22 subsections (f1) and (f2) of this section.

23 Such notice shall be given by publication once a week for at least two successive  
24 weeks prior to the date of the ~~hearing~~ informational meeting in a newspaper having  
25 general circulation in the municipality and, in addition thereto, if the area to be  
26 annexed lies in a county containing less than fifty percent (50%) of the land area of  
27 the municipality, in a newspaper having general circulation in the area of proposed  
28 annexation. The period from the date of the first publication to the date of the last  
29 publication, both dates inclusive, shall be not less than eight days including Sundays,  
30 and the date of the last publication shall be not more than seven days preceding the  
31 date of public ~~hearing~~, informational meeting. If there be no such newspaper, the  
32 municipality shall post the notice in at least five public places within the municipality  
33 and at least five public places in the area to be annexed for 30 days prior to the date  
34 of public ~~hearing~~, informational meeting. In addition, notice shall be mailed at least  
35 four weeks prior to date of the ~~hearing~~ informational meeting by first class mail,  
36 postage prepaid to the owners as shown by the tax records of the county of all  
37 freehold interests in real property located within the area to be annexed. The person  
38 or persons mailing such notices shall certify to the governing board that fact, and  
39 such certificate shall become a part of the record of the annexation proceeding and  
40 shall be deemed conclusive in the absence of fraud. If the notice is returned to the  
41 city by the postal service by the tenth day before the ~~hearing~~, informational meeting,  
42 a copy of the notice shall be sent by certified mail, return receipt requested, at least  
43 seven days before the ~~hearing~~, informational meeting. Failure to comply with the  
44 mailing requirements of this subsection shall not invalidate the annexation unless it is

1 shown that the requirements were not substantially complied with. If the governing  
2 board by resolution finds that the tax records are not adequate to identify the owners  
3 of some or all of the parcels of real property within the area it may in lieu of the mail  
4 procedure as to those parcels where the owners could not be so identified, post the  
5 notice at least 30 days prior to the date of public ~~hearing~~ informational meeting on all  
6 buildings on such parcels, and in at least five other places within the area to be  
7 annexed. In any case where notices are placed on property, the person placing the  
8 notices shall certify that fact to the governing board.

9 (c) Action Prior to ~~Hearing~~ Informational Meeting. -- At least 30 days before the  
10 date of the public ~~hearing~~ informational meeting, the governing board shall approve  
11 the report provided for in G.S. 160A-47, and shall make it available to the public at  
12 the office of the municipal clerk. In addition, the municipality may prepare a  
13 summary of the full report for public distribution. In addition, the city shall post in  
14 the office of the city clerk, at least 30 days before the public ~~hearing~~ informational  
15 meeting, a legible map of the area to be annexed and a list of persons holding  
16 freehold interests in property in the area to be annexed that it has identified.

17 (c1) Public Informational Meeting. -- At the public informational meeting a  
18 representative of the municipality shall first make an explanation of the report  
19 required in G.S. 160A-47. Following such explanation, all persons resident or  
20 owning property in the territory described in the notice of public hearing, and all  
21 residents of the municipality, shall be given the opportunity to ask questions and  
22 receive answers regarding the proposed annexation.

23 (d) Public Hearing. -- At the public hearing a representative of the municipality  
24 shall first make an explanation of the report required in G.S. 160A-47. Following  
25 such explanation, all persons resident or owning property in the territory described in  
26 the notice of public hearing, and all residents of the municipality, shall be given an  
27 opportunity to be heard.

28 (e) Passage of the Annexation Ordinance. -- The municipal governing board shall  
29 take into consideration facts presented at the public hearing and shall have authority  
30 to amend the report required by G.S. 160A-47 to make changes in the plans for  
31 serving the area proposed to be annexed so long as such changes meet the  
32 requirements of G.S. 160A-47, provided that if the annexation report is amended to  
33 show additional subsections of G.S. 160A-48(c) or (d) under which the annexation  
34 qualifies that were not listed in the original report, the city must hold an additional  
35 public hearing on the annexation not less than 30 nor more than 90 days after the  
36 date the report is amended, and notice of such new hearing shall be given at the first  
37 public hearing. At any regular or special meeting held no sooner than the tenth day  
38 following the public hearing and not later than 90 days following such public hearing,  
39 the governing board shall have authority to adopt an ordinance extending the  
40 corporate limits of the municipality to include all, or such part, of the area described  
41 in the notice of public hearing which meets the requirements of G.S. 160A- 48 and  
42 which the governing board has concluded should be annexed. The ordinance shall:

43 (1) Contain specific findings showing that the area to be annexed  
44 meets the requirements of G.S. 160A-48. The external boundaries

- 1 of the area to be annexed shall be described by metes and bounds.  
2 In showing the application of G.S. 160A- 48(c) and (d) to the area,  
3 the governing board may refer to boundaries set forth on a map of  
4 the area and incorporate same by reference as a part of the  
5 ordinance.
- 6 (2) A statement of the intent of the municipality to provide services to  
7 the area being annexed as set forth in the report required by G.S.  
8 160A-47.
- 9 (3) A specific finding that on the effective date of annexation the  
10 municipality will have funds appropriated in sufficient amount to  
11 finance construction of any major trunk water mains and sewer  
12 outfalls and such water and sewer lines as required in G.S.  
13 160A-47(3)(b) found necessary in the report required by G.S.  
14 160A-47 to extend the basic water and/or sewer system of the  
15 municipality into the area to be annexed, or that on the effective  
16 date of annexation the municipality will have authority to issue  
17 bonds in an amount sufficient to finance such construction. If  
18 authority to issue such bonds must be secured from the electorate  
19 of the municipality prior to the effective date of annexation, then  
20 the effective date of annexation shall be no earlier than the day  
21 following the statement of the successful result of the bond  
22 election.
- 23 (4) Fix the effective date for annexation. The effective date of  
24 annexation may be fixed for any date not less than ~~40 days~~ 70 days  
25 nor more than 400 days from the date of passage of the ordinance.
- 26 (f) Effect of Annexation Ordinance. -- Except as provided in subsection (f1) of  
27 this section, from ~~From~~ and after the effective date of the annexation ordinance,  
28 the(f) Effect of Annexation Ordinance. -- From and after the effective date of the  
29 annexation ordinance, the territory and its citizens and property shall be subject to all  
30 debts, laws, ordinances and regulations in force in such municipality and shall be  
31 entitled to the same privileges and benefits as other parts of such municipality. Real  
32 and personal property in the newly annexed territory on the January 1 immediately  
33 preceding the beginning of the fiscal year in which the annexation becomes effective  
34 is subject to municipal taxes as provided in G.S. 160A-58.10. Provided that annexed  
35 property which is a part of a sanitary district, which has installed water and sewer  
36 lines, paid for by the residents of said district, shall not be subject to that part of the  
37 municipal taxes levied for debt service for the first five years after the effective date  
38 of annexation. If this proviso should be declared by a court of competent jurisdiction  
39 to be in violation of any provision of the federal or State Constitution, the same shall  
40 not affect the remaining provisions of this Part. If the effective date of annexation  
41 falls between June 1 and June 30, and the effective date of the privilege license tax  
42 ordinance of the annexing municipality is June 1, then businesses in the area to be  
43 annexed shall be liable for taxes imposed in such ordinances from and after the  
44 effective date of annexation.

1 (f1) Property Subject to Present-Use Value Appraisal. -- If an area described in an  
2 annexation ordinance includes agricultural land, horticultural land, or forestland that  
3 on the effective date of annexation is:

4 (1) Land that is being taxed at present-use value pursuant to G.S. 105-  
5 277.4; or

6 (2) Land that:

7 a. Was on the date of the resolution of intent for annexation  
8 being used for actual production and is eligible for present-  
9 use value taxation under G.S. 105-277.4, but the land has  
10 not been in use for actual production for the required time  
11 under G.S. 105-277.3; and

12 b. The assessor for the county where the land subject to  
13 annexation is located has certified to the city that the land  
14 meets the requirements of this subdivision

15 the annexation becomes effective as to that property pursuant to subsection (f2) of  
16 this section.

17 (f2) Effective Date of Annexation for Certain Property. -- Annexation of property  
18 subject to annexation under subsection (f1) of this section shall become effective:

19 (1) Upon the effective date of the annexation ordinance, the property  
20 is considered part of the city only (i) for the purpose of  
21 establishing city boundaries for additional annexations pursuant to  
22 this Article and (ii) for the exercise of city authority pursuant to  
23 Article 19 of this Chapter.

24 (2) For all other purposes, the annexation becomes effective as to each  
25 tract of such property or part thereof on the last day of the month  
26 in which that tract or part thereof becomes ineligible for  
27 classification pursuant to G.S. 105-227.4 or no longer meets the  
28 requirements of subdivision (f1)(2) of this section. Until  
29 annexation of a tract or a part of a tract becomes effective pursuant  
30 to this subdivision, the tract or part of a tract is not subject to  
31 taxation by the city under Article 12 of Chapter 105 of the General  
32 Statutes nor is the tract or part of a tract entitled to services  
33 provided by the city.

34 (g) Simultaneous Annexation Proceedings. -- If a municipality is considering the  
35 annexation of two or more areas which are all adjacent to the municipal boundary  
36 but are not adjacent to one another, it may undertake simultaneous proceedings  
37 under authority of this Part for the annexation of such areas.

38 (h) Remedies for Failure to Provide Services. -- If, not earlier than one year from  
39 the effective date of annexation, and not later than 15 months from the effective date  
40 of annexation, any person owning property in the annexed territory shall believe that  
41 the municipality has not followed through on its service plans adopted under the  
42 provisions of G.S. 160A-47(3) and 160A-49(e), for any required service other than  
43 water and sewer services such person may apply for a writ of mandamus under the

1 provisions of Article 40, Chapter 1 of the General Statutes. Relief may be granted by  
2 the judge of superior court

3 (1) If the municipality has not provided the services set forth in its  
4 plan submitted under the provisions of G.S. 160A-47(3)a on  
5 substantially the same basis and in the same manner as such  
6 services were provided within the rest of the municipality prior to  
7 the effective date of annexation, and

8 (2) If at the time the writ is sought such services set forth in the plan  
9 submitted under the provisions of G.S. 160A-47(3)a are still being  
10 provided on substantially the same basis and in the same manner  
11 as on the date of annexation of the municipality.

12 If, not earlier than 24 months from the effective date of the annexation, and not  
13 later than 27 months from the effective date of the annexation, any person owning  
14 property in the annexed area can show that the plans submitted under the provisions  
15 of G.S. 160A-47(3)c require the construction of major trunk water mains and sewer  
16 outfall lines and if construction has not been completed within two years of the  
17 effective date of the annexation, relief may also be granted by the superior court by  
18 an order to the municipality to complete such lines and outfalls within a certain time.  
19 Similar relief may be granted by the superior court to any owner of property who  
20 made a timely request for a water or sewer line, or both, pursuant to G.S.  
21 160A-47(3)b and such lines have not been completed within two years from the  
22 effective date of annexation in accordance with applicable city policies and through  
23 no fault of the owner, if such owner petitions for such relief not earlier than 24  
24 months following the effective date of annexation and not later than 27 months  
25 following the effective date of annexation.

26 If a writ is issued, costs in the action, including a reasonable attorney's fee for such  
27 aggrieved person, shall be charged to the municipality.

28 (i) No resolution of intent may be adopted under subsection (a) of this section  
29 unless the city council (or planning agency created or designated under either G.S.  
30 160A-361 or the charter) has, by resolution adopted at least one year prior to  
31 adoption of the resolution of intent, identified the area as being under consideration  
32 for annexation; annexation and included a statement in the resolution notifying  
33 persons subject to the annexation of their rights under subsections (f1) and (f2) of this  
34 section; provided, adoption of such resolution of consideration shall not confer prior  
35 jurisdiction over the area as to any other city. The area described under the  
36 resolution of intent may comprise a smaller area than that identified by the resolution  
37 of consideration. The resolution of consideration may have a metes and bounds  
38 description or a map and shall remain effective for two years after adoption, and shall  
39 be filed with the city clerk. A new resolution of consideration adopted before  
40 expiration of the two-year period for a previously adopted resolution covering the  
41 same area shall relate back to the date of the previous resolution.

42 (j) Subsection (i) of this section shall not apply to the annexation of any area if the  
43 resolution of intent describing the area and the ordinance annexing the area both

1 provide that the effective date of the annexation shall be at least one year from the  
2 date of passage of the annexation ordinance.

3 (k) If a valid request for extension of a water or sewer line has been made under  
4 G.S. 160A-47(3)b, and the extension is not complete at the end of two years after the  
5 effective date of the annexation ordinance, the owner of the property may petition  
6 the Local Government Commission for abatement of taxes to be paid to the city  
7 which have not been levied as of the expiration date of the two-year period, if such  
8 petition is filed not more than 60 days after the expiration of the two-year period. If  
9 the Local Government Commission finds that the extension to the property was not  
10 complete by the end of the two-year period, it shall enter an order directing the city  
11 not to levy any further ad valorem taxes on the property until the fiscal year  
12 commencing after completion of the extension. In addition, if the Local Government  
13 Commission found that the extension to the property was not completed by the end  
14 of the two-year period, and if it finds that for any fiscal year during the period  
15 beginning with the first day of the fiscal year in which the annexation ordinance  
16 became effective and ending the last day of the fiscal year in which the two-year  
17 period expired, the city made an appropriation for construction, operation or  
18 maintenance of a water or sewer system (other than payments the city made as a  
19 customer of the system) from the fund or funds for which ad valorem taxes are  
20 levied, then the Local Government Commission shall order the city to release or  
21 refund an amount of the petitioner's property taxes for that year in question in  
22 proportion to the percentage of appropriations in the fund made for water and sewer  
23 services. By way of illustration, if a net amount of one hundred thousand dollars  
24 (\$100,000) was appropriated for water or sewer construction, operation or  
25 maintenance from a fund which had total expenditures of ten million dollars  
26 (\$10,000,000) and the petitioner's tax levy was one thousand dollars (\$1,000), the  
27 amount of release or refund shall be ten dollars (\$10.00).

28 (l) If a city fails to deliver police protection, fire protection, solid waste or street  
29 maintenance services as provided for in G.S. 160A-47(3)a. within 60 days after the  
30 effective date of the annexation, the owner of the property may petition the Local  
31 Government Commission for abatement of taxes to be paid to the city for taxes that  
32 have been levied as of the end of the 60-day period, if the petition is filed not more  
33 than 90 days after the expiration of the 60-day period. If the Local Government  
34 Commission finds that services were not extended by the end of the 60-day period, it  
35 shall enter an order directing the city not to levy any further ad valorem taxes on the  
36 property until the fiscal year commencing after extension of the municipal services."

37 Section 16. G.S. 160A-49.2 reads as rewritten:

38 "§ 160A-49.2. Assumption of debt.

39 (a) If the city has annexed any area which is served by a rural fire department and  
40 which is in an insurance district defined under G.S. 153A-233, a rural fire protection  
41 district under Article 3A of Chapter 69 of the General Statutes or a fire service  
42 district under Article 16 of Chapter 153A of the General Statutes, then upon the  
43 effective date of annexation if the city has not contracted with the rural fire  
44 department for fire protection, or when the rural fire department ceases to provide

1 fire protection under contract, then the city shall pay annually a proportionate share  
2 of any payments due on any debt (including principal and interest) relating to  
3 facilities or equipment of the rural fire department, if the debt was existing at the  
4 time of adoption of the resolution of intent, with the payments in the same  
5 proportion that the assessed valuation of the area of the district annexed bears to the  
6 assessed valuation of the entire district on the date the annexation ordinance becomes  
7 ~~effective.~~ effective or another date for valuation mutually agreed upon by the city and  
8 the fire department.

9 (b) The city and rural fire department shall jointly present a payment schedule to  
10 the Local Government Commission for approval and no payment may be made until  
11 such schedule is approved."

12 Section 17. G.S. 160A-49.3(h) reads as rewritten:

13 "(h) A firm which has given notice under subsection (a) of this section that it  
14 desires to contract, and any firm that the city believes is eligible to give such notice,  
15 shall make available to the city not later than ~~five~~ 10 business days following a  
16 written request of the ~~city~~ city, sent by certified mail return receipt requested, all  
17 information in its possession or control, including but not limited to operational,  
18 financial and budgetary information, necessary for the city to determine if the firm  
19 qualifies for the benefits of this section and to determine the nature and scope of the  
20 potential contract and/or economic loss. The firm forfeits its rights under this section  
21 if it fails to make a good faith response within 10 business days following receipt of  
22 the written request for information from the city, provided that the city's written  
23 request so states by specific reference to this section."

24 Section 18. G.S. 160A-50 reads as rewritten:

25 "**§ 160A-50. Appeal.**

26 (a) Within ~~30 days~~ 60 days following the passage of an annexation ordinance  
27 under authority of this Part, any person owning property in the annexed territory who  
28 shall believe that he will suffer material injury by reason of the failure of the  
29 municipal governing board to comply with the procedure set forth in this Part or to  
30 meet the requirements set forth in G.S. 160A-48 as they apply to his property may  
31 file a petition in the superior court of the county in which the municipality is located  
32 seeking review of the action of the governing board.

33 (b) Such petition shall explicitly state what exceptions are taken to the action of  
34 the governing board and what relief the petitioner seeks. Within ~~five days~~ 10 days  
35 after the petition is filed with the court, the person seeking review shall serve copies  
36 of the petition by registered mail, return receipt requested, upon the municipality.

37 (c) Within 15 days after receipt of the copy of the petition for review, or within  
38 such additional time as the court may allow, the municipality shall transmit to the  
39 reviewing court

- 40 (1) A transcript of the portions of the municipal journal or minute
- 41 book in which the procedure for annexation has been set forth and
- 42 (2) A copy of the report setting forth the plans for extending services
- 43 to the annexed area as required in G.S. 160A-47.

1 (d) If two or more petitions for review are submitted to the court, the court may  
2 consolidate all such petitions for review at a single hearing, and the municipality shall  
3 be required to submit only one set of minutes and one report as required in  
4 subsection (c).

5 (e) At any time before or during the review proceeding, any petitioner or  
6 petitioners may apply to the reviewing court for an order staying the operation of the  
7 annexation ordinance pending the outcome of the review. The court may grant or  
8 deny the stay in its discretion upon such terms as it deems proper, and it may permit  
9 annexation of any part of the area described in the ordinance concerning which no  
10 question for review has been raised.

11 (f) The court shall fix the date for review of annexation proceedings under this  
12 Part, which review date shall preferably be within 30 days following the last day for  
13 receiving petitions to the end that review shall be expeditious and without  
14 unnecessary delays. The review shall be conducted by the court without a jury. The  
15 court may hear oral arguments and receive written briefs, and may take evidence  
16 intended to show either

- 17 (1) That the statutory procedure was not followed, or  
18 (2) That the provisions of G.S. 160A-47 were not met, or  
19 (3) That the provisions of G.S. 160A-48 have not been met.

20 (g) The court may affirm the action of the governing board without change, or it  
21 may

- 22 (1) Remand the ordinance to the municipal governing board for  
23 further proceedings if procedural irregularities are found to have  
24 materially prejudiced the substantive rights of any of the  
25 petitioners.  
26 (2) Remand the ordinance to the municipal governing board for  
27 amendment of the boundaries to conform to the provisions of G.S.  
28 160A-48 if it finds that the provisions of G.S. 160A-48 have not  
29 been met; provided, that the court cannot remand the ordinance to  
30 the municipal governing board with directions to add area to the  
31 municipality which was not included in the notice of public  
32 hearing and not provided for in plans for service.  
33 (3) Remand the report to the municipal governing board for  
34 amendment of the plans for providing services to the end that the  
35 provisions of G.S. 160A-47 are satisfied.  
36 (4) Declare the ordinance null and void, if the court finds that the  
37 ordinance cannot be corrected by remand as provided in  
38 subdivisions (1), (2), or (3) of this subsection.

39 If any municipality shall fail to take action in accordance with the court's  
40 instructions upon remand within three months from receipt of such instructions, the  
41 annexation proceeding shall be deemed null and void.

42 (h) Any party to the review proceedings, including the municipality, may appeal  
43 to the Court of Appeals from the final judgment of the superior court under rules of  
44 procedure applicable in other civil cases. The superior court may, with the agreement



1 of the municipality, permit annexation to be effective with respect to any part of the  
2 area concerning which no appeal is being made and which can be incorporated into  
3 the city without regard to any part of the area concerning which an appeal is being  
4 made.

5 (i) If part or all of the area annexed under the terms of an annexation ordinance  
6 is the subject of an appeal to the superior court, Court of Appeals or Supreme Court  
7 on the effective date of the ordinance, then the ordinance shall be deemed amended  
8 to make the effective date with respect to such area the last day of the next full  
9 calendar month following the date of the final judgment of the superior court or  
10 appellate division, whichever is appropriate, or the date the municipal governing  
11 board completes action to make the ordinance conform to the court's instructions in  
12 the event of remand. For the purposes of this subsection, a denial of a petition for  
13 rehearing or for discretionary review shall be treated as a final judgement.

14 (j) If a petition for review is filed under subsection (a) of this section or an appeal  
15 is filed under G.S. 160A-49.1(g) or G.S. 160A-49.3(g), and a stay is granted, then the  
16 time periods of two years, 24 months or 27 months provided in G.S. 160A-47(3)c,  
17 160A-49(h), or 160A-49(j) are each extended by the lesser of the length of the stay or  
18 one year for that annexation.

19 (k) The provisions of subsection (i) of this section shall apply to any judicial  
20 review authorized in whole or in part by G.S. 160A-49.1(i) or G.S. 160A-49.3(g).

21 (l) In any proceeding related to an annexation ordinance appeal under this  
22 section, a city shall not state a claim for lost property tax revenue caused by the  
23 appeal. Nothing in this Article shall be construed to mean that as a result of an  
24 appeal a municipality may assert a claim for property tax revenue lost during the  
25 pendency of the appeal.

26 (m) Any settlement reached by all parties in an appeal under this section may be  
27 presented to the superior court in the county in which the municipality is located. If  
28 the superior court, in its discretion, approves the settlement, it shall be binding on all  
29 parties without the need for approval by the General Assembly."

30 Section 19. G.S. 160A-54 reads as rewritten:

31 "**§ 160A-54. Population and land estimates.**

32 In determining population and degree of land subdivision for purposes of meeting  
33 the requirements of G.S. 160A-48, the municipality shall use methods calculated to  
34 provide reasonably accurate results. In determining whether the standards set forth in  
35 G.S. 160A-48 have been met on appeal to the superior court under G.S. 160A-50, the  
36 reviewing court shall accept the estimates of the ~~municipality~~ municipality unless the  
37 actual population, total area, or degree of land subdivision falls below the standards  
38 in G.S. 160A-48:

39 (1) As to population, if the estimate is based on the number of  
40 dwelling units in the area multiplied by the average family size in  
41 such area, or in the township or townships of which such area is a  
42 part, as determined by the last preceding federal decennial census;  
43 or if it is based on a new enumeration carried out under  
44 reasonable rules and regulations by the annexing municipality;

1 provided, that the court shall not accept such estimates if the  
2 petitioners demonstrate that such estimates are in error in the  
3 amount of ten percent (10%) or more.

4 (2) As to total area if the estimate is based on an actual survey, or on  
5 county tax maps or records, or on aerial photographs, or on some  
6 other reasonably reliable map used for official purposes by a  
7 governmental agency, unless the petitioners on appeal demonstrate  
8 that such estimates are in error in the amount of five percent (5%)  
9 or more.

10 (3) As to degree of land subdivision, if the estimates are based on an  
11 actual survey, or on county tax maps or records, or on aerial  
12 photographs, or on some other reasonably reliable source, unless  
13 the petitioners on appeal show that such estimates are in error in  
14 the amount of five percent (5%) or more."

15 Section 20. This act becomes effective November 1, 1998, and applies to  
16 annexations for which the resolution of intent is adopted on or after that date.  
17 Sections 2 and 3 shall not apply to any incorporation proposal originally presented to  
18 the Joint Legislative Commission on Municipal Incorporations prior to the effective  
19 date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1469  
Committee Substitute Favorable 8/10/98

Short Title: State Personnel Comm. Reorganized.

(Public)

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Sponsors:

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Referred to:

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May 25, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT REORGANIZING THE STATE PERSONNEL COMMISSION AND  
3 AUTHORIZING THE CHAIR OF THE STATE PERSONNEL COMMISSION  
4 TO APPOINT PANELS OF ITS MEMBERS TO MAKE RECOMMENDATIONS  
5 TO THE FULL COMMISSION REGARDING THE FINAL DECISION IN  
6 CONTESTED CASES.

7 The General Assembly of North Carolina enacts:

8 Section 1. Effective March 31, 1999, G.S. 126-2 reads as rewritten:

9 "§ 126-2. State Personnel Commission.

10 (a) There is hereby established the State Personnel Commission (hereinafter  
11 referred to as "the Commission").

12 (b) The Commission shall consist of ~~seven members who shall be appointed by the~~  
13 ~~Governor on July 1, 1965, or as soon thereafter as is practicable. Two members of the~~  
14 ~~Commission shall be chosen from employees of the State subject to the provisions of~~  
15 ~~this Chapter; two members shall be appointed, of which one shall be an employee of~~  
16 ~~local government subject to the provisions of this Chapter, from a list of individuals~~  
17 ~~nominated by the North Carolina association of county commissioners; two members~~  
18 ~~shall be individuals actively engaged in the management of a private business or~~  
19 ~~industry; and one member shall be appointed from the public at large. Of the initial~~  
20 ~~members of the Commission, two shall be appointed to serve for terms of two years;~~  
21 ~~two shall be appointed to serve for terms of four years, and three shall be appointed~~  
22 ~~to serve for terms of six years. Their successors shall be appointed by the Governor~~  
23 ~~for terms of six years. Any vacancy occurring prior to the expiration of a term shall~~

1 ~~be filled by appointment for the unexpired term.~~ nine members who shall be  
2 appointed as follows:

3       (1) Two attorneys licensed to practice law in North Carolina  
4 appointed by the General Assembly. Each attorney shall serve  
5 without the creation of a conflict of interest or the appearance of  
6 impropriety. One attorney shall be appointed upon the  
7 recommendation of the Speaker of the House of Representatives  
8 and one attorney shall be appointed upon the recommendation of  
9 the President Pro Tempore of the Senate. The initial members  
10 appointed under this subdivision shall serve terms expiring June  
11 30, 2005; the terms of subsequent appointees shall be six years.

12       (2) Two persons from private business or industry appointed by the  
13 Governor, both of whom shall have a working knowledge of, or  
14 practical experience in, human resources management. The initial  
15 members appointed under this subdivision shall serve terms  
16 expiring June 30, 2003; the terms of subsequent appointees shall be  
17 six years.

18       (3) Two State employees subject to the State Personnel Act serving in  
19 nonexempt positions, appointed by the General Assembly. One  
20 employee shall serve in a State government position having  
21 supervisory duties and one employee shall serve in a  
22 nonsupervisory position. Neither employee may be a human  
23 resources professional. The Speaker of the House of  
24 Representatives shall recommend the supervisory employee and  
25 the President Pro Tempore of the Senate shall recommend the  
26 nonsupervisory employee. The Speaker of the House of  
27 Representatives and the President Pro Tempore of the Senate shall  
28 consider nominations submitted by the State Employees  
29 Association of North Carolina. The initial members appointed  
30 under this subdivision shall serve terms expiring June 30, 2001; the  
31 terms of subsequent appointees shall be six years.

32       (4) Two local government employees subject to the State Personnel  
33 Act appointed by the Governor upon recommendation of the  
34 North Carolina Association of County Commissioners, one a  
35 nonsupervisory local employee and one a supervisory local  
36 employee. Neither local government employee may be a human  
37 resources professional. The initial members appointed under this  
38 subdivision shall serve terms expiring June 30, 2003; the terms of  
39 subsequent appointees shall be for six years.

40       (5) One member of the public at large appointed by the Governor.  
41 The at-large member shall serve without a conflict of interest. The  
42 initial member appointed under this subdivision shall serve for a  
43 term expiring June 30, 2001; the terms of subsequent appointees  
44 shall be for six years.

1 (c) Members of the Commission ~~appointed after February 1, 1976, shall be~~  
2 ~~appointed subject to confirmation by the General Assembly of North Carolina. If the~~  
3 ~~General Assembly is not in session when an appointment is made, the appointee shall~~  
4 ~~temporarily exercise all of the powers of a confirmed member until the convening of~~  
5 ~~the next legislative session. If the General Assembly does not act on confirmation of a~~  
6 ~~proposed member within 30 legislative days of the submission of the name, the~~  
7 ~~member shall be considered confirmed. If the Governor does not appoint a new~~  
8 ~~member within 60 calendar days of the occurrence of a vacancy or the rejection of an~~  
9 ~~appointment by the General Assembly, the remaining members of the Commission~~  
10 ~~shall have the authority to fill the vacancy.~~ may serve no more than two consecutive  
11 terms. Appointments by the General Assembly shall be made in accordance with  
12 G.S. 120-121 and vacancies in those appointments shall be filled in accordance with  
13 G.S. 120-122.

14 (d) ~~The Governor appointing authority may at any time after notice and hearing~~  
15 ~~remove any Commission member for gross inefficiency, neglect of duty, malfeasance,~~  
16 ~~misfeasance, or nonfeasance in office.~~ cause.

17 (e) ~~Members of the Commission who are employees of the State subject to the~~  
18 ~~provisions of this Article~~ State or local government employees subject to the State  
19 Personnel Act shall be entitled to administrative leave without loss of pay for all  
20 periods of time required to conduct the business of the Commission.

21 (f) ~~Four~~ Six members of the Commission shall constitute a quorum.

22 (g) The Governor shall designate one member of the Commission as ~~chairman.~~  
23 chair.

24 (h) The Commission shall meet quarterly, and at other times at the call of the  
25 ~~chairman.~~ chair."

26 Section 2. Effective March 31, 1999, Article 1 of Chapter 126 of the  
27 General Statutes is amended by adding a new section to read:

28 **"§ 126-4.1. Commission panels may recommend final agency decisions.**

29 (a) The State Personnel Commission ('Commission') may make a final agency  
30 decision in a contested case brought under Article 3 of Chapter 150B of the General  
31 Statutes upon the recommendation of a panel of its members appointed by the Chair.

32 (b) For contested case purposes, the Chair of the Commission may appoint panels  
33 of four members, with three panelists constituting a quorum of the panel. The Chair  
34 shall make every effort to provide that each category of Commission membership  
35 enumerated in G.S. 126-2(b) shall be represented on the appointed panels.

36 (c) When a panel hears and makes a recommendation in a contested case, that  
37 recommendation shall then be referred to the full Commission. Upon referral, the  
38 full Commission may either:

- 39 (1) Accept the recommendation of the panel and incorporate the  
40 panel's recommendation as the Commission's final decision; or  
41 (2) Reject the recommendation of the panel and make a final decision  
42 upon consideration by the full Commission."

43 Section 3. G.S. 120-123 is amended by adding a new subdivision to read:

44 **"(68) The State Personnel Commission."**

1           Section 4. The terms of members of the State Personnel Commission  
2 who were appointed pursuant to G.S. 126-2 as it was in effect prior to March 31,  
3 1999, shall expire on March 30, 1999.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

H1469-CSRF-001A  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 1469  
Committee Substitute Favorable 8/10/98

Short Title: State Personnel Comm. Reorganized.

(Public)

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Sponsors:

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Referred to:

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May 25, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT REORGANIZING THE STATE PERSONNEL COMMISSION AND  
3 AUTHORIZING THE CHAIR OF THE STATE PERSONNEL COMMISSION TO  
4 APPOINT PANELS OF ITS MEMBERS TO MAKE RECOMMENDATIONS TO THE  
5 FULL COMMISSION REGARDING THE FINAL DECISION IN CONTESTED CASES  
6 AND TO MAKE CHANGES TO THE EMPLOYEE INCENTIVE BONUS PROGRAM. .  
7 The General Assembly of North Carolina enacts:  
8 Section 1. Effective March 31, 1999, G.S. 126-2 reads  
9 as rewritten:  
10 "§ 126-2. State Personnel Commission.  
11 (a) There is hereby established the State Personnel Commission  
12 (hereinafter referred to as "the Commission").  
13 (b) The Commission shall consist of ~~seven members who shall be~~  
14 ~~appointed by the Governor on July 1, 1965, or as soon thereafter~~  
15 ~~as is practicable. Two members of the Commission shall be chosen~~  
16 ~~from employees of the State subject to the provisions of this~~  
17 ~~Chapter; two members shall be appointed, of which one shall be an~~  
18 ~~employee of local government subject to the provisions of this~~  
19 ~~Chapter, from a list of individuals nominated by the North~~  
20 ~~Carolina association of county commissioners; two members shall~~  
21 ~~be individuals actively engaged in the management of a private~~  
22 ~~business or industry; and one member shall be appointed from the~~

1 ~~public at large. Of the initial members of the Commission, two~~  
2 ~~shall be appointed to serve for terms of two years, two shall be~~  
3 ~~appointed to serve for terms of four years, and three shall be~~  
4 ~~appointed to serve for terms of six years. Their successors~~  
5 ~~shall be appointed by the Governor for terms of six years. Any~~  
6 ~~vacancy occurring prior to the expiration of a term shall be~~  
7 ~~filled by appointment for the unexpired term. nine members who~~  
8 ~~shall be appointed as follows:~~

9       (1) Two attorneys licensed to practice law in North  
10 Carolina appointed by the General Assembly. One  
11 attorney shall be appointed upon the recommendation  
12 of the Speaker of the House of Representatives and  
13 one attorney shall be appointed upon the  
14 recommendation of the President Pro Tempore of the  
15 Senate. The initial members appointed under this  
16 subdivision shall serve terms expiring June 30,  
17 2005; the terms of subsequent appointees shall be  
18 six years.

19       (2) Two persons from private business or industry  
20 appointed by the Governor, both of whom shall have  
21 a working knowledge of, or practical experience in,  
22 human resources management. The initial members  
23 appointed under this subdivision shall serve terms  
24 expiring June 30, 2003; the terms of subsequent  
25 appointees shall be six years.

26       (3) Two State employees subject to the State Personnel  
27 Act serving in nonexempt positions, appointed by  
28 the General Assembly. One employee shall serve in  
29 a State government position having supervisory  
30 duties and one employee shall serve in a  
31 nonsupervisory position. Neither employee may be a  
32 human resources professional. The Speaker of the  
33 House of Representatives shall recommend the  
34 supervisory employee and the President Pro Tempore  
35 of the Senate shall recommend the nonsupervisory  
36 employee. The Speaker of the House of  
37 Representatives and the President Pro Tempore of  
38 the Senate shall consider nominations submitted by  
39 the State Employees Association of North Carolina.  
40 The initial members appointed under this  
41 subdivision shall serve terms expiring June 30,  
42 2001; the terms of subsequent appointees shall be  
43 six years.



1           (4) Two local government employees subject to the State  
2           Personnel Act appointed by the Governor upon  
3           recommendation of the North Carolina Association of  
4           County Commissioners, one a nonsupervisory local  
5           employee and one a supervisory local employee.  
6           Neither local government employee may be a human  
7           resources professional. The initial members  
8           appointed under this subdivision shall serve terms  
9           expiring June 30, 2003; the terms of subsequent  
10           appointees shall be for six years.

11           (5) One member of the public at large appointed by the  
12           Governor. The initial member appointed under this  
13           subdivision shall serve for a term expiring June  
14           30, 2001; the terms of subsequent appointees shall  
15           be for six years.

16       (c) ~~Members of the Commission appointed after February 1, 1976,~~  
17 ~~shall be appointed subject to confirmation by the General~~  
18 ~~Assembly of North Carolina. If the General Assembly is not in~~  
19 ~~session when an appointment is made, the appointee shall~~  
20 ~~temporarily exercise all of the powers of a confirmed member~~  
21 ~~until the convening of the next legislative session. If the~~  
22 ~~General Assembly does not act on confirmation of a proposed~~  
23 ~~member within 30 legislative days of the submission of the name,~~  
24 ~~the member shall be considered confirmed. If the Governor does~~  
25 ~~not appoint a new member within 60 calendar days of the~~  
26 ~~occurrence of a vacancy or the rejection of an appointment by the~~  
27 ~~General Assembly, the remaining members of the Commission shall~~  
28 ~~have the authority to fill the vacancy. may serve no more than~~  
29 ~~two consecutive terms. Appointments by the General Assembly~~  
30 ~~shall be made in accordance with G.S. 120-121 and vacancies in~~  
31 ~~those appointments shall be filled in accordance with G.S. 120-~~  
32 ~~122.~~

33       (d) No member of the Commission may serve on a case where there  
34 would be a conflict of interest. The Governor appointing  
35 authority may at any time after notice and hearing remove any  
36 Commission member for gross inefficiency, neglect of duty,  
37 malfeasance, misfeasance, or nonfeasance in office. cause.

38       (e) ~~Members of the Commission who are employees of the State~~  
39 ~~subject to the provisions of this Article State or local~~  
40 government employees subject to the State Personnel Act shall be  
41 entitled to administrative leave without loss of pay for all  
42 periods of time required to conduct the business of the  
43 Commission.

1 (f) ~~Four~~ Six members of the Commission shall constitute a  
2 quorum.

3 (g) The Governor shall designate one member of the Commission  
4 as ~~chairman~~ chair.

5 (h) The Commission shall meet quarterly, and at other times at  
6 the call of the ~~chairman~~ chair."

7 Section 2. Effective March 31, 1999, Article 1 of  
8 Chapter 126 of the General Statutes is amended by adding a new  
9 section to read:

10 "§ 126-4.1. Commission panels may recommend final agency  
11 decisions.

12 (a) The State Personnel Commission ('Commission') may make a  
13 final agency decision in a contested case brought under Article 3  
14 of Chapter 150B of the General Statutes upon the recommendation  
15 of a panel of its members appointed by the Chair.

16 (b) For contested case purposes, the Chair of the Commission  
17 may appoint panels of four members, with three panelists  
18 constituting a quorum of the panel. The Chair shall make every  
19 effort to provide that each category of Commission membership  
20 enumerated in G.S. 126-2(b) shall be represented on the appointed  
21 panels.

22 (c) When a panel hears and makes a recommendation in a  
23 contested case, that recommendation shall then be referred to the  
24 full Commission. Upon referral, the full Commission may either:

25 (1) Accept the recommendation of the panel and  
26 incorporate the panel's recommendation as the  
27 Commission's final decision; or

28 (2) Reject the recommendation of the panel and make a  
29 final decision upon consideration by the full  
30 Commission."

31 Section 3. G.S. 120-123 is amended by adding a new  
32 subdivision to read:

33 "(68) The State Personnel Commission."

34 Section 4. The terms of members of the State Personnel  
35 Commission appointed pursuant to G.S. 126-2 as it was in effect  
36 prior to March 31, 1999, shall expire on March 31, 2001. Any  
37 vacancy occurring on the Commission prior to March 31, 2001,  
38 shall be filled in accordance with Section 1 of this act.

39 Section 5. G.S. 143-345.21(c) reads as rewritten:

40 "(c) Savings generated by suggestions and innovations shall be  
41 determined at the end of the fiscal year in which the suggestion  
42 or innovation is ~~implemented~~ implemented or the determination  
43 may be carried over for one full fiscal year after implementation  
44 before making an award if the actual savings cannot be verified

1 before the end of the fiscal year. Any savings are to be  
2 calculated using the actual expenditures for a program, activity,  
3 or service compared to the budgeted amount for the same, if an  
4 amount has been budgeted for the program, activity, or service.  
5 The savings calculation shall include the amount of any  
6 reversions in excess of the baseline reversion. The savings or  
7 revenue increases realized from any suggestion or innovation  
8 implemented for less than one full fiscal year shall be  
9 annualized. Any savings realized through the State Employee  
10 Incentive Bonus Program shall be weighed against continued  
11 service to the public."

12 Section 6. G.S. 143-345.22(a) reads as rewritten:

13 "(a) If a State employee's suggestion or innovation results in  
14 a monetary savings or increased revenue to the State, the funds  
15 saved or increased shall be distributed according to the  
16 following ~~scale~~ scale or subject to guidelines as set forth by  
17 the funding source:

18 (1) Twenty percent (20%) of the annualized savings or  
19 increased revenues, up to a maximum of twenty  
20 thousand dollars (\$20,000) for any one State  
21 employee, to constitute gainsharing. If a team of  
22 State employees is the suggester, the bonus  
23 provided in this subdivision shall be divided  
24 equally among the team members, except that no team  
25 member may receive in excess of twenty thousand  
26 dollars (\$20,000), nor may the team receive an  
27 aggregate amount in excess of one hundred thousand  
28 dollars (\$100,000).

29 (2) Thirty percent (30%) ~~to a performance bonus reserve~~  
30 ~~for all current employees of the employing unit of~~  
31 ~~the suggester, to be distributed according to G.S.~~  
32 ~~126-7, the Comprehensive Compensation System for~~  
33 ~~State employees, or according to the performance~~  
34 ~~bonus compensation system in which the suggester's~~  
35 ~~employing unit participates.~~ for all current  
36 employees in the work unit, as designated by the  
37 agency head, of the employing unit of the  
38 suggester.

39 (3) The remainder to the General Fund for nonrecurring  
40 budget items."

41 Section 7. G.S. 143-345.23(b) reads as rewritten:

42 "(b) The duties of the agency coordinator shall include:

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

- 1           (2) Responsibility for presenting, in conjunction with  
2           the agency evaluator, the plan of implementation  
3           for a suggestion or innovation to the Review  
4           Committee.  
5           (3) Working in conjunction with the agency evaluator  
6           designated by the ~~State~~ Agency Coordinator for a  
7           particular suggestion or innovation.  
8    An agency may have more than one coordinator if required to  
9    provide sufficient services to State employees."  
10           Section 8. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 1539

State Government, Local Government, and Personnel Committee Substitute Adopted  
6/17/98

Short Title: Urban Redevelopment Zoning.

(Public)

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Sponsors:

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Referred to: Appropriations.

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June 1, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW CITIES TO REQUIRE THAT A FOOD OR RETAIL  
3 BUSINESS THAT HOLDS AN ABC PERMIT AND IS LOCATED IN AN  
4 URBAN REDEVELOPMENT AREA OR WITHIN FIFTEEN HUNDRED FEET  
5 OF A SCHOOL OR CHILD CARE CENTER SHALL ONLY BE OPERATED  
6 WITH A SPECIAL USE PERMIT OR CONDITIONAL USE PERMIT.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. G.S. 160A-381 reads as rewritten:  
9 "§ 160A-381. Grant of power.  
10 (a) For the purpose of promoting health, safety, morals, or the general welfare of  
11 the community, any city may regulate and restrict the height, number of stories and  
12 size of buildings and other structures, the percentage of lots that may be occupied,  
13 the size of yards, courts and other open spaces, the density of population, and the  
14 location and use of buildings, structures and land for trade, industry, residence or  
15 other purposes and to provide density credits or severable development rights for  
16 dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11. These  
17 regulations may provide that a board of adjustment may determine and vary their  
18 application in harmony with their general purpose and intent and in accordance with  
19 general or specific rules therein contained. The regulations may also provide that the  
20 board of adjustment or the city council may issue special use permits or conditional  
21 use permits in the classes of cases or situations and in accordance with the principles,

1 conditions, safeguards, and procedures specified therein and may impose reasonable  
2 and appropriate conditions and safeguards upon these permits.

3 (b) (Expires June 30, 2001) Specifically, the city may require that a pawnshop as  
4 defined in Chapter 91A of the General Statutes may only be operated with a special  
5 use permit or a conditional use permit, or may have an overlay district wherein a  
6 pawnshop as defined in Chapter 91A of the General Statutes may only be operated  
7 with a special use permit or a conditional use permit, and the ordinance may provide  
8 that the permit may be issued only upon a finding that the pawnshop would not be  
9 deleterious to the neighborhood in which it is to be located. Conditions and  
10 safeguards on permits for pawnshops may be imposed notwithstanding G.S. 91A-12.  
11 This subsection applies only to cities with a population of 200,000 or over, which  
12 have a median family income of forty thousand dollars (\$40,000) or over, according  
13 to the most recent decennial federal census.

14 (b1) A city may require, by ordinance, that a food business as defined in G.S. 18B-  
15 1000(3) or a retail business as defined in G.S. 18B-1000(7) that holds an ABC permit  
16 under Chapter 18B of the General Statutes and is located in a part of the city that  
17 has been designated as an Urban Redevelopment Area under Article 22 of Chapter  
18 160A of the General Statutes or within 1500 feet of a high school shall only be  
19 operated with a special use permit or a conditional use permit if the business'  
20 alcoholic beverage sales exceed fifty per cent (50%) of the business' total annual  
21 sales. The ordinance may also require businesses under this subsection to submit to  
22 the city manager a report of their total annual alcohol sales and total sales. The  
23 ordinance may provide that a special use permit or conditional use permit will be  
24 issued only upon a finding that the sale of alcoholic beverages by the food store or  
25 retail business will not be deleterious to the neighborhood in which it is located.  
26 Conditions and safeguards on permits for food businesses and retail businesses may  
27 be imposed notwithstanding Chapter 18B of the General Statutes.

28 (c) Where appropriate, such conditions may include requirements that street and  
29 utility rights-of-way be dedicated to the public and that provision be made of  
30 recreational space and facilities. When issuing or denying special use permits or  
31 conditional use permits, the city council shall follow the procedures for boards of  
32 adjustment except that no vote greater than a majority vote shall be required for the  
33 city council to issue such permits, and every such decision of the city council shall be  
34 subject to review by the superior court by proceedings in the nature of certiorari. Any  
35 petition for review by the superior court shall be filed with the clerk of superior court  
36 within 30 days after the decision of the city council is filed in such office as the  
37 ordinance specifies, or after a written copy thereof is delivered to every aggrieved  
38 party who has filed a written request for such copy with the clerk at the time of the  
39 hearing of the case, whichever is later. The decision of the city council may be  
40 delivered to the aggrieved party either by personal service or by registered mail or  
41 certified mail return receipt requested."

42 Section 2. G.S. 18B-904(e) reads as rewritten:

43 "(e) Business or Location No Longer Suitable. --

1           (1)   The Commission may suspend or revoke a permit issued by it if,  
2           after compliance with the provisions of Chapter 150B of the  
3           General Statutes, it finds that the location occupied by the  
4           permittee is no longer a suitable place to hold ABC permits or that  
5           the operation of the business with an ABC permit at that location  
6           is detrimental to the neighborhood. No order revoking or  
7           suspending an ABC permit pursuant to this section may be made  
8           except upon substantial evidence admissible under G.S. 150B-  
9           29(a).

10          (2)   The Commission shall suspend or revoke a permit issued by it if it  
11          receives information from the municipality in which the permittee  
12          is located that the permittee's business is in violation of an  
13          ordinance adopted pursuant to G.S. 160A-381(b1). In determining  
14          whether a permit should be suspended or revoked under this  
15          subdivision, the Commission shall only consider whether the  
16          municipality has adopted an ordinance pursuant to G.S. 160A-  
17          381(b1) and whether the permittee holds a valid special use permit  
18          or conditional use permit as required by the ordinance."

19               Section 3. There is appropriated from the General Fund to the  
20 Department of Crime Control and Public Safety the sum of one hundred forty-nine  
21 thousand two hundred sixteen dollars (\$149,216) for the 1998-99 fiscal year to fund  
22 two additional Alcohol Law Enforcement officers to accomplish the purposes of this  
23 act.

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

**DRAFT**  
**FOR REVIEW ONLY**

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1539

Proposed Senate Committee Substitute S1539-PCSSD-001

WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Alcoholic Beverage Sales.

(Public)

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Sponsors:

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Referred to: State Government, Local Government, and Personnel

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June 1, 1998

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THAT A FOOD OR RETAIL BUSINESS THAT HOLDS AN  
3 ABC PERMIT AND IS LOCATED IN AN URBAN REDEVELOPMENT AREA OR  
4 WITHIN FIFTEEN HUNDRED FEET OF A HIGH SCHOOL SHALL NOT HAVE  
5 ALCOHOLIC BEVERAGE SALES IN EXCESS OF FIFTY PER CENT OF THE  
6 BUSINESS' TOTAL ANNUAL SALES.  
7 The General Assembly of North Carolina enacts:  
8           Section 1. Article 3 of Chapter 18B of the General  
9 Statutes is amended by adding a new section to read:  
10 "\$18B-309. Alcoholic beverage sales in Urban Redevelopment Zones  
11 and within 1500 feet of high schools.  
12 A food business as defined in G.S. 18B-1000(3) or a retail  
13 business as defined in G.S. 18B-1000(7) that holds an ABC permit  
14 under this Chapter and is located in a part of a city that has  
15 been designated as an Urban Redevelopment Area under Article 22  
16 of Chapter 160A of the General Statutes or within 1500 feet of a  
17 high school shall not have alcoholic beverage sales in excess of  
18 fifty per cent (50%) of the business' total annual sales. Upon  
19 request of a city, the Commission shall investigate the total  
20 annual alcohol sales and total sales of a business as defined in  
21 this subsection. The Commission shall report the results of such



DEFT  
FOR REVIEW ONLY

1 an investigation to the city council and the report shall contain  
2 only the percentage annual alcohol sales in proportion to the  
3 business' total annual sales. A city may request an investigation  
4 of a business by the Commission only once in each calendar year."

5 Section 2. G.S. 18B-904(e) reads as rewritten:

6 "(e) Business or Location No Longer Suitable. --

7 (1) The Commission may suspend or revoke a permit  
8 issued by it if, after compliance with the  
9 provisions of Chapter 150B of the General Statutes,  
10 it finds that the location occupied by the  
11 permittee is no longer a suitable place to hold ABC  
12 permits or that the operation of the business with  
13 an ABC permit at that location is detrimental to  
14 the neighborhood. No order revoking or suspending  
15 an ABC permit pursuant to this section may be made  
16 except upon substantial evidence admissible under  
17 G.S. 150B-29(a).

18 (2) The Commission shall suspend or revoke a permit  
19 issued by it if a permittee is in violation of G.S.  
20 18B-309."

21 Section 3. There is appropriated from the General Fund  
22 to the Department of Crime Control and Public Safety the sum of  
23 one hundred forty-nine thousand two hundred sixteen dollars  
24 (\$149,216) for the 1998-99 fiscal year to fund two additional  
25 Alcohol Law Enforcement officers to accomplish the purposes of  
26 this act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1539

State Government, Local Government, and Personnel Committee Substitute Adopted  
6/17/98

Proposed Committee Substitute S1539-PCS9616-SD001

Short Title: Alcoholic Beverage Sales.

(Public)

Sponsors:

Referred to:

June 1, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO REQUIRE THAT A FOOD OR RETAIL BUSINESS THAT HOLDS  
3 AN ABC PERMIT AND IS LOCATED IN AN URBAN REDEVELOPMENT  
4 AREA OR WITHIN FIFTEEN HUNDRED FEET OF A HIGH SCHOOL  
5 SHALL NOT HAVE ALCOHOLIC BEVERAGE SALES IN EXCESS OF FIFTY  
6 PERCENT OF THE BUSINESS'S TOTAL ANNUAL SALES.

7 The General Assembly of North Carolina enacts:

8 Section 1. Article 3 of Chapter 18B of the General Statutes is amended  
9 by adding a new section to read:

10 "**§ 18B-309. Alcoholic beverage sales in Urban Redevelopment Zones and within 1,500**  
11 **feet of high schools.**

12 A food business as defined in G.S. 18B-1000(3) or a retail business as defined in  
13 G.S. 18B-1000(7) that holds an ABC permit under this Chapter and is located in a  
14 part of a city that has been designated as an Urban Redevelopment Area under  
15 Article 22 of Chapter 160A of the General Statutes or within 1,500 feet of a high  
16 school shall not have alcoholic beverage sales in excess of fifty percent (50%) of the  
17 business's total annual sales. Upon request of a city, the Commission shall investigate  
18 the total annual alcohol sales and total sales of a business as defined in this section.  
19 The Commission shall report the results of such an investigation to the city council,  
20 and the report shall contain only the percentage annual alcohol sales in proportion to

1 the business's total annual sales. A city may request an investigation of a business by  
2 the Commission only once in each calendar year."

3 Section 2. G.S. 18B-904(e) reads as rewritten:

4 "(e) Business or Location No Longer Suitable. --

5 (1) The Commission may suspend or revoke a permit issued by it if,  
6 after compliance with the provisions of Chapter 150B of the  
7 General Statutes, it finds that the location occupied by the  
8 permittee is no longer a suitable place to hold ABC permits or that  
9 the operation of the business with an ABC permit at that location  
10 is detrimental to the neighborhood. No order revoking or  
11 suspending an ABC permit pursuant to this section may be made  
12 except upon substantial evidence admissible under G.S. 150B-  
13 29(a).

14 (2) The Commission shall suspend or revoke a permit issued by it if a  
15 permittee is in violation of G.S. 18B-309."

16 Section 3. There is appropriated from the General Fund to the  
17 Department of Crime Control and Public Safety the sum of one hundred forty-nine  
18 thousand two hundred sixteen dollars (\$149,216) for the 1998-99 fiscal year to fund  
19 two additional Alcohol Law Enforcement officers to accomplish the purposes of this  
20 act.

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



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August 6, 1998

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

**FROM:** Ed Rossi & Barbara Riley, Committee Counsel

**RE:** PCS Senate Bill 1539 / Urban Redevelopment Zoning

This bill adds a new section, §18B-309, to Chapter 18B of the General Statutes. This new section provides that food<sup>1</sup> and retail<sup>2</sup> business that are located in (i) a part of municipality that has been designated an "Urban Redevelopment Area, or (ii) within 1500 feet of a high school shall not have alcoholic beverage sales in excess of 50% of their total annual sales.

The bill requires the ABC Commission ("Commission") to investigate compliance with the above provision at a city's request, but provides that a city may only request an investigation of a particular business once per calendar year. After conducting its investigation, the Commission is required to report the results of its investigation to the city council. That report, "shall contain the percentage annual alcohol sales in proportion to the business' total annual sales."

This bill also amends G.S. 18B-904(e) by adding a new subdivision that requires the ABC Commission to suspend or revoke the ABC license of a business that violates the new section (§18B-309).

\$149,216 is appropriated to the Department of Crime Control and Public Safety for 2 additional ALE officers to assist in the enforcement of this act. The act is effective when it becomes law.

<sup>1</sup> G.S. §18b-1000(3): Food business. - An establishment engaged in the business of regularly and customarily selling food, primarily to be eaten off the premises. Food businesses shall include grocery stores, convenience stores, and other establishments, such as variety stores or drugstores, where food is regularly sold, and shall also include establishments engaged primarily in selling unfortified or fortified wine or both, for consumption off the premises.

<sup>2</sup> G.S. §18b-1000(7): Retail business. - An establishment engaged in any retail business, regardless of whether food is sold on the premises.



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August 24, 1998

MEMORANDUM

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

FROM: Barbara Riley, Committee Counsel

RE: House Bill 1469 (2d Ed): State Personnel Commission Reorganized

House Bill 1469 reorganizes the State Personnel Commission and authorizes the Chair of the Commission to appoint panels to hear and make recommendations to the Commission for final agency decisions.

The State Personnel Commission is currently composed of 7 members, all appointed by the Governor. House Bill 1469 would increase the number of members and change the composition of the Commission as follows:

1. Two attorneys appointed by the General Assembly; one by the President Pro Tem of the Senate, one by the Speaker of the House.
2. Two representatives of private industry with working knowledge or practical experience in human resources management appointed by the Governor.
3. Two state employees subject to the State Personnel Act serving in nonexempt positions appointed by the General Assembly. The Speaker shall recommend an employee with supervisory duties, the President Pro Tem shall recommend a nonsupervisory employee. The Speaker and the President Pro Tem shall consider nominations submitted by the State Employees Association of N.C.
4. Two local government employees subject to the State Personnel Act appointed by the Governor on the recommendation of the N.C. Association of County Commissioners. One local employee shall have supervisory duties the other shall be nonsupervisory.
5. One member of the general public appointed by the Governor.

Section 2 of the bill adds a new section to Article 1 of Chapter 126 that authorizes the State Personnel Commission to make final agency decisions in contested cases upon the recommendation of a panel of its members. Each 4 member panel is to be appointed by the Chair of the Commission.

Section 3 of the bill prohibits members of the General Assembly from serving on the State Personnel Commission.

Section 4 provides that the terms of the current members of the Commission will expire on March 30, 1999.

*The proposed committee substitute adds the provisions of Senate Bill 799 (Section 5 - 7 of the committee substitute) to the State Personnel Commission reorganization bill. Senate Bill 799 makes a number of changes to the State employee incentive bonus program. In Section 5, the determination of savings may be carried over for one year after implementation of the innovation if actual savings cannot be verified before the end of the fiscal year. Existing law provides that the determination of savings be made at the end of the fiscal year in which the innovation is implemented.*

*Section 6 of the bill amends the provisions for determining the distribution of savings from employee suggestions or innovations under G.S. 143-345.22(a). The first amendment provides that the distribution may be either according to the scale provided in the statute or according to the guidelines of the funding unit. The second change alters the distribution of the 30% designated to a performance bonus reserve for employees of the unit of the suggestor or innovator. As amended the 30% would go to all current employees as designated by the agency head of the employing unit.*

*Section 7 amends the provisions of G.S. 143-345.23 dealing with the duties of the agency coordinator for the program and shifts responsibility to designate the agency evaluator from the State Coordinator for the project to the agency coordinator.*

The bill is effective when it becomes law.

## VISITOR REGISTRATION SHEET

STATE & LOCAL Gov.  
Name of Committee

9-2-98  
Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

<del>Kristen Leggett</del>	<del>Williams</del>
Gin Blackburn	NCCCA
Jane Gray	DOJ
Bernard Allen	SOS
Carl Goodwin	OSP
Frank Lewis	SOS
Cindy Atkins	Good Neighbors Assoc of NC
Paul Stock	NCBA
Pamela Weaver Best	AOC
LYNN WILSON	SEANC
JODIE A. LANNING	SEANC
Katherine W. Grace	SEANC
Danell Amner	SEANC
David Simmons	ZDA, PA
Lynn Bagger	N&O
Alvin Parlana	EC
Ann Fulton	ABC Comm.
Andy Lomenet	N.C.L.M.
Nancy Law	City of Durham
FRAN PRESPO	NCBA
Ann Case	NCRMIA

## VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Andy Bles

NCRMA

Natalie Haskins

Charlotte Chamber

A.B. Swindell

BFI Waste Systems

Benny Smith

Freedom Communications

Steve Woodson

NC Farm Bureau

Anne Conn

NC Farm Bureau Federation

OCTAVIA RAINEY

College Park / Idlewild Community Center

Benny Scarbro

Good Neighbors

Henry Jones

Attorney - Raleigh

Kathryn Sawyer

Commerce

Amy Fullbright

Huntton Williams

WHPOTBZ JR

NC ABC Parent Group



400 PM

VISITOR REGISTRATION SHEET

State of Local Govt  
Name of Committee

9-1-98  
Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Doug Sesser	Town of Lake Waccamaw Lake Waccamaw, NC
DAVID COTTON	TOWN OF LAKE WACCAMAN P.O. Box 145 LAKE WACCAMAN, NC 28450
LISA REYES	The INSIDER
Azim Mark Nafate	804 W. Peace Street Raleigh NC 27605
Henry Jones	Attorney Raleigh
Mohammed A. Pevor	805 W. Peace Street Raleigh
John Kunk	NCFPC
Russ Fulton	ABC Comm.
Joe Stewart	CCPS
Andy Romenet	N.C.L.M.
Stacy Lentos	NCACS
Jan Preston	NCRMIA
Ann Case	"
Andy Eller	"

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**WEDNESDAY, SEPTEMBER 9, 1998**

**MINUTES**


The Senate State Government, Local Government and Personnel Committee met on Wednesday, September 9, 1998 at 11:00 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 1332**, Greenville Dwtm. Dev. Project, was explained by Representative Rogers. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1361**, Annex & Incorporation Revision, was explained by Representative Starnes. Senator Webster moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

**HB 1613**, Martin & Rockingham Co. Coroner, was explained by Representative Rogers. Senator Albertson 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, September 09, 1998

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

**FAVORABLE**

<b>H.B.(CS #2)1332</b>	<b>Greenville Dwtn. Dev. Project.</b>
	Sequential Referral: None
	Recommended Referral: None

<b>H.B.(CS)1361</b>	<b>Annex &amp; Incorporation Revision.</b>
	Sequential Referral: None
	Recommended Referral: None

<b>H.B.(CS)1613</b>	<b>Martin &amp; Rockingham Co. Coroner.</b>
	Sequential Referral: None
	Recommended Referral: None

**TOTAL REPORTED: 3**

**Committee Clerk Comment:** None

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**SEPTEMBER 9, 1998**

**ROOM 414**

HB 1332	Greenville Dwtn. Dev. Project	Rep. Rogers
HB 1361	Annex & Incorporation Revision	Rep. Starnes
HB 1613	Martin & Rockingham Co. Coroner	Rep. Rogers
Adjournment		

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 1332

Committee Substitute Favorable 8/19/98

Committee Substitute #2 Favorable 8/27/98

Short Title: Greenville Dwtn. Dev. Project.

(Local)

Sponsors:

Referred to:

May 19, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE CITY OF GREENVILLE TO UNDERTAKE ONE  
3 DOWNTOWN DEVELOPMENT PROJECT SUBJECT TO CERTAIN  
4 CONDITIONS.

5 The General Assembly of North Carolina enacts:

6 Section 1. The City of Greenville may exercise its authority under G.S.  
7 160A-458.3 to undertake one downtown development project, subject to the following  
8 conditions:

- 9 (1) The City shall not be required to locate a project authorized by  
10 G.S. 160A-458.3 in the central business district.  
11 (2) The City Council shall not be required to find that the project is  
12 likely to have a significant positive effect on the revitalization of  
13 the central business district.  
14 (3) The project shall not be subject to Article 8 of Chapter 143 of the  
15 General Statutes, if funds other than City funds constitute at least  
16 twenty-five percent (25%) of the total cost of the construction and  
17 renovation of the public and private facilities included in the  
18 project.

19 Section 2. This act only applies to one project that includes, as one of its  
20 facilities, the development of a convention center, civic center, or meeting facility  
21 within the corporate limits of the City of Greenville.

22 Section 3. This act only applies to the City of Greenville.

1

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1613  
Committee Substitute Favorable 8/19/98

Short Title: Martin & Rockingham Co. Coroner.

(Local)

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Sponsors:

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Referred to:

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May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT ABOLISHING THE OFFICE OF CORONER IN MARTIN AND  
3 ROCKINGHAM COUNTIES.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. The office of coroner in Martin and Rockingham Counties is  
6 abolished.  
7 Section 2. Chapter 152 of the General Statutes is not applicable to  
8 Martin and Rockingham Counties.  
9 Section 3. This act becomes effective as to Martin County upon the  
10 expiration of the term of the current coroner in Martin County.  
11 Section 4. This act becomes effective as to Rockingham County when it  
12 becomes law.



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September 9, 1998

**MEMORANDUM**

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

From: Barbara Riley, Committee Counsel

Re: House Bill 1332, 3dEd: Greenville Downtown Development Project.

House Bill 1332, introduced by Representative Rogers, would allow the City of Greenville to undertake a single downtown development project pursuant to G.S. 160A-458.3 without being required to:

1. Locate the project in the central business district.
2. Find that the project is likely to have a significant positive effect on the revitalization of the central business district.
3. Be subject to the Public Contracts requirements of Article 8 of Chapter 143 if funds other than those of the City constitute at least 25% of the total cost of construction.

The project includes as one of its facilities the development of a convention center, civic center or meeting facility within the corporate limits of Greenville.

The act is effective when it becomes law.





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July 2, 1998

**MEMORANDUM**

To: Members of the House Finance Committee

From: Giles S. Perry, Staff Attorney

Re: House Bill 1361 A BILL TO BE ENTITLED AN ACT TO REVISE THE  
MUNICIPAL ANNEXATION LAWS AND TO CHANGE THE CRITERIA TO BE  
CONSIDERED BY THE JOINT LEGISLATIVE COMMISSION ON MUNICIPAL  
INCORPORATION

House Judiciary II Committee Substitute Favorable 6/24/98

Section 1 requires the property tax assessor to notify the city of property annexed subject to loss of farm use value, as provided in Section 7 and 15 of the bill.

Section 2 changes the criteria to be considered by the Joint Legislative Commission on Municipal Incorporation to allow the Commission to make a positive recommendation on an incorporation within specified distances of existing municipalities, if those municipalities express their approval of the incorporation.

Section 3 adds additional criteria to be considered by the Joint Legislative Commission on Municipal Incorporation – in order to grant a positive recommendation, the area to be incorporated would have to meet the same development standards as provided in the annexation statutes, and the proposed municipality would have to plan to offer at least two of seven listed services.

Section 4 amends the prerequisites to annexation for municipalities of less than 5,000 to allow maintenance of septic systems in lieu of sewer service, if sewer service could not be provided economically, and to require a statement of the effect of the annexation on city finances and services.

Section 5, applicable to municipalities under 5,000, clarifies that the current limitation on changes to municipal water and sewer financial policies only applies for the purposes of extensions required under G.S. 160A-35 for newly annexed areas.

Section 6 amends the statute setting out the character of the area to be annexed by a municipality of less than 5,000. This section:

- requires that the determination of "developed for urban purposes" under the statute must be made by the time of the approval of the annexation report;
- forbids the use of streets and rights-of-way to determine total acreage of the area developed for urban purposes;
- attempts to more clearly define commercial, industrial, institutional, and governmental use;
- authorizes annexation of single commercial, industrial, institutional, and governmental use tracts; and
- changes the restriction of what features can be used as municipal boundaries.

Section 7, applicable to municipalities under 5,000:

- amends the current annexation procedure to require a public informational meeting prior the public hearing, where citizens can ask questions and receive answers;
- requires cities not to tax or provide services to any land in a proposed involuntary annexation that is under farm use value until the land loses that classification;
- requires a statement in the resolution of intent to annex of persons rights concerning farm-use property; and
- authorizes citizens of newly annexed areas to apply to the Local Government Commission for tax relief if the municipality does not provide promised police, fire, solid waste, or street maintenance services.

Section 8, applicable to municipalities under 5,000, authorizes city-rural fire department agreements on valuations for assumed debt.

Section 9, applicable to municipalities under 5,000, requires potential solid waste contractors that have previously expressed interest in contracting with the city to respond within 10 days of a city request for information.

Section 10, applicable to municipalities of less than 5,000:

- extends the time for appeal from 30 to 60 days following passage of the ordinance;
- extends from 5 to 10 days the time of the petitioner to serve the municipality;
- authorizes the court to declare the annexation ordinance null and void, if the court finds that it cannot be corrected on remand; and
- authorizes superior court approval of annexation dispute settlements.

Section 11, applicable to municipalities under 5,000, requires land subdivision estimates used in an annexation to at least meet the minimum requirements of G.S. 160A-36.

Section 12, applicable to municipalities of 5,000 or more:

- requires the opportunity to request water and sewer service be open until five days after the public hearing;
- amends the prerequisites to annexation to allow maintenance of septic systems in lieu of sewer service, if sewer service could not be provided economically; and

--requires a statement of the effect of the annexation on city finances and services.

Section 13, applicable to municipalities of 5,000 or more, clarifies that the current limitation on changes to municipal water and sewer financial policies only applies for the purposes of extensions required under G.S. 160A-47 for newly annexed areas.

Section 14 amends the statute setting out the character of the area to be annexed by a municipality of 5,000 or more. This section:

- requires that the determination of "developed for urban purposes" under the statute must be made by the time of the approval of the annexation report;
- forbids the use of streets and rights-of-way to determine total acreage of the area developed for urban purposes;
- increases the required density under "developed for urban purposes test #1 from 2 to 2.3 persons per acre;
- reduces the required acreage for the lots and tracts under "developed for urban purposes" test #2 and #3 from five to three acres;
- attempts to more clearly define commercial, industrial, institutional, and governmental use;
- authorizes annexation of single commercial, industrial, institutional, and governmental use tracts;
- restricts "necessary land connections to 25% of the area to be annexed; and
- changes the restriction of what features can be used as municipal boundaries.

Section 15, applicable to municipalities of 5,000 or more:

- amends the current annexation procedure to require a public informational meeting prior the public hearing, where citizens can ask questions and receive answers;
- requires notice of the opportunity to request water and sewer service be included in the notice of the public hearing.
- requires cities not to tax or provide services to any land in a proposed involuntary annexation that is under farm use value until the land loses that classification;
- requires a statement in the resolution of intent to annex of persons rights concerning farm-use property;
- authorizes citizens of newly annexed areas to apply to the Local Government Commission for tax relief if the municipality does not provide promised police, fire, solid waste, or street maintenance services; and
- changes time annexation ordinance can become effective, if there was a resolution of consideration, from 70-400 days.

Section 16, applicable to municipalities of 5,000 or more, authorizes city-rural fire department agreements on valuations for assumed debt.

Section 17, applicable to municipalities of 5,000 or more, requires potential solid waste contractors that have previously expressed interest in contracting with the city to respond within 10 days of a city request for information.

Section 18, applicable to municipalities of 5,000:

- extends the time for appeal from 30 to 60 days following passage of the ordinance;
- extends from 5 to 10 days the time of the petitioner to serve the municipality;

- authorizes the court to declare the annexation ordinance null and void, if the court finds that it cannot be corrected on remand; and
- authorizes superior court approval of annexation dispute settlements.

Section 19, applicable to municipalities of 5,000 or more, requires population, area and land subdivision estimates for areas to be annexed to at least meet the minimum requirements of G.S. 160A-48.

Section 20 provides that the bill would become effective November 1 1998 and applies to annexation for which the resolution of intent is adopted on or after that date. The changes to the criteria of the Joint Legislative Commission on Municipal Incorporation would not affect annexation proposals presented to the Commission prior to the effective date

H1361-SMRW-002

## VISITOR REGISTRATION SHEET

STATE &amp; LOCAL GOV

9-9-98

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Cindy Ahern

Good Neighbors Assoc.

Mark Brason

Capital Group

Steve Woodson

NC Farm Bureau

Julian Philpott

NC Farm Bureau

Jim Blackburn

Assoc. County Commissioners

Alicia Garland

EC

Stephanie Mansur

NC Assoc. of Realtors

Natalie Haskins

Charlotte Chamber

Patti Fleming

Clerk, Rep. Starnes

Cam Crowl

BPMHL

C. Parker

BOM &amp; Assoc.

Bernard Allen

503

Joe McCIpps

Good Neighbors

A B Swindell

BFT

Raeley Kx

Speaker Staff

Benny Scarbro

Good Neighbors

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1361\*  
Committee Substitute Favorable 6/24/98

Short Title: Annex & Incorporation Revision.

(Public)

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Sponsors:

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Referred to:

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May 20, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE MUNICIPAL ANNEXATION LAWS AND TO  
3 CHANGE THE CRITERIA TO BE CONSIDERED BY THE JOINT  
4 LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 105-277.4(b) reads as rewritten:  
7 "(b) Appraisal at Present-use Value. -- Upon receipt of a properly executed  
8 application, the assessor shall appraise the property at its present-use value as  
9 established in the schedule prepared pursuant to G.S. 105-317. In appraising the  
10 property at its present-use value, the assessor shall appraise the improvements located  
11 on qualifying land according to the schedules and standards used in appraising other  
12 similar improvements in the county. If all or any part of a qualifying tract of land is  
13 located within the limits of an incorporated city or town, or is property annexed  
14 subject to G.S. 160A-37(f1) or G.S. 160A-49(f1), the assessor shall furnish a copy of  
15 the property record showing both the present-use appraisal and the valuation upon  
16 which the property would have been taxed in the absence of this classification to the  
17 collector of the city or town. He shall also notify the tax collector of any changes in  
18 the appraisals or in the eligibility of the property for the benefit of this classification.  
19 Upon a request for a certification pursuant to G.S. 160A-37(f1) or G.S.160A-49(f1),  
20 or any change in the certification, the assessor for the county where the land subject  
21 to the annexation is located shall, within 30 days, determine if the land meets the  
22 requirements of G.S. 160A-37(f1)(2) or G.S. 160A-49(f1)(2) and report the results of  
23 its findings to the city."

Section 2. G.S. 120-166 reads as rewritten:

"§ 120-166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
- (3) The nearby municipality municipalities within the distances described in subsection (a) of this section by resolution expresses its express their approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved."

Section 3. Article 20 of Chapter 120 is amended by adding a new section to read:

"§ 120-169.1. Additional criteria; level of development, services.

(a) Level of Development. -- The Commission may not make a positive recommendation unless the entire area proposed for incorporation meets the applicable criteria for development under G.S. 160A-36(c) or G.S. 160A-48(c).

(b) Services. -- The Commission may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. To meet the requirements of this subsection, the persons submitting the plan for incorporation must propose to provide at least two of the following services:

- (1) Police protection.
- (2) Fire protection.
- (3) Garbage and refuse collection or disposal.
- (4) Water distribution.
- (5) Sewer collection or disposal.
- (6) Street maintenance, construction, or right-of-way acquisition.
- (7) Street lighting.

(8) Adoption of citywide planning and zoning."

Section 4. 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. 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. 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,



1 according to municipal policies, make such connection to  
2 such lines, then the plans must call for contracts to be let  
3 and construction to begin on such lines within one year  
4 following the effective date of annexation. In areas where  
5 the installation of sewer is not economically feasible due to  
6 the unique topography of the area, the municipality may  
7 agree to provide septic system maintenance and repair  
8 service until such time as sewer service is provided to  
9 properties similarly situated.

10 c. Set forth the method under which the municipality plans to  
11 finance extension of services into the area to be annexed.

12 (4) A statement of the impact of the annexation on any rural fire  
13 department providing service in the area to be annexed and a  
14 statement of the impact of the annexation on fire protection and  
15 fire insurance rates in the area to be annexed, if the area where  
16 service is provided is in an insurance district designated under G.S.  
17 153A-233, a rural fire protection district under Article 3A of  
18 Chapter 69 of the General Statutes, or a fire service district under  
19 Article 16 of Chapter 153A of the General Statutes. The rural fire  
20 department shall make available to the city not later than 30 days  
21 following a written request from the city all information in its  
22 possession or control, including but not limited to operational,  
23 financial and budgetary information, necessary for preparation of a  
24 statement of impact. The rural fire department forfeits its rights  
25 under G.S. 160A-37.1 and G.S. 160A-37.2 if it fails to make a good  
26 faith response within 45 days following receipt of the written  
27 request for information from the city, provided that the city's  
28 written request so states by specific reference to this section.

29 (5) A statement showing how the proposed annexation will affect the  
30 city's finances and services, including city revenue change  
31 estimates. This statement shall be delivered to the clerk of the  
32 board of county commissioners at least 30 days before the date of  
33 the public informational meeting on any annexation under this  
34 Part."

35 Section 5. G.S. 160A-35.1 reads as rewritten:

36 "§ 160A-35.1. Limitation on change in financial participation prior to annexation.

37 ~~No~~ For purposes of the extension of water and sewer services required under G.S.  
38 160A-35, no ordinance or policy substantially diminishing the financial participation  
39 of a municipality in the construction of water or sewer facilities required under this  
40 Article may apply to an area being annexed unless the ordinance or policy became  
41 effective at least 180 days prior to the date of adoption by the municipality of the  
42 resolution giving notice of intent to consider annexing the area under G.S. 160A-  
43 37(a)."

44 Section 6. G.S. 160A-36 reads as rewritten:

1 "§ 160A-36. Character of area to be annexed.

2 (a) A municipal governing board may extend the municipal corporate limits to  
3 include any area which meets the general standards of subsection (b), and which  
4 meets the requirements of subsection (c).

5 (b) The total area to be annexed must meet the following standards:

6 (1) It must be adjacent or contiguous to the municipality's boundaries  
7 at the time the annexation proceeding is begun, except if the entire  
8 territory of a county water and sewer district created under G.S.  
9 162A-86(b1) is being annexed, the annexation shall also include  
10 any noncontiguous pieces of the district as long as the part of the  
11 district with the greatest land area is adjacent or contiguous to the  
12 municipality's boundaries at the time the annexation proceeding is  
13 begun.

14 (2) At least one eighth of the aggregate external boundaries of the area  
15 must coincide with the municipal boundary.

16 (3) No part of the area shall be included within the boundary of  
17 another incorporated municipality.

18 (c) The area to be annexed must be developed for urban ~~purposes~~ purposes at  
19 the time of approval of the report provided for in G.S. 160A-35. For purposes of this  
20 section, a lot or tract shall not be considered in use for a commercial, industrial,  
21 institutional, or governmental purpose if the lot or tract is used only temporarily,  
22 occasionally, or on an incidental or insubstantial basis in relation to the size and  
23 character of the lot or tract. For purposes of this section, acreage in use for  
24 commercial, industrial, institutional, or governmental purposes shall include acreage  
25 actually occupied by buildings or other man-made structures together with all areas  
26 that are reasonably necessary and appurtenant to such facilities for purposes of  
27 parking, storage, ingress and egress, utilities, buffering, and other ancillary services  
28 and facilities. Area of streets and street rights-of-way shall not be used to determine  
29 total acreage under this section. An area developed for urban purposes is defined as  
30 any as:

31 (1) Any area which is so developed that at least sixty percent (60%) of  
32 the total number of lots and tracts in the area at the time of  
33 annexation are used for residential, commercial, industrial,  
34 institutional or governmental purposes, and is subdivided into lots  
35 and tracts such that at least sixty percent (60%) of the total  
36 acreage, not counting the acreage used at the time of annexation  
37 for commercial, industrial, governmental or institutional purposes,  
38 consists of lots and tracts ~~five~~ three acres or less in size.

39 (2) An area so developed that, at the time of the approval of the  
40 annexation report, all tracts in the area to be annexed are used for  
41 commercial, industrial, governmental, or institutional purposes.

42 (3) ~~An area developed for urban purposes is also the~~ The entire area  
43 of any county water and sewer district created under G.S. 162A-

86(b1), but this ~~sentence~~ subsection only applies to annexation by a municipality if that:

(1) ~~a.~~ Municipality has provided in a contract with that district that the area is developed for urban purposes; and

(2) ~~b.~~ Contract provides for the municipality to operate the sewer system of that county water and sewer district;

provided that the special categorization provided by this ~~sentence~~ subsection only applies if the municipality is annexing in one proceeding the entire territory of the district not already within the corporate limits of a municipality.

(d) In fixing new municipal boundaries, a municipal governing board ~~shall, wherever practical, use natural topographic features such as ridge lines and streams and creeks as boundaries, and may use streets as boundaries.~~ shall use recorded property lines and streets as boundaries. Some or all of the boundaries of a county water and sewer district may also be used when the entire district not already within the corporate limits of a municipality is being annexed.

(e) The area of an abolished water and sewer district shall be considered to be a water and sewer district for the purpose of this section even after its abolition under G.S. 162A-87.2(b)."

Section 7. G.S. 160A-37 reads as rewritten:

"§ 160A-37. Procedure for annexation.

(a) Notice of Intent. -- Any municipal governing board desiring to annex territory under the provisions of this Part shall first pass a resolution stating the intent of the municipality to consider annexation. Such resolution shall describe the boundaries of the area under ~~consideration~~ consideration, fix a date for the public informational meeting, and fix a date for a public hearing on the question of ~~annexation, the~~ annexation. The date for the public informational meeting shall be not less than 45 days and not more than 55 days following passage of the resolution. The date for ~~such the~~ public hearing to be not less than 45 60 days and not more than 90 days following passage of the resolution.

(b) Notice of Public Hearing. -- The notice of public hearing shall:

(1) Fix the date, hour and place of the public informational meeting and the date, hour, and place of the public hearing.

(2) Describe clearly the boundaries of the area under consideration, and include a legible map of the area.

(3) State that the report required in G.S. 160A-35 will be available at the office of the municipal clerk at least 30 days prior to the date of the public ~~hearing.~~ informational meeting.

(4) Include an explanation of an owner's rights pursuant to subsection (f1) and (f2) of this section.

Such notice shall be given by publication once a week for at least two successive weeks prior to the date of the ~~hearing~~ informational meeting in a newspaper having general circulation in the municipality and, in addition thereto, if the area to be annexed lies in a county containing less than fifty percent (50%) of the land area of

1 the municipality, in a newspaper having general circulation in the area of proposed  
2 annexation. The period from the date of the first publication to the date of the last  
3 publication, both dates inclusive, shall be not less than eight days including Sundays,  
4 and the date of the last publication shall be not more than seven days preceding the  
5 date of public ~~hearing~~ informational meeting. If there be no such newspaper, the  
6 municipality shall post the notice in at least five public places within the municipality  
7 and at least five public places in the area to be annexed for 30 days prior to the date  
8 of public ~~hearing~~ informational meeting. In addition, notice shall be mailed at least  
9 four weeks prior to date of the ~~hearing~~ informational meeting, by first class mail,  
10 postage prepaid to the owners as shown by the tax records of the county of all  
11 freehold interests in real property located within the area to be annexed. The person  
12 or persons mailing such notices shall certify to the governing board that fact, and  
13 such certificate shall become a part of the record of the annexation proceeding and  
14 shall be deemed conclusive in the absence of fraud. If the notice is returned to the  
15 city by the postal service by the tenth day before the ~~hearing~~ informational meeting,  
16 a copy of the notice shall be sent by certified mail, return receipt requested, at least  
17 seven days before the ~~hearing~~ informational meeting. Failure to comply with the  
18 mailing requirement of this subsection shall not invalidate the annexation unless it is  
19 shown that the requirements were not substantially complied with.

20 If the governing board by resolution finds that the tax records are not adequate to  
21 identify the owners of some or all of the parcels of real property within the area it  
22 may in lieu of the mail procedure as to those parcels where the owners could not be  
23 so identified, post the notice at least 30 days prior to the date of public ~~hearing~~  
24 informational meeting on all buildings on such parcels, and in at least five other  
25 places within the area to be annexed. In any case where notices are placed on  
26 property, the person placing the notice shall certify that fact to the governing board.

27 (c) Action Prior to ~~Hearing~~ Informational Meeting. -- At least 30 days before the  
28 date of the public ~~hearing~~ informational meeting, the governing board shall approve  
29 the report provided for in G.S. 160A-35, and shall make it available to the public at  
30 the office of the municipal clerk. In addition, the municipality may prepare a  
31 summary of the full report for public distribution. In addition, the city shall post in  
32 the office of the city clerk at least 30 days before the public ~~hearing~~ informational  
33 meeting a legible map of the area to be annexed and a list of the persons holding  
34 freehold interests in property in the area to be annexed that it has identified.

35 (c1) Public Informational Meeting. -- At the public informational meeting a  
36 representative of the municipality shall first make an explanation of the report  
37 required in G.S. 160A-35. Following such explanation, all persons resident or  
38 owning property in the territory described in the notice of public hearing, and all  
39 residents of the municipality, shall be given the opportunity to ask questions and  
40 receive answers regarding the proposed annexation.

41 (d) Public Hearing. -- At the public hearing a representative of the municipality  
42 shall first make an explanation of the report required in G.S. 160A-35. Following  
43 such explanation, all persons resident or owning property in the territory described in

1 the notice of public hearing, and all residents of the municipality, shall be given an  
2 opportunity to be heard.

3 (e) Passage of the Annexation Ordinance. -- The municipal governing board shall  
4 take into consideration facts presented at the public hearing and shall have authority  
5 to amend the report required by G.S. 160A-35 to make changes in the plans for  
6 serving the area proposed to be annexed so long as such changes meet the  
7 requirements of G.S. 160A-35. At any regular or special meeting held no sooner than  
8 the tenth day following the public hearing and not later than 90 days following such  
9 public hearing, the governing board shall have authority to adopt an ordinance  
10 extending the corporate limits of the municipality to include all, or such part, of the  
11 area described in the notice of public hearing which meets the requirements of G.S.  
12 160A-36 and which the governing board has concluded should be annexed. The  
13 ordinance shall:

- 14 (1) Contain specific findings showing that the area to be annexed  
15 meets the requirements of G.S. 160A-36. The external boundaries  
16 of the area to be annexed shall be described by metes and bounds.  
17 In showing the application of G.S. 160A-36(c) and (d) to the area,  
18 the governing board may refer to boundaries set forth on a map of  
19 the area and incorporate same by reference as a part of the  
20 ordinance.
- 21 (2) A statement of the intent of the municipality to provide services to  
22 the area being annexed as set forth in the report required by G.S.  
23 160A-35.
- 24 (3) A specific finding that on the effective date of annexation the  
25 municipality will have funds appropriated in sufficient amount to  
26 finance construction of any water and sewer lines found necessary  
27 in the report required by G.S. 160A-35 to extend the basic water  
28 and/or sewer system of the municipality into the area to be  
29 annexed, or that on the effective date of annexation the  
30 municipality will have authority to issue bonds in an amount  
31 sufficient to finance such construction. If authority to issue such  
32 bonds must be secured from the electorate of the municipality  
33 prior to the effective date of annexation, then the effective date of  
34 annexation shall be no earlier than the day following the statement  
35 of the successful result of the bond election.
- 36 (4) Fix the effective date for annexation. The effective date of  
37 annexation may be fixed for any date not less than 40 days nor  
38 more than 400 days from the date of passage of the ordinance.

39 (f) Effect of Annexation Ordinance. -- Except as provided in subsection (f1) of  
40 this section, from ~~From~~ and after the effective date of the annexation ordinance, the  
41 territory and its citizens and property shall be subject to all debts, laws, ordinances  
42 and regulations in force in such municipality and shall be entitled to the same  
43 privileges and benefits as other parts of such municipality. Real and personal property  
44 in the newly annexed territory on the January 1 immediately preceding the beginning

1 of the fiscal year in which the annexation becomes effective is subject to municipal  
2 taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between  
3 June 1 and June 30, and the effective date of the privilege license tax ordinance of  
4 the annexing municipality is June 1, then businesses in the area to be annexed shall  
5 be liable for taxes imposed in such ordinance from and after the effective date of  
6 annexation.

7 (f1) Property Subject to Present-Use Value Appraisal. -- If an area described in an  
8 annexation ordinance includes agricultural land, horticultural land, or forestland that  
9 on the effective date of annexation is:

10 (1) Land that is being taxed at present-use value pursuant to G.S. 105-  
11 277.4; or

12 (2) Land that:

13 a. Was on the date of the resolution of intent for annexation  
14 being used for actual production and is eligible for present-  
15 use value taxation under G.S. 105-277.4, but the land has  
16 not been in use for actual production for the required time  
17 under G.S. 105-277.3; and

18 b. The assessor for the county where the land subject to  
19 annexation is located has certified to the city that the land  
20 meets the requirements of this subdivision

21 the annexation becomes effective as to that property pursuant to subsection (f2) of  
22 this section.

23 (f2) Effective Date of Annexation for Certain Property. -- Annexation of property  
24 subject to annexation under subsection (f1) of this section shall become effective:

25 (1) Upon the effective date of the annexation ordinance, the property  
26 is considered part of the city only (i) for the purpose of  
27 establishing city boundaries for additional annexations pursuant to  
28 this Article and (ii) for the exercise of city authority pursuant to  
29 Article 19 of this Chapter.

30 (2) For all other purposes, the annexation becomes effective as to each  
31 tract of such property or part thereof on the last day of the month  
32 in which that tract or part thereof becomes ineligible for  
33 classification pursuant to G.S. 105-227.4 or no longer meets the  
34 requirements of subdivision (f1)(2) of this section. Until  
35 annexation of a tract or a part of a tract becomes effective pursuant  
36 to this subdivision, the tract or part of a tract is not subject to  
37 taxation by the city under Article 12 of Chapter 105 of the General  
38 Statutes nor is the tract or part of a tract entitled to services  
39 provided by the city.

40 (g) Simultaneous Annexation Proceedings. -- If a municipality is considering the  
41 annexation of two or more areas which are all adjacent to the municipal boundary  
42 but are not adjacent to one another, it may undertake simultaneous proceedings  
43 under authority of this Part for the annexation of such areas.

(h) Remedies for Failure to Provide Services. -- If, not earlier than one year from the effective date of annexation, and not later than 15 months from the effective date of annexation, any person owning property in the annexed territory shall believe that the municipality has not followed through on its service plans adopted under the provisions of G.S. 160A-35(3) and 160A-37(e), such person may apply for a writ of mandamus under the provisions of Article 40, Chapter 1 of the General Statutes. Relief may be granted by the judge of superior court

(1) If the municipality has not provided the services set forth in its plan submitted under the provisions of G.S. 160A-35(3)a on substantially the same basis and in the same manner as such services were provided within the rest of the municipality prior to the effective date of annexation, and

(2) If at the time the writ is sought such services set forth in the plan submitted under the provisions of G.S. 160A-35(3)a are still being provided on substantially the same basis and in the same manner as on the date of annexation of the municipality.

Relief may also be granted by the judge of superior court

(1) If the plans submitted under the provisions of G.S. 160A-35(3)c require the construction of major trunk water mains and sewer outfall lines and

(2) If contracts for such construction have not yet been let.

If a writ is issued, costs in the action, including a reasonable attorney's fee for such aggrieved person, shall be charged to the municipality.

(i) No resolution of intent may be adopted under subsection (a) of this section unless the city council (or a planning agency created or designated under either G.S. 160A-361 or the charter) has, by resolution adopted at least one year prior to adoption of the resolution of intent, identified the area as being under consideration for ~~annexation~~; annexation and included a statement in the resolution notifying persons subject to the annexation of their rights under subsections (f1) and (f2) of this section; provided, adoption of such resolution of consideration shall not confer prior jurisdiction over the area as to any other city. The area described under the resolution of intent may comprise a smaller area than that identified by the resolution of consideration. The resolution of consideration may have a metes and bounds description or a map, shall remain effective for two years after adoption, and shall be filed with the city clerk. A new resolution of consideration adopted before expiration of the two-year period for a previously adopted resolution covering the same area shall relate back to the date of the previous resolution.

(j) Subsection (i) of this section shall not apply to the annexation of any area if the resolution of intent describing the area and the ordinance annexing the area both provide that the effective date of the annexation shall be at least one year from the date of passage of the annexation ordinance.

(k) If a city fails to deliver police protection, fire protection, solid waste or street maintenance services as provided for in G.S. 160A-35(3)a, within 60 days after the effective date of the annexation, the owner of the property may petition the Local

1 Government Commission for abatement of taxes to be paid to the city for taxes that  
2 have been levied as of the end of the 60-day period, if the petition is filed not more  
3 than 90 days after the expiration of the 60-day period. If the Local Government  
4 Commission finds that services were not extended by the end of the 60-day period, it  
5 shall enter an order directing the city not to levy any further ad valorem taxes on the  
6 property until the fiscal year commencing after extension of the municipal services."

7 Section 8. G.S. 160A-37.2 reads as rewritten:

8 "**§ 160A-37.2. Assumption of debt.**

9 (a) If the city has annexed any area which is served by a rural fire department and  
10 which is in an insurance district defined under G.S. 153A-233, a rural fire protection  
11 district under Article 3A of Chapter 69 of the General Statutes or a fire service  
12 district under Article 17 of Chapter 153A of the General Statutes, then upon the  
13 effective date of annexation if the city has not contracted with the rural fire  
14 department for fire protection, or when the rural fire department ceases to provide  
15 fire protection under contract, then the city shall pay annually a proportionate share  
16 of any payments due on any debt (including principal and interest) relating to  
17 facilities or equipment of the rural fire department, if the debt was existing at the  
18 time of adoption of the resolution of intent, with the payments in the same  
19 proportion that the assessed valuation of the area of the district annexed bears to the  
20 assessed valuation of the entire district on the date the annexation ordinance becomes  
21 effective. effective or another date for valuation mutually agreed upon by the city and  
22 the fire department.

23 (b) The city and rural fire department shall jointly present a payment schedule to  
24 the Local Government Commission for approval and no payment may be made until  
25 such schedule is approved."

26 Section 9. G.S.160A-37.3 is amended by adding a new subsection to  
27 read:

28 "(h) A firm which has given notice under subsection (a) of this section that it  
29 desires to contract, and any firm that the city believes is eligible to give such notice,  
30 shall make available to the city not later than five 10 business days following a  
31 written request of the ~~city~~ city, sent by certified mail return receipt requested, all  
32 information in its possession or control, including but not limited to operational,  
33 financial and budgetary information, necessary for the city to determine if the firm  
34 qualifies for the benefits of this section and to determine the nature and scope of the  
35 potential contract and/or economic loss. The firm forfeits its rights under this section  
36 if it fails to make a good faith response within 10 business days following receipt of  
37 the written request for information from the city, provided that the city's written  
38 request states that statutory rights will be forfeited in the absence of a timely response  
39 and includes a specific reference to this section."

40 Section 10. G.S. 160A-38 reads as rewritten:

41 "**§ 160A-38. Appeal.**

42 (a) Within ~~30 days~~ 60 days following the passage of an annexation ordinance  
43 under authority of this Part, any person owning property in the annexed territory who  
44 shall believe that he will suffer material injury by reason of the failure of the



1 municipal governing board to comply with the procedure set forth in this Part or to  
2 meet the requirements set forth in G.S. 160A-36 as they apply to his property may  
3 file a petition in the superior court of the county in which the municipality is located  
4 seeking review of the action of the governing board.

5 (b) Such petition shall explicitly state what exceptions are taken to the action of  
6 the governing board and what relief the petitioner seeks. Within ~~five days~~ 10 days  
7 after the petition is filed with the court, the person seeking review shall serve copies  
8 of the petition by registered mail, return receipt requested, upon the municipality.

9 (c) Within 15 days after receipt of the copy of the petition for review, or within  
10 such additional time as the court may allow, the municipality shall transmit to the  
11 reviewing court

12 (1) A transcript of the portions of the municipal journal or minute  
13 book in which the procedure for annexation has been set forth and

14 (2) A copy of the report setting forth the plans for extending services  
15 to the annexed area as required in G.S. 160A-35.

16 (d) If two or more petitions for review are submitted to the court, the court may  
17 consolidate all such petitions for review at a single hearing, and the municipality shall  
18 be required to submit only one set of minutes and one report as required in  
19 subsection (c).

20 (e) At any time before or during the review proceeding, any petitioner or  
21 petitioners may apply to the reviewing court for an order staying the operation of the  
22 annexation ordinance pending the outcome of the review. The court may grant or  
23 deny the stay in its discretion upon such terms as it deems proper, and it may permit  
24 annexation of any part of the area described in the ordinance concerning which no  
25 question for review has been raised.

26 (f) The court shall fix the date for review of annexation proceedings under this  
27 Chapter, which review date shall preferably be within 30 days following the last day  
28 for receiving petitions to the end that review shall be expeditious and without  
29 unnecessary delays. The review shall be conducted by the court without a jury. The  
30 court may hear oral arguments and receive written briefs, and may take evidence  
31 intended to show either

32 (1) That the statutory procedure was not followed or

33 (2) That the provisions of G.S. 160A-35 were not met, or

34 (3) That the provisions of G.S. 160A-36 have not been met.

35 (g) The court may affirm the action of the governing board without change, or it  
36 may

37 (1) Remand the ordinance to the municipal governing board for  
38 further proceedings if procedural irregularities are found to have  
39 materially prejudiced the substantive rights of any of the  
40 petitioners.

41 (2) Remand the ordinance to the municipal governing board for  
42 amendment of the boundaries to conform to the provisions of G.S.  
43 160A-36 if it finds that the provisions of G.S. 160A-36 have not  
44 been met; provided, that the court cannot remand the ordinance to

- 1 the municipal governing board with directions to add area to the  
2 municipality which was not included in the notice of public  
3 hearing and not provided for in plans for service.  
4 (3) Remand the report to the municipal governing board for  
5 amendment of the plans for providing services to the end that the  
6 provisions of G.S. 160A-35 are satisfied.  
7 (4) Declare the ordinance null and void, if the court finds that the  
8 ordinance cannot be corrected by remand as provided in  
9 subdivisions (1), (2), or (3) of this subsection.

10 If any municipality shall fail to take action in accordance with the court's  
11 instructions upon remand within three months from receipt of such instructions, the  
12 annexation proceeding shall be deemed null and void.

13 (h) Any party to the review proceedings, including the municipality, may appeal  
14 to the Court of Appeals from the final judgment of the superior court under rules of  
15 procedure applicable in other civil cases. The superior court may, with the agreement  
16 of the municipality, permit annexation to be effective with respect to any part of the  
17 area concerning which no appeal is being made and which can be incorporated into  
18 the city without regard to any part of the area concerning which an appeal is being  
19 made.

20 (i) If part or all of the area annexed under the terms of an annexation ordinance  
21 is the subject of an appeal to the superior court, Court of Appeals or Supreme Court  
22 on the effective date of the ordinance, then the ordinance shall be deemed amended  
23 to make the effective date with respect to such area the last day of the next full  
24 calendar month following the date of the final judgment of the superior court, Court  
25 of Appeals or Supreme Court, whichever is appropriate, or the date the municipal  
26 governing board completes action to make the ordinance conform to the court's  
27 instructions in the event of remand. For the purposes of this subsection, a denial of a  
28 petition for a rehearing or for discretionary review shall be treated as a final  
29 judgement.

30 (j) The provisions of subsection (i) of this section shall apply to any judicial  
31 review authorized in whole or in part by G.S. 160A-37.1(i) or G.S. 160A-37.3(g).

32 (k) In any proceeding related to an annexation ordinance appeal under this  
33 section, a city shall not state a claim for lost property tax revenue caused by the  
34 appeal. Nothing in this Article shall be construed to mean that as a result of an  
35 appeal a municipality may assert a claim for property tax revenue lost during the  
36 pendency of the appeal.

37 (l) Any settlement agreed to by all parties in an appeal under this section may be  
38 presented to the superior court in the county in which the municipality is located. If  
39 the superior court, in its discretion, approves the settlement, it shall be binding on all  
40 parties without the need for approval by the General Assembly."

41 Section 11. G.S. 160A-42 reads as rewritten:

42 "§ 160A-42. Land estimates.

43 In determining degree of land subdivision for purposes of meeting the  
44 requirements of G.S. 160A-36, the municipality shall use methods calculated to

1 provide reasonably accurate results. In determining whether the standards set forth in  
2 G.S. 160A-36 have been met on appeal to the superior court under G.S. 160A-38, the  
3 reviewing court shall accept the estimates of the ~~municipality~~ municipality as  
4 provided in this section unless the actual total area or degree of subdivision falls  
5 below the standards in G.S. 160A-36:

6 (1) As to total area if the estimate is based on an actual survey, or on  
7 county tax maps or records, or on aerial photographs, or on some  
8 other reasonably reliable map used for official purposes by a  
9 governmental agency unless the petitioners on appeal demonstrate  
10 that such estimates are in error in the amount of five percent (5%)  
11 or more.

12 (2) As to degree of land subdivision, if the estimates are based on an  
13 actual survey, or on county tax maps or records, or on aerial  
14 photographs, or on some other reasonably reliable source, unless  
15 the petitioners on appeal show that such estimates are in error in  
16 the amount of five percent (5%) or more."

17 Section 12. G.S. 160A-47 reads as rewritten:

18 "**§ 160A-47. Prerequisites to annexation; ability to serve; report and plans.**

19 A municipality exercising authority under this Part shall make plans for the  
20 extension of services to the area proposed to be annexed and shall, prior to the public  
21 hearing provided for in G.S. 160A-49, prepare a report setting forth such plans to  
22 provide services to such area. The report shall include:

23 (1) A map or maps of the municipality and adjacent territory to show  
24 the following information:

- 25 a. The present and proposed boundaries of the municipality.
- 26 b. The present major trunk water mains and sewer interceptors  
27 and outfalls, and the proposed extensions of such mains and  
28 outfalls as required in subdivision (3) of this section. The  
29 water and sewer map must bear the seal of a registered  
30 professional engineer.
- 31 c. The general land use pattern in the area to be annexed.

32 (2) A statement showing that the area to be annexed meets the  
33 requirements of G.S. 160A-48.

34 (3) A statement setting forth the plans of the municipality for  
35 extending to the area to be annexed each major municipal service  
36 performed within the municipality at the time of annexation.  
37 Specifically, such plans shall:

- 38 a. Provide for extending police protection, fire protection, solid  
39 waste collection and street maintenance services to the area  
40 to be annexed on the date of annexation on substantially the  
41 same basis and in the same manner as such services are  
42 provided within the rest of the municipality prior to  
43 annexation. A contract with a rural fire department to  
44 provide fire protection shall be an acceptable method of

1 providing fire protection. If a water distribution system is  
2 not available in the area to be annexed, the plans must call  
3 for reasonably effective fire protection services until such  
4 time as waterlines are made available in such area under  
5 existing municipal policies for the extension of waterlines.  
6 A contract with a private firm to provide solid waste  
7 collection services shall be an acceptable method of  
8 providing solid waste collection services.

- 9 b. Provide for extension of major trunk water mains and sewer  
10 outfall lines into the area to be annexed so that when such  
11 lines are constructed, property owners in the area to be  
12 annexed will be able to secure public water and sewer  
13 service, according to the policies in effect in such  
14 municipality for extending water and sewer lines to  
15 individual lots or subdivisions. If requested by the owner of  
16 an occupied dwelling unit or an operating commercial or  
17 industrial property in writing on a form provided by the  
18 municipality, which form acknowledges that such extension  
19 or extensions will be made according to the current financial  
20 policies of the municipality for making such extensions, and  
21 if such form is received by the city clerk ~~not less than 30~~  
22 ~~days before adoption of the annexation ordinance, no later~~  
23 than five days after the public hearing, provide for extension  
24 of water and sewer lines to the property or to a point on a  
25 public street or road right-of-way adjacent to the property  
26 according to the financial policies in effect in such  
27 municipality for extending water and sewer lines. If any  
28 such requests are timely made, the municipality shall at the  
29 time of adoption of the annexation ordinance amend its  
30 report and plan for services to reflect and accommodate  
31 such requests. requests, if an amendment is necessary. In  
32 areas where the municipality is required to extend sewer  
33 service according to its policies, but the installation of sewer  
34 is not economically feasible due to the unique topography of  
35 the area, the municipality shall provide septic system  
36 maintenance and repair service until such time as sewer  
37 service is provided to properties similarly situated.

- 38 c. If extension of major trunk water mains, sewer outfall lines,  
39 sewer lines and water lines is necessary, set forth a proposed  
40 timetable for construction of such mains, outfalls and lines  
41 as soon as possible following the effective date of  
42 annexation. In any event, the plans shall call for  
43 construction to be completed within two years of the  
44 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.

- (5) A statement showing how the proposed annexation will affect the city's finances and services, including city revenue change estimates. This statement shall be delivered to the clerk of the board of county commissioners at least 30 days before the date of the public informational meeting on any annexation under this Part."

Section 13. G.S. 160A-47.1 reads as rewritten:

"§ 160A-47.1. Limitation on change in financial participation prior to annexation.

~~No~~ For purposes of the extension of water and sewer services required under G.S. 160A-47, no ordinance or policy substantially diminishing the financial participation of a municipality in the construction of water or sewer facilities required under this Article may apply to an area being annexed unless the ordinance or policy became effective at least 180 days prior to the date of adoption by the municipality of the resolution giving notice of intent to consider annexing the area under G.S. 160A-49(a)."

Section 14. G.S. 160A-48 reads as rewritten:

"§ 160A-48. Character of area to be annexed.

(a) A municipal governing board may extend the municipal corporate limits to include any area

- (1) Which meets the general standards of subsection (b), and
- (2) Every part of which meets the requirements of either subsection (c) or subsection (d).

(b) The total area to be annexed must meet the following standards:

- (1) It must be adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun, except if the entire

territory of a county water and sewer district created under G.S. 162A-86(b1) is being annexed, the annexation shall also include any noncontiguous pieces of the district as long as the part of the district with the greatest land area is adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun.

(2) At least one eighth of the aggregate external boundaries of the area must coincide with the municipal boundary.

(3) No part of the area shall be included within the boundary of another incorporated municipality.

(c) Part or all of the area to be annexed must be developed for urban ~~purposes~~ purposes at the time of approval of the report provided for in G.S. 160A-47. Area of streets and street rights-of-way shall not be used to determine total acreage under this section. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(1) Has a total resident population equal to at least ~~two~~ two and three-tenths persons for each acre of land included within its boundaries; or

(2) Has a total resident population equal to at least one person for each acre of land included within its boundaries, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage consists of lots and tracts ~~five~~ three acres or less in size and such that at least sixty-five percent (65%) of the total number of lots and tracts are one acre or less in size; or

(3) Is so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional or governmental purposes, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental or institutional purposes, consists of lots and tracts ~~five~~ three acres or less in size; ~~or size.~~ For purposes of this section, a lot or tract shall not be considered in use for a commercial, industrial, institutional, or governmental purpose if the lot or tract is used only temporarily, occasionally, or on an incidental or insubstantial basis in relation to the size and character of the lot or tract. For purposes of this section, acreage in use for commercial, industrial, institutional, or governmental purposes shall include acreage actually occupied by buildings or other man-made structures together with all areas that are reasonably necessary and appurtenant to such facilities for purposes of parking, storage, ingress and egress, utilities, buffering, and other ancillary services and facilities; or

(4) Is the entire area of any county water and sewer district created under G.S. 162A-86(b1), but this subdivision only applies to annexation by a municipality if that:

a. Municipality has provided in a contract with that district that the area is developed for urban purposes; and

b. Contract provides for the municipality to operate the sewer system of that county water and sewer district;

provided that the special categorization provided by this subdivision only applies if the municipality is annexing in one proceeding the entire territory of the district not already within the corporate limits of a ~~municipality~~; municipality; or

(5) Is so developed that, at the time of the approval of the annexation report, all tracts in the area to be annexed are used for commercial, industrial, governmental, or institutional purposes.

(d) In addition to areas developed for urban purposes, a governing board may include in the area to be annexed any area which does not meet the requirements of subsection (c) if such area either:

(1) Lies between the municipal boundary and an area developed for urban purposes so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services and/or water and/or sewer lines through such sparsely developed area; or

(2) Is adjacent, on at least sixty percent (60%) of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (c).

The purpose of this subsection is to permit municipal governing boards to extend corporate limits to include all nearby areas developed for urban purposes and where necessary to include areas which at the time of annexation are not yet developed for urban purposes but which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes. For purposes of this subsection, 'necessary land connection' means an area that does not exceed twenty-five percent (25%) of the total area to be annexed.

(e) In fixing new municipal boundaries, a municipal governing board ~~shall, wherever practical, use natural topographic features such as ridge lines and streams and creeks as boundaries, and may use streets as boundaries.~~ shall use recorded property lines and streets as boundaries. Some or all of the boundaries of a county water and sewer district may also be used when the entire district not already within the corporate limits of a municipality is being annexed.

(f) The area of an abolished water and sewer district shall be considered to be a water and sewer district for the purpose of this section even after its abolition under G.S. 162A-87.2(b)."

Section 15. G.S. 160A-49 reads as rewritten:

1 "§ 160A-49. Procedure for annexation.

2 (a) Notice of Intent. -- Any municipal governing board desiring to annex territory  
3 under the provisions of this Part shall first pass a resolution stating the intent of the  
4 municipality to consider annexation. Such resolution shall describe the boundaries of  
5 the area under ~~consideration~~ consideration, fix a date for a public informational  
6 meeting, and fix a date for a public hearing on the question of ~~annexation~~, the  
7 annexation. The date for the public informational meeting shall be not less than 45  
8 days and not more than 55 days following passage of the resolution. The date for  
9 such the public hearing to be not less than 45 60 days and not more than 90 days  
10 following passage of the resolution.

11 (b) Notice of Public Hearing. -- The notice of public hearing shall:

- 12 (1) Fix the date, hour and place of the public informational meeting  
13 and the date, hour, and place of the public hearing.
- 14 (2) Describe clearly the boundaries of the area under consideration,  
15 and include a legible map of the area.
- 16 (3) State that the report required in G.S. 160A-47 will be available at  
17 the office of the municipal clerk at least 30 days prior to the date  
18 of the public ~~hearing~~, informational meeting.
- 19 (4) Include a notice of a property owner's rights to request water and  
20 sewer service in accordance with G.S. 160A-47.
- 21 (5) Include an explanation of a property owner's rights pursuant to  
22 subsections (f1) and (f2) of this section.

23 Such notice shall be given by publication once a week for at least two successive  
24 weeks prior to the date of the ~~hearing~~ informational meeting in a newspaper having  
25 general circulation in the municipality and, in addition thereto, if the area to be  
26 annexed lies in a county containing less than fifty percent (50%) of the land area of  
27 the municipality, in a newspaper having general circulation in the area of proposed  
28 annexation. The period from the date of the first publication to the date of the last  
29 publication, both dates inclusive, shall be not less than eight days including Sundays,  
30 and the date of the last publication shall be not more than seven days preceding the  
31 date of public ~~hearing~~, informational meeting. If there be no such newspaper, the  
32 municipality shall post the notice in at least five public places within the municipality  
33 and at least five public places in the area to be annexed for 30 days prior to the date  
34 of public ~~hearing~~, informational meeting. In addition, notice shall be mailed at least  
35 four weeks prior to date of the ~~hearing~~ informational meeting by first class mail,  
36 postage prepaid to the owners as shown by the tax records of the county of all  
37 freehold interests in real property located within the area to be annexed. The person  
38 or persons mailing such notices shall certify to the governing board that fact, and  
39 such certificate shall become a part of the record of the annexation proceeding and  
40 shall be deemed conclusive in the absence of fraud. If the notice is returned to the  
41 city by the postal service by the tenth day before the ~~hearing~~, informational meeting,  
42 a copy of the notice shall be sent by certified mail, return receipt requested, at least  
43 seven days before the ~~hearing~~, informational meeting. Failure to comply with the  
44 mailing requirements of this subsection shall not invalidate the annexation unless it is



1 shown that the requirements were not substantially complied with. If the governing  
2 board by resolution finds that the tax records are not adequate to identify the owners  
3 of some or all of the parcels of real property within the area it may in lieu of the mail  
4 procedure as to those parcels where the owners could not be so identified, post the  
5 notice at least 30 days prior to the date of public ~~hearing~~ informational meeting on all  
6 buildings on such parcels, and in at least five other places within the area to be  
7 annexed. In any case where notices are placed on property, the person placing the  
8 notices shall certify that fact to the governing board.

9 (c) Action Prior to ~~Hearing~~ Informational Meeting. -- At least 30 days before the  
10 date of the public ~~hearing~~ informational meeting, the governing board shall approve  
11 the report provided for in G.S. 160A-47, and shall make it available to the public at  
12 the office of the municipal clerk. In addition, the municipality may prepare a  
13 summary of the full report for public distribution. In addition, the city shall post in  
14 the office of the city clerk, at least 30 days before the public ~~hearing~~ informational  
15 meeting, a legible map of the area to be annexed and a list of persons holding  
16 freehold interests in property in the area to be annexed that it has identified.

17 (c1) Public Informational Meeting. -- At the public informational meeting a  
18 representative of the municipality shall first make an explanation of the report  
19 required in G.S. 160A-47. Following such explanation, all persons resident or  
20 owning property in the territory described in the notice of public hearing, and all  
21 residents of the municipality, shall be given the opportunity to ask questions and  
22 receive answers regarding the proposed annexation.

23 (d) Public Hearing. -- At the public hearing a representative of the municipality  
24 shall first make an explanation of the report required in G.S. 160A-47. Following  
25 such explanation, all persons resident or owning property in the territory described in  
26 the notice of public hearing, and all residents of the municipality, shall be given an  
27 opportunity to be heard.

28 (e) Passage of the Annexation Ordinance. -- The municipal governing board shall  
29 take into consideration facts presented at the public hearing and shall have authority  
30 to amend the report required by G.S. 160A-47 to make changes in the plans for  
31 serving the area proposed to be annexed so long as such changes meet the  
32 requirements of G.S. 160A-47, provided that if the annexation report is amended to  
33 show additional subsections of G.S. 160A-48(c) or (d) under which the annexation  
34 qualifies that were not listed in the original report, the city must hold an additional  
35 public hearing on the annexation not less than 30 nor more than 90 days after the  
36 date the report is amended, and notice of such new hearing shall be given at the first  
37 public hearing. At any regular or special meeting held no sooner than the tenth day  
38 following the public hearing and not later than 90 days following such public hearing,  
39 the governing board shall have authority to adopt an ordinance extending the  
40 corporate limits of the municipality to include all, or such part, of the area described  
41 in the notice of public hearing which meets the requirements of G.S. 160A- 48 and  
42 which the governing board has concluded should be annexed. The ordinance shall:

43 (1) Contain specific findings showing that the area to be annexed  
44 meets the requirements of G.S. 160A-48. The external boundaries

- 1 of the area to be annexed shall be described by metes and bounds.  
2 In showing the application of G.S. 160A- 48(c) and (d) to the area,  
3 the governing board may refer to boundaries set forth on a map of  
4 the area and incorporate same by reference as a part of the  
5 ordinance.
- 6 (2) A statement of the intent of the municipality to provide services to  
7 the area being annexed as set forth in the report required by G.S.  
8 160A-47.
- 9 (3) A specific finding that on the effective date of annexation the  
10 municipality will have funds appropriated in sufficient amount to  
11 finance construction of any major trunk water mains and sewer  
12 outfalls and such water and sewer lines as required in G.S.  
13 160A-47(3)(b) found necessary in the report required by G.S.  
14 160A-47 to extend the basic water and/or sewer system of the  
15 municipality into the area to be annexed, or that on the effective  
16 date of annexation the municipality will have authority to issue  
17 bonds in an amount sufficient to finance such construction. If  
18 authority to issue such bonds must be secured from the electorate  
19 of the municipality prior to the effective date of annexation, then  
20 the effective date of annexation shall be no earlier than the day  
21 following the statement of the successful result of the bond  
22 election.
- 23 (4) Fix the effective date for annexation. The effective date of  
24 annexation may be fixed for any date not less than ~~40 days~~ 70 days  
25 nor more than 400 days from the date of passage of the ordinance.
- 26 (f) Effect of Annexation Ordinance. -- Except as provided in subsection (f1) of  
27 this section, from ~~From~~ and after the effective date of the annexation ordinance,  
28 the(f) Effect of Annexation Ordinance. -- From and after the effective date of the  
29 annexation ordinance, the territory and its citizens and property shall be subject to all  
30 debts, laws, ordinances and regulations in force in such municipality and shall be  
31 entitled to the same privileges and benefits as other parts of such municipality. Real  
32 and personal property in the newly annexed territory on the January 1 immediately  
33 preceding the beginning of the fiscal year in which the annexation becomes effective  
34 is subject to municipal taxes as provided in G.S. 160A-58.10. Provided that annexed  
35 property which is a part of a sanitary district, which has installed water and sewer  
36 lines, paid for by the residents of said district, shall not be subject to that part of the  
37 municipal taxes levied for debt service for the first five years after the effective date  
38 of annexation. If this proviso should be declared by a court of competent jurisdiction  
39 to be in violation of any provision of the federal or State Constitution, the same shall  
40 not affect the remaining provisions of this Part. If the effective date of annexation  
41 falls between June 1 and June 30, and the effective date of the privilege license tax  
42 ordinance of the annexing municipality is June 1, then businesses in the area to be  
43 annexed shall be liable for taxes imposed in such ordinances from and after the  
44 effective date of annexation.

1 (f1) Property Subject to Present-Use Value Appraisal. -- If an area described in an  
2 annexation ordinance includes agricultural land, horticultural land, or forestland that  
3 on the effective date of annexation is:

4 (1) Land that is being taxed at present-use value pursuant to G.S. 105-  
5 277.4; or

6 (2) Land that:

7 a. Was on the date of the resolution of intent for annexation  
8 being used for actual production and is eligible for present-  
9 use value taxation under G.S. 105-277.4, but the land has  
10 not been in use for actual production for the required time  
11 under G.S. 105-277.3; and

12 b. The assessor for the county where the land subject to  
13 annexation is located has certified to the city that the land  
14 meets the requirements of this subdivision

15 the annexation becomes effective as to that property pursuant to subsection (f2) of  
16 this section.

17 (f2) Effective Date of Annexation for Certain Property. -- Annexation of property  
18 subject to annexation under subsection (f1) of this section shall become effective:

19 (1) Upon the effective date of the annexation ordinance, the property  
20 is considered part of the city only (i) for the purpose of  
21 establishing city boundaries for additional annexations pursuant to  
22 this Article and (ii) for the exercise of city authority pursuant to  
23 Article 19 of this Chapter.

24 (2) For all other purposes, the annexation becomes effective as to each  
25 tract of such property or part thereof on the last day of the month  
26 in which that tract or part thereof becomes ineligible for  
27 classification pursuant to G.S. 105-227.4 or no longer meets the  
28 requirements of subdivision (f1)(2) of this section. Until  
29 annexation of a tract or a part of a tract becomes effective pursuant  
30 to this subdivision, the tract or part of a tract is not subject to  
31 taxation by the city under Article 12 of Chapter 105 of the General  
32 Statutes nor is the tract or part of a tract entitled to services  
33 provided by the city.

34 (g) Simultaneous Annexation Proceedings. -- If a municipality is considering the  
35 annexation of two or more areas which are all adjacent to the municipal boundary  
36 but are not adjacent to one another, it may undertake simultaneous proceedings  
37 under authority of this Part for the annexation of such areas.

38 (h) Remedies for Failure to Provide Services. -- If, not earlier than one year from  
39 the effective date of annexation, and not later than 15 months from the effective date  
40 of annexation, any person owning property in the annexed territory shall believe that  
41 the municipality has not followed through on its service plans adopted under the  
42 provisions of G.S. 160A-47(3) and 160A-49(e), for any required service other than  
43 water and sewer services such person may apply for a writ of mandamus under the

1 provisions of Article 40, Chapter 1 of the General Statutes. Relief may be granted by  
2 the judge of superior court

3 (1) If the municipality has not provided the services set forth in its  
4 plan submitted under the provisions of G.S. 160A-47(3)a on  
5 substantially the same basis and in the same manner as such  
6 services were provided within the rest of the municipality prior to  
7 the effective date of annexation, and

8 (2) If at the time the writ is sought such services set forth in the plan  
9 submitted under the provisions of G.S. 160A-47(3)a are still being  
10 provided on substantially the same basis and in the same manner  
11 as on the date of annexation of the municipality.

12 If, not earlier than 24 months from the effective date of the annexation, and not  
13 later than 27 months from the effective date of the annexation, any person owning  
14 property in the annexed area can show that the plans submitted under the provisions  
15 of G.S. 160A-47(3)c require the construction of major trunk water mains and sewer  
16 outfall lines and if construction has not been completed within two years of the  
17 effective date of the annexation, relief may also be granted by the superior court by  
18 an order to the municipality to complete such lines and outfalls within a certain time.  
19 Similar relief may be granted by the superior court to any owner of property who  
20 made a timely request for a water or sewer line, or both, pursuant to G.S.  
21 160A-47(3)b and such lines have not been completed within two years from the  
22 effective date of annexation in accordance with applicable city policies and through  
23 no fault of the owner, if such owner petitions for such relief not earlier than 24  
24 months following the effective date of annexation and not later than 27 months  
25 following the effective date of annexation.

26 If a writ is issued, costs in the action, including a reasonable attorney's fee for such  
27 aggrieved person, shall be charged to the municipality.

28 (i) No resolution of intent may be adopted under subsection (a) of this section  
29 unless the city council (or planning agency created or designated under either G.S.  
30 160A-361 or the charter) has, by resolution adopted at least one year prior to  
31 adoption of the resolution of intent, identified the area as being under consideration  
32 for ~~annexation~~; annexation and included a statement in the resolution notifying  
33 persons subject to the annexation of their rights under subsections (f1) and (f2) of this  
34 section; provided, adoption of such resolution of consideration shall not confer prior  
35 jurisdiction over the area as to any other city. The area described under the  
36 resolution of intent may comprise a smaller area than that identified by the resolution  
37 of consideration. The resolution of consideration may have a metes and bounds  
38 description or a map and shall remain effective for two years after adoption, and shall  
39 be filed with the city clerk. A new resolution of consideration adopted before  
40 expiration of the two-year period for a previously adopted resolution covering the  
41 same area shall relate back to the date of the previous resolution.

42 (j) Subsection (i) of this section shall not apply to the annexation of any area if the  
43 resolution of intent describing the area and the ordinance annexing the area both

1 provide that the effective date of the annexation shall be at least one year from the  
2 date of passage of the annexation ordinance.

3 (k) If a valid request for extension of a water or sewer line has been made under  
4 G.S. 160A-47(3)b, and the extension is not complete at the end of two years after the  
5 effective date of the annexation ordinance, the owner of the property may petition  
6 the Local Government Commission for abatement of taxes to be paid to the city  
7 which have not been levied as of the expiration date of the two-year period, if such  
8 petition is filed not more than 60 days after the expiration of the two-year period. If  
9 the Local Government Commission finds that the extension to the property was not  
10 complete by the end of the two-year period, it shall enter an order directing the city  
11 not to levy any further ad valorem taxes on the property until the fiscal year  
12 commencing after completion of the extension. In addition, if the Local Government  
13 Commission found that the extension to the property was not completed by the end  
14 of the two-year period, and if it finds that for any fiscal year during the period  
15 beginning with the first day of the fiscal year in which the annexation ordinance  
16 became effective and ending the last day of the fiscal year in which the two-year  
17 period expired, the city made an appropriation for construction, operation or  
18 maintenance of a water or sewer system (other than payments the city made as a  
19 customer of the system) from the fund or funds for which ad valorem taxes are  
20 levied, then the Local Government Commission shall order the city to release or  
21 refund an amount of the petitioner's property taxes for that year in question in  
22 proportion to the percentage of appropriations in the fund made for water and sewer  
23 services. By way of illustration, if a net amount of one hundred thousand dollars  
24 (\$100,000) was appropriated for water or sewer construction, operation or  
25 maintenance from a fund which had total expenditures of ten million dollars  
26 (\$10,000,000) and the petitioner's tax levy was one thousand dollars (\$1,000), the  
27 amount of release or refund shall be ten dollars (\$10.00).

28 (l) If a city fails to deliver police protection, fire protection, solid waste or street  
29 maintenance services as provided for in G.S. 160A-47(3)a. within 60 days after the  
30 effective date of the annexation, the owner of the property may petition the Local  
31 Government Commission for abatement of taxes to be paid to the city for taxes that  
32 have been levied as of the end of the 60-day period, if the petition is filed not more  
33 than 90 days after the expiration of the 60-day period. If the Local Government  
34 Commission finds that services were not extended by the end of the 60-day period, it  
35 shall enter an order directing the city not to levy any further ad valorem taxes on the  
36 property until the fiscal year commencing after extension of the municipal services."

37 Section 16. G.S. 160A-49.2 reads as rewritten:

38 "**§ 160A-49.2. Assumption of debt.**

39 (a) If the city has annexed any area which is served by a rural fire department and  
40 which is in an insurance district defined under G.S. 153A-233, a rural fire protection  
41 district under Article 3A of Chapter 69 of the General Statutes or a fire service  
42 district under Article 16 of Chapter 153A of the General Statutes, then upon the  
43 effective date of annexation if the city has not contracted with the rural fire  
44 department for fire protection, or when the rural fire department ceases to provide

1 fire protection under contract, then the city shall pay annually a proportionate share  
2 of any payments due on any debt (including principal and interest) relating to  
3 facilities or equipment of the rural fire department, if the debt was existing at the  
4 time of adoption of the resolution of intent, with the payments in the same  
5 proportion that the assessed valuation of the area of the district annexed bears to the  
6 assessed valuation of the entire district on the date the annexation ordinance becomes  
7 ~~effective~~ effective or another date for valuation mutually agreed upon by the city and  
8 the fire department.

9 (b) The city and rural fire department shall jointly present a payment schedule to  
10 the Local Government Commission for approval and no payment may be made until  
11 such schedule is approved."

12 Section 17. G.S. 160A-49.3(h) reads as rewritten:

13 "(h) A firm which has given notice under subsection (a) of this section that it  
14 desires to contract, and any firm that the city believes is eligible to give such notice,  
15 shall make available to the city not later than ~~five~~ 10 business days following a  
16 written request of the ~~city~~ city, sent by certified mail return receipt requested, all  
17 information in its possession or control, including but not limited to operational,  
18 financial and budgetary information, necessary for the city to determine if the firm  
19 qualifies for the benefits of this section and to determine the nature and scope of the  
20 potential contract and/or economic loss. The firm forfeits its rights under this section  
21 if it fails to make a good faith response within 10 business days following receipt of  
22 the written request for information from the city, provided that the city's written  
23 request so states by specific reference to this section."

24 Section 18. G.S. 160A-50 reads as rewritten:

25 "**§ 160A-50. Appeal.**

26 (a) Within ~~30 days~~ 60 days following the passage of an annexation ordinance  
27 under authority of this Part, any person owning property in the annexed territory who  
28 shall believe that he will suffer material injury by reason of the failure of the  
29 municipal governing board to comply with the procedure set forth in this Part or to  
30 meet the requirements set forth in G.S. 160A-48 as they apply to his property may  
31 file a petition in the superior court of the county in which the municipality is located  
32 seeking review of the action of the governing board.

33 (b) Such petition shall explicitly state what exceptions are taken to the action of  
34 the governing board and what relief the petitioner seeks. Within ~~five days~~ 10 days  
35 after the petition is filed with the court, the person seeking review shall serve copies  
36 of the petition by registered mail, return receipt requested, upon the municipality.

37 (c) Within 15 days after receipt of the copy of the petition for review, or within  
38 such additional time as the court may allow, the municipality shall transmit to the  
39 reviewing court

- 40 (1) A transcript of the portions of the municipal journal or minute  
41 book in which the procedure for annexation has been set forth and  
42 (2) A copy of the report setting forth the plans for extending services  
43 to the annexed area as required in G.S. 160A-47.

1 (d) If two or more petitions for review are submitted to the court, the court may  
2 consolidate all such petitions for review at a single hearing, and the municipality shall  
3 be required to submit only one set of minutes and one report as required in  
4 subsection (c).

5 (e) At any time before or during the review proceeding, any petitioner or  
6 petitioners may apply to the reviewing court for an order staying the operation of the  
7 annexation ordinance pending the outcome of the review. The court may grant or  
8 deny the stay in its discretion upon such terms as it deems proper, and it may permit  
9 annexation of any part of the area described in the ordinance concerning which no  
10 question for review has been raised.

11 (f) The court shall fix the date for review of annexation proceedings under this  
12 Part, which review date shall preferably be within 30 days following the last day for  
13 receiving petitions to the end that review shall be expeditious and without  
14 unnecessary delays. The review shall be conducted by the court without a jury. The  
15 court may hear oral arguments and receive written briefs, and may take evidence  
16 intended to show either

- 17 (1) That the statutory procedure was not followed, or  
18 (2) That the provisions of G.S. 160A-47 were not met, or  
19 (3) That the provisions of G.S. 160A-48 have not been met.

20 (g) The court may affirm the action of the governing board without change, or it  
21 may

22 (1) Remand the ordinance to the municipal governing board for  
23 further proceedings if procedural irregularities are found to have  
24 materially prejudiced the substantive rights of any of the  
25 petitioners.

26 (2) Remand the ordinance to the municipal governing board for  
27 amendment of the boundaries to conform to the provisions of G.S.  
28 160A-48 if it finds that the provisions of G.S. 160A-48 have not  
29 been met; provided, that the court cannot remand the ordinance to  
30 the municipal governing board with directions to add area to the  
31 municipality which was not included in the notice of public  
32 hearing and not provided for in plans for service.

33 (3) Remand the report to the municipal governing board for  
34 amendment of the plans for providing services to the end that the  
35 provisions of G.S. 160A-47 are satisfied.

36 (4) Declare the ordinance null and void, if the court finds that the  
37 ordinance cannot be corrected by remand as provided in  
38 subdivisions (1), (2), or (3) of this subsection.

39 If any municipality shall fail to take action in accordance with the court's  
40 instructions upon remand within three months from receipt of such instructions, the  
41 annexation proceeding shall be deemed null and void.

42 (h) Any party to the review proceedings, including the municipality, may appeal  
43 to the Court of Appeals from the final judgment of the superior court under rules of  
44 procedure applicable in other civil cases. The superior court may, with the agreement

1 of the municipality, permit annexation to be effective with respect to any part of the  
2 area concerning which no appeal is being made and which can be incorporated into  
3 the city without regard to any part of the area concerning which an appeal is being  
4 made.

5 (i) If part or all of the area annexed under the terms of an annexation ordinance  
6 is the subject of an appeal to the superior court, Court of Appeals or Supreme Court  
7 on the effective date of the ordinance, then the ordinance shall be deemed amended  
8 to make the effective date with respect to such area the last day of the next full  
9 calendar month following the date of the final judgment of the superior court or  
10 appellate division, whichever is appropriate, or the date the municipal governing  
11 board completes action to make the ordinance conform to the court's instructions in  
12 the event of remand. For the purposes of this subsection, a denial of a petition for  
13 rehearing or for discretionary review shall be treated as a final judgement.

14 (j) If a petition for review is filed under subsection (a) of this section or an appeal  
15 is filed under G.S. 160A-49.1(g) or G.S. 160A-49.3(g), and a stay is granted, then the  
16 time periods of two years, 24 months or 27 months provided in G.S. 160A-47(3)c,  
17 160A-49(h), or 160A-49(j) are each extended by the lesser of the length of the stay or  
18 one year for that annexation.

19 (k) The provisions of subsection (i) of this section shall apply to any judicial  
20 review authorized in whole or in part by G.S. 160A-49.1(i) or G.S. 160A-49.3(g).

21 (l) In any proceeding related to an annexation ordinance appeal under this  
22 section, a city shall not state a claim for lost property tax revenue caused by the  
23 appeal. Nothing in this Article shall be construed to mean that as a result of an  
24 appeal a municipality may assert a claim for property tax revenue lost during the  
25 pendency of the appeal.

26 (m) Any settlement reached by all parties in an appeal under this section may be  
27 presented to the superior court in the county in which the municipality is located. If  
28 the superior court, in its discretion, approves the settlement, it shall be binding on all  
29 parties without the need for approval by the General Assembly."

30 Section 19. G.S. 160A-54 reads as rewritten:

31 "**§ 160A-54. Population and land estimates.**

32 In determining population and degree of land subdivision for purposes of meeting  
33 the requirements of G.S. 160A-48, the municipality shall use methods calculated to  
34 provide reasonably accurate results. In determining whether the standards set forth in  
35 G.S. 160A-48 have been met on appeal to the superior court under G.S. 160A-50, the  
36 reviewing court shall accept the estimates of the ~~municipality~~ municipality unless the  
37 actual population, total area, or degree of land subdivision falls below the standards  
38 in G.S. 160A-48;

39 (1) As to population, if the estimate is based on the number of  
40 dwelling units in the area multiplied by the average family size in  
41 such area, or in the township or townships of which such area is a  
42 part, as determined by the last preceding federal decennial census;  
43 or if it is based on a new enumeration carried out under  
44 reasonable rules and regulations by the annexing municipality;



1 provided, that the court shall not accept such estimates if the  
2 petitioners demonstrate that such estimates are in error in the  
3 amount of ten percent (10%) or more.

4 (2) As to total area if the estimate is based on an actual survey, or on  
5 county tax maps or records, or on aerial photographs, or on some  
6 other reasonably reliable map used for official purposes by a  
7 governmental agency, unless the petitioners on appeal demonstrate  
8 that such estimates are in error in the amount of five percent (5%)  
9 or more.

10 (3) As to degree of land subdivision, if the estimates are based on an  
11 actual survey, or on county tax maps or records, or on aerial  
12 photographs, or on some other reasonably reliable source, unless  
13 the petitioners on appeal show that such estimates are in error in  
14 the amount of five percent (5%) or more."

15 Section 20. This act becomes effective November 1, 1998, and applies to  
16 annexations for which the resolution of intent is adopted on or after that date.  
17 Sections 2 and 3 shall not apply to any incorporation proposal originally presented to  
18 the Joint Legislative Commission on Municipal Incorporations prior to the effective  
19 date.

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**WEDNESDAY, SEPTEMBER 23, 1998**

**MINUTES**

The Senate State Government, Local Government and Personnel Committee met on Wednesday, September, 23, 1998 at 4:00 p.m. in the Senate Chamber. Seven members were present, including Senator Brad Miller, who presided.

Action was taken on the following bills:

**HB 661, Henderson Commissioner Districts**, was explained by Senator Miller. Senator Ledbetter moved a favorable report of the bill. The motion carried unanimously. **Favorable report.**

**HB 1469, State Personnel Comm. Reorganized**, was explained by Representative Sherrill. 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 Committee Substitute Bill #1, but favorable as to Senate Committee Substitute.**



\_\_\_\_\_  
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, September 24, 1998

**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

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,  
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1)1469                State Personnel Comm. Reorganized.  
                                         Draft Number:               PCS3190  
                                         Sequential Referral:        None  
                                         Recommended Referral:   None  
                                         Long Title Amended:       Yes

**TOTAL REPORTED: 2**

Committee Clerk Comment:        None

**STATE GOVERNMENT, LOCAL GOVERNMENT AND PERSONNEL**

**SEPTEMBER 9, 1998**

**SENATE CHAMBER**

HB 661	Henderson Commissioner Districts	Representative Justus
HB 1469	State Personnel Comm. Reorganized	Representative Sherrill
Adjournment		

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 661  
Committee Substitute Favorable 4/10/97

Short Title: Henderson Commissioner Districts.

(Local)

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Sponsors:

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Referred to:

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March 27, 1997

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE HENDERSON COUNTY BOARD OF  
3 COMMISSIONERS TO REDISTRICT THEIR RESIDENCY DISTRICTS.  
4 The General Assembly of North Carolina enacts:  
5           Section 1. G.S. 153A-22.1(f), as enacted by Chapter 215 of the 1995  
6 Session Laws, reads as rewritten:  
7    "(f) This section applies to ~~Moore County~~ Henderson and Moore Counties only."  
8           Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1469  
Committee Substitute Favorable 8/10/98

Short Title: State Personnel Comm. Reorganized.

(Public)

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Sponsors:

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Referred to:

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May 25, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT REORGANIZING THE STATE PERSONNEL COMMISSION AND  
3 AUTHORIZING THE CHAIR OF THE STATE PERSONNEL COMMISSION  
4 TO APPOINT PANELS OF ITS MEMBERS TO MAKE RECOMMENDATIONS  
5 TO THE FULL COMMISSION REGARDING THE FINAL DECISION IN  
6 CONTESTED CASES.

7 The General Assembly of North Carolina enacts:

8 Section 1. Effective March 31, 1999, G.S. 126-2 reads as rewritten:

9 "§ 126-2. State Personnel Commission.

10 (a) There is hereby established the State Personnel Commission (hereinafter  
11 referred to as "the Commission").

12 (b) The Commission shall consist of ~~seven members who shall be appointed by the~~  
13 ~~Governor on July 1, 1965, or as soon thereafter as is practicable. Two members of the~~  
14 ~~Commission shall be chosen from employees of the State subject to the provisions of~~  
15 ~~this Chapter; two members shall be appointed, of which one shall be an employee of~~  
16 ~~local government subject to the provisions of this Chapter, from a list of individuals~~  
17 ~~nominated by the North Carolina association of county commissioners; two members~~  
18 ~~shall be individuals actively engaged in the management of a private business or~~  
19 ~~industry; and one member shall be appointed from the public at large. Of the initial~~  
20 ~~members of the Commission, two shall be appointed to serve for terms of two years,~~  
21 ~~two shall be appointed to serve for terms of four years, and three shall be appointed~~  
22 ~~to serve for terms of six years. Their successors shall be appointed by the Governor~~  
23 ~~for terms of six years. Any vacancy occurring prior to the expiration of a term shall~~

1 ~~be filled by appointment for the unexpired term:~~ nine members who shall be  
2 appointed as follows:

3       (1) Two attorneys licensed to practice law in North Carolina  
4 appointed by the General Assembly. Each attorney shall serve  
5 without the creation of a conflict of interest or the appearance of  
6 impropriety. One attorney shall be appointed upon the  
7 recommendation of the Speaker of the House of Representatives  
8 and one attorney shall be appointed upon the recommendation of  
9 the President Pro Tempore of the Senate. The initial members  
10 appointed under this subdivision shall serve terms expiring June  
11 30, 2005; the terms of subsequent appointees shall be six years.

12       (2) Two persons from private business or industry appointed by the  
13 Governor, both of whom shall have a working knowledge of, or  
14 practical experience in, human resources management. The initial  
15 members appointed under this subdivision shall serve terms  
16 expiring June 30, 2003; the terms of subsequent appointees shall be  
17 six years.

18       (3) Two State employees subject to the State Personnel Act serving in  
19 nonexempt positions, appointed by the General Assembly. One  
20 employee shall serve in a State government position having  
21 supervisory duties and one employee shall serve in a  
22 nonsupervisory position. Neither employee may be a human  
23 resources professional. The Speaker of the House of  
24 Representatives shall recommend the supervisory employee and  
25 the President Pro Tempore of the Senate shall recommend the  
26 nonsupervisory employee. The Speaker of the House of  
27 Representatives and the President Pro Tempore of the Senate shall  
28 consider nominations submitted by the State Employees  
29 Association of North Carolina. The initial members appointed  
30 under this subdivision shall serve terms expiring June 30, 2001; the  
31 terms of subsequent appointees shall be six years.

32       (4) Two local government employees subject to the State Personnel  
33 Act appointed by the Governor upon recommendation of the  
34 North Carolina Association of County Commissioners, one a  
35 nonsupervisory local employee and one a supervisory local  
36 employee. Neither local government employee may be a human  
37 resources professional. The initial members appointed under this  
38 subdivision shall serve terms expiring June 30, 2003; the terms of  
39 subsequent appointees shall be for six years.

40       (5) One member of the public at large appointed by the Governor.  
41 The at-large member shall serve without a conflict of interest. The  
42 initial member appointed under this subdivision shall serve for a  
43 term expiring June 30, 2001; the terms of subsequent appointees  
44 shall be for six years.

1 (c) Members of the Commission ~~appointed after February 1, 1976, shall be~~  
2 ~~appointed subject to confirmation by the General Assembly of North Carolina. If the~~  
3 ~~General Assembly is not in session when an appointment is made, the appointee shall~~  
4 ~~temporarily exercise all of the powers of a confirmed member until the convening of~~  
5 ~~the next legislative session. If the General Assembly does not act on confirmation of a~~  
6 ~~proposed member within 30 legislative days of the submission of the name, the~~  
7 ~~member shall be considered confirmed. If the Governor does not appoint a new~~  
8 ~~member within 60 calendar days of the occurrence of a vacancy or the rejection of an~~  
9 ~~appointment by the General Assembly, the remaining members of the Commission~~  
10 ~~shall have the authority to fill the vacancy. may serve no more than two consecutive~~  
11 ~~terms. Appointments by the General Assembly shall be made in accordance with~~  
12 ~~G.S. 120-121 and vacancies in those appointments shall be filled in accordance with~~  
13 ~~G.S. 120-122.~~

14 (d) The ~~Governor~~ appointing authority may at any time ~~after notice and hearing~~  
15 ~~remove any Commission member for gross inefficiency, neglect of duty, malfeasance,~~  
16 ~~misfeasance, or nonfeasance in office. cause.~~

17 (e) Members of the Commission who are ~~employees of the State subject to the~~  
18 ~~provisions of this Article~~ State or local government employees subject to the State  
19 Personnel Act shall be entitled to administrative leave without loss of pay for all  
20 periods of time required to conduct the business of the Commission.

21 (f) ~~Four~~ Six members of the Commission shall constitute a quorum.

22 (g) The Governor shall designate one member of the Commission as ~~chairman.~~  
23 chair.

24 (h) The Commission shall meet quarterly, and at other times at the call of the  
25 ~~chairman.~~ chair."

26 Section 2. Effective March 31, 1999, Article 1 of Chapter 126 of the  
27 General Statutes is amended by adding a new section to read:

28 "§ 126-4.1. Commission panels may recommend final agency decisions.

29 (a) The State Personnel Commission ('Commission') may make a final agency  
30 decision in a contested case brought under Article 3 of Chapter 150B of the General  
31 Statutes upon the recommendation of a panel of its members appointed by the Chair.

32 (b) For contested case purposes, the Chair of the Commission may appoint panels  
33 of four members, with three panelists constituting a quorum of the panel. The Chair  
34 shall make every effort to provide that each category of Commission membership  
35 enumerated in G.S. 126-2(b) shall be represented on the appointed panels.

36 (c) When a panel hears and makes a recommendation in a contested case, that  
37 recommendation shall then be referred to the full Commission. Upon referral, the  
38 full Commission may either:

- 39 (1) Accept the recommendation of the panel and incorporate the  
40 panel's recommendation as the Commission's final decision; or  
41 (2) Reject the recommendation of the panel and make a final decision  
42 upon consideration by the full Commission."

43 Section 3. G.S. 120-123 is amended by adding a new subdivision to read:

44 "(68) The State Personnel Commission."



1           Section 4. The terms of members of the State Personnel Commission  
2 who were appointed pursuant to G.S. 126-2 as it was in effect prior to March 31,  
3 1999, shall expire on March 30, 1999.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1469  
Committee Substitute Favorable 8/10/98  
Proposed Committee Substitute H1469-PCS3190-RO

Short Title: State Personnel Comm. Reorganized.

(Public)

Sponsors:

Referred to:

May 25, 1998

1 A BILL TO BE ENTITLED

2 AN ACT REORGANIZING THE STATE PERSONNEL COMMISSION AND  
3 AUTHORIZING THE CHAIR OF THE STATE PERSONNEL COMMISSION  
4 TO APPOINT PANELS OF ITS MEMBERS TO MAKE RECOMMENDATIONS  
5 TO THE FULL COMMISSION REGARDING THE FINAL DECISION IN  
6 CONTESTED CASES AND TO MAKE CHANGES TO THE EMPLOYEE  
7 INCENTIVE BONUS PROGRAM.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 126-2 reads as rewritten:

10 "§ 126-2. State Personnel Commission.

11 (a) There is hereby established the State Personnel Commission (hereinafter  
12 referred to as 'the Commission').

13 (b) The Commission shall consist of ~~seven members who shall be appointed by the~~  
14 ~~Governor on July 1, 1965, or as soon thereafter as is practicable. Two members of the~~  
15 ~~Commission shall be chosen from employees of the State subject to the provisions of~~  
16 ~~this Chapter; two members shall be appointed, of which one shall be an employee of~~  
17 ~~local government subject to the provisions of this Chapter, from a list of individuals~~  
18 ~~nominated by the North Carolina association of county commissioners; two members~~  
19 ~~shall be individuals actively engaged in the management of a private business or~~  
20 ~~industry; and one member shall be appointed from the public at large. Of the initial~~  
21 ~~members of the Commission, two shall be appointed to serve for terms of two years,~~  
22 ~~two shall be appointed to serve for terms of four years, and three shall be appointed~~

~~to serve for terms of six years. Their successors shall be appointed by the Governor for terms of six years. Any vacancy occurring prior to the expiration of a term shall be filled by appointment for the unexpired term.~~ nine members who shall be appointed as follows:

(1) Two attorneys licensed to practice law in North Carolina appointed by the General Assembly. One attorney shall be appointed upon the recommendation of the Speaker of the House of Representatives, and one attorney shall be appointed upon the recommendation of the President Pro Tempore of the Senate. The initial members appointed under this subdivision shall serve terms expiring June 30, 2004; the terms of subsequent appointees shall be six years.

(2) Two persons from private business or industry appointed by the Governor, both of whom shall have a working knowledge of, or practical experience in, human resources management. The initial members appointed under this subdivision shall serve terms expiring June 30, 2003; the terms of subsequent appointees shall be six years.

(3) Two State employees subject to the State Personnel Act serving in nonexempt positions, appointed by the Governor. One employee shall serve in a State government position having supervisory duties, and one employee shall serve in a nonsupervisory position. Neither employee may be a human resources professional. The Governor shall consider nominations submitted by the State Employees Association of North Carolina. The initial members appointed under this subdivision shall serve terms expiring June 30, 2001; the terms of subsequent appointees shall be six years.

(4) Two local government employees subject to the State Personnel Act appointed by the Governor upon recommendation of the North Carolina Association of County Commissioners, one a nonsupervisory local employee and one a supervisory local employee. Neither local government employee may be a human resources professional. The initial members appointed under this subdivision shall serve terms expiring June 30, 2003; the terms of subsequent appointees shall be for six years.

(5) One member of the public at large appointed by the Governor. The initial member appointed under this subdivision shall serve for a term expiring June 30, 2001; the terms of subsequent appointees shall be for six years.

(c) ~~Members of the Commission appointed after February 1, 1976, shall be appointed subject to confirmation by the General Assembly of North Carolina. If the General Assembly is not in session when an appointment is made, the appointee shall temporarily exercise all of the powers of a confirmed member until the convening of the next legislative session. If the General Assembly does not act on confirmation of a~~

1 ~~proposed member within 30 legislative days of the submission of the name, the~~  
2 ~~member shall be considered confirmed. If the Governor does not appoint a new~~  
3 ~~member within 60 calendar days of the occurrence of a vacancy or the rejection of an~~  
4 ~~appointment by the General Assembly, the remaining members of the Commission~~  
5 ~~shall have the authority to fill the vacancy. may serve no more than two consecutive~~  
6 ~~terms. Appointments by the General Assembly shall be made in accordance with~~  
7 ~~G.S. 120-121, and vacancies in those appointments shall be filled in accordance with~~  
8 ~~G.S. 120-122.~~

9 (d) No member of the Commission may serve on a case where there would be a  
10 conflict of interest. The Governor appointing authority may at any time after notice  
11 and hearing remove any Commission member for gross inefficiency, neglect of duty,  
12 malfeasance, misfeasance, or nonfeasance in office. cause.

13 (e) ~~Members of the Commission who are employees of the State subject to the~~  
14 ~~provisions of this Article~~ State or local government employees subject to the State  
15 Personnel Act shall be entitled to administrative leave without loss of pay for all  
16 periods of time required to conduct the business of the Commission.

17 (f) ~~Four~~ Six members of the Commission shall constitute a quorum.

18 (g) The Governor shall designate one member of the Commission as ~~chairman.~~  
19 chair.

20 (h) The Commission shall meet quarterly, and at other times at the call of the  
21 ~~chairman.~~ chair."

22 Section 2. Article 1 of Chapter 126 of the General Statutes is amended  
23 by adding a new section to read:

24 "§ 126-4.1. Commission panels may recommend final agency decisions.

25 (a) The State Personnel Commission ('Commission') may make a final agency  
26 decision in a contested case brought under Article 3 of Chapter 150B of the General  
27 Statutes upon the recommendation of a panel of its members appointed by the Chair.

28 (b) For contested case purposes, the Chair of the Commission may appoint panels  
29 of four members, with three panelists constituting a quorum of the panel. The Chair  
30 shall make every effort to provide that each category of Commission membership  
31 enumerated in G.S. 126-2(b) shall be represented on the appointed panels.

32 (c) When a panel hears and makes a recommendation in a contested case, that  
33 recommendation shall then be referred to the full Commission. Upon referral, the  
34 full Commission may either:

- 35 (1) Accept the recommendation of the panel and incorporate the  
36 panel's recommendation as the Commission's final decision; or  
37 (2) Reject the recommendation of the panel and make a final decision  
38 upon consideration by the full Commission."

39 Section 3. G.S. 120-123 is amended by adding a new subdivision to read:

40 "(68) The State Personnel Commission."

41 Section 4. The terms of members of the State Personnel Commission  
42 appointed pursuant to G.S. 126-2 as it was in effect prior to the effective date of this  
43 act, shall expire on June 30, 1999. Any vacancy occurring on the Commission prior  
44 to June 30, 1999, shall be filled in accordance with Section 1 of this act.

Section 5. G.S. 143-345.21(c) reads as rewritten:

"(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.~~ implemented or the determination may be carried over for one full fiscal year after implementation before making an award if the actual savings cannot be verified before the end of the fiscal year. 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."

Section 6. G.S. 143-345.22(a) reads as rewritten:

"(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:~~ scale or subject to guidelines as set forth by the funding source:

- (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.~~ for all current employees in the work unit, as designated by the agency head, of the employing unit of the suggester.
- (3) The remainder to the General Fund for nonrecurring budget items."

Section 7. G.S. 143-345.23(b) reads as rewritten:

"(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.

1                   (3) Working in conjunction with the agency evaluator designated by  
2                   the State Agency Coordinator for a particular suggestion or  
3                   innovation.

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

6                   Section 8. Section 1 of this act becomes effective June 30, 1999, except  
7 that G.S. 126-2(b)(1), as amended by Section 1 of this act, shall become effective  
8 when this act becomes law. Section 2 of this act shall not be effective until the  
9 appointments are made in accordance with G.S. 126-2(b)(1), as amended by Section  
10 1 of this act. The remainder of this act is effective when it becomes law.



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September 23, 1998

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

**FROM:** Barbara Riley, Committee Counsel

**RE:** House Bill 661: Henderson Commissioner Districts

House Bill 661, introduced by Representative Justus, would allow Henderson County to adopt a resolution redefining its residency districts if the county commissioners find as a fact that there is substantial inequality of population among the districts. No change in boundaries will effect the unexpired term of a commissioner. "Residency district" is a district in which the candidates reside and represent the district but the candidates are voted on by the qualified voters of the entire county.

The act is effective when it becomes law.

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

H1469-CSRO-001  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 1469

Committee Substitute Favorable 8/10/98  
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION.

Short Title: State Personnel Comm. Reorganized. (Public)

Sponsors:

Referred to:

May 25, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT REORGANIZING THE STATE PERSONNEL COMMISSION AND  
3 AUTHORIZING THE CHAIR OF THE STATE PERSONNEL COMMISSION TO  
4 APPOINT PANELS OF ITS MEMBERS TO MAKE RECOMMENDATIONS TO THE  
5 FULL COMMISSION REGARDING THE FINAL DECISION IN CONTESTED CASES  
6 AND TO MAKE CHANGES TO THE EMPLOYEE INCENTIVE BONUS PROGRAM.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. G.S. 126-2 reads as rewritten:  
9 "§ 126-2. State Personnel Commission.  
10 (a) There is hereby established the State Personnel Commission  
11 (hereinafter referred to as "the Commission").  
12 (b) The Commission shall consist of ~~seven members who shall be~~  
13 ~~appointed by the Governor on July 1, 1965, or as soon thereafter~~  
14 ~~as is practicable. Two members of the Commission shall be chosen~~  
15 ~~from employees of the State subject to the provisions of this~~  
16 ~~Chapter; two members shall be appointed, of which one shall be an~~  
17 ~~employee of local government subject to the provisions of this~~  
18 ~~Chapter, from a list of individuals nominated by the North~~  
19 ~~Carolina association of county commissioners; two members shall~~  
20 ~~be individuals actively engaged in the management of a private~~  
21 ~~business or industry; and one member shall be appointed from the~~

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~~1 public at large. Of the initial members of the Commission, two~~  
~~2 shall be appointed to serve for terms of two years, two shall be~~  
~~3 appointed to serve for terms of four years, and three shall be~~  
~~4 appointed to serve for terms of six years. Their successors~~  
~~5 shall be appointed by the Governor for terms of six years. Any~~  
~~6 vacancy occurring prior to the expiration of a term shall be~~  
~~7 filled by appointment for the unexpired term. nine members who~~  
~~8 shall be appointed as follows:~~

9       (1) Two attorneys licensed to practice law in North  
10       Carolina appointed by the General Assembly. One  
11       attorney shall be appointed upon the recommendation  
12       of the Speaker of the House of Representatives and  
13       one attorney shall be appointed upon the  
14       recommendation of the President Pro Tempore of the  
15       Senate. The initial members appointed under this  
16       subdivision shall serve terms expiring June 30,  
17       2004; the terms of subsequent appointees shall be  
18       six years.

19       (2) Two persons from private business or industry  
20       appointed by the Governor, both of whom shall have  
21       a working knowledge of, or practical experience in,  
22       human resources management. The initial members  
23       appointed under this subdivision shall serve terms  
24       expiring June 30, 2003; the terms of subsequent  
25       appointees shall be six years.

26       (3) Two State employees subject to the State Personnel  
27       Act serving in nonexempt positions, appointed by  
28       the Governor. One employee shall serve in a State  
29       government position having supervisory duties and  
30       one employee shall serve in a nonsupervisory  
31       position. Neither employee may be a human  
32       resources professional. The Governor shall consider  
33       nominations submitted by the State Employees  
34       Association of North Carolina. The initial members  
35       appointed under this subdivision shall serve terms  
36       expiring June 30, 2001; the terms of subsequent  
37       appointees shall be six years.

38       (4) Two local government employees subject to the State  
39       Personnel Act appointed by the Governor upon  
40       recommendation of the North Carolina Association of  
41       County Commissioners, one a nonsupervisory local  
42       employee and one a supervisory local employee.  
43       Neither local government employee may be a human  
44       resources professional. The initial members

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1           appointed under this subdivision shall serve terms  
2           expiring June 30, 2003; the terms of subsequent  
3           appointees shall be for six years.

4           (5) One member of the public at large appointed by the  
5           Governor. The initial member appointed under this  
6           subdivision shall serve for a term expiring June  
7           30, 2001; the terms of subsequent appointees shall  
8           be for six years.

9           (c) ~~Members of the Commission appointed after February 1, 1976,~~  
10 ~~shall be appointed subject to confirmation by the General~~  
11 ~~Assembly of North Carolina. If the General Assembly is not in~~  
12 ~~session when an appointment is made, the appointee shall~~  
13 ~~temporarily exercise all of the powers of a confirmed member~~  
14 ~~until the convening of the next legislative session. If the~~  
15 ~~General Assembly does not act on confirmation of a proposed~~  
16 ~~member within 30 legislative days of the submission of the name,~~  
17 ~~the member shall be considered confirmed. If the Governor does~~  
18 ~~not appoint a new member within 60 calendar days of the~~  
19 ~~occurrence of a vacancy or the rejection of an appointment by the~~  
20 ~~General Assembly, the remaining members of the Commission shall~~  
21 ~~have the authority to fill the vacancy. may serve no more than~~  
22 ~~two consecutive terms. Appointments by the General Assembly~~  
23 ~~shall be made in accordance with G.S. 120-121 and vacancies in~~  
24 ~~those appointments shall be filled in accordance with G.S. 120-~~  
25 ~~122.~~

26           (d) No member of the Commission may serve on a case where there  
27 would be a conflict of interest. The Governor appointing  
28 authority may at any time after notice and hearing remove any  
29 Commission member for gross inefficiency, neglect of duty,  
30 malfeasance, misfeasance, or nonfeasance in office. cause.

31           (e) Members of the Commission who are employees of the State  
32 subject to the provisions of this Article State or local  
33 government employees subject to the State Personnel Act shall be  
34 entitled to administrative leave without loss of pay for all  
35 periods of time required to conduct the business of the  
36 Commission.

37           (f) ~~Four~~ Six ~~members of the Commission shall constitute a~~  
38 ~~quorum.~~

39           (g) The Governor shall designate one member of the Commission  
40 as chairman. chair.

41           (h) The Commission shall meet quarterly, and at other times at  
42 the call of the chairman. chair."

43           Section 2. Article 1 of Chapter 126 of the General  
44 Statutes is amended by adding a new section to read:

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1 "§ 126-4.1. Commission panels may recommend final agency  
2 decisions.

3 (a) The State Personnel Commission ('Commission') may make a  
4 final agency decision in a contested case brought under Article 3  
5 of Chapter 150B of the General Statutes upon the recommendation  
6 of a panel of its members appointed by the Chair.

7 (b) For contested case purposes, the Chair of the Commission  
8 may appoint panels of four members, with three panelists  
9 constituting a quorum of the panel. The Chair shall make every  
10 effort to provide that each category of Commission membership  
11 enumerated in G.S. 126-2(b) shall be represented on the appointed  
12 panels.

13 (c) When a panel hears and makes a recommendation in a  
14 contested case, that recommendation shall then be referred to the  
15 full Commission. Upon referral, the full Commission may either:

16 (1) Accept the recommendation of the panel and  
17 incorporate the panel's recommendation as the  
18 Commission's final decision; or

19 (2) Reject the recommendation of the panel and make a  
20 final decision upon consideration by the full  
21 Commission."

22 Section 3. G.S. 120-123 is amended by adding a new  
23 subdivision to read:

24 "(68) The State Personnel Commission."

25 Section 4. The terms of members of the State Personnel  
26 Commission appointed pursuant to G.S. 126-2 as it was in effect  
27 prior to the effective date of this act, shall expire on June 30,  
28 1999. Any vacancy occurring on the Commission prior to June 30,  
29 1999, shall be filled in accordance with Section 1 of this act.

30 Section 5. G.S. 143-345.21(c) reads as rewritten:

31 "(c) Savings generated by suggestions and innovations shall be  
32 determined at the end of the fiscal year in which the suggestion  
33 or innovation is ~~implemented~~. implemented or the determination  
34 may be carried over for one full fiscal year after implementation  
35 before making an award if the actual savings cannot be verified  
36 before the end of the fiscal year. Any savings are to be  
37 calculated using the actual expenditures for a program, activity,  
38 or service compared to the budgeted amount for the same, if an  
39 amount has been budgeted for the program, activity, or service.  
40 The savings calculation shall include the amount of any  
41 reversions in excess of the baseline reversion. The savings or  
42 revenue increases realized from any suggestion or innovation  
43 implemented for less than one full fiscal year shall be  
44 annualized. Any savings realized through the State Employee

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1 Incentive Bonus Program shall be weighed against continued  
2 service to the public."

3 Section 6. G.S. 143-345.22(a) reads as rewritten:

4 "(a) If a State employee's suggestion or innovation results in  
5 a monetary savings or increased revenue to the State, the funds  
6 saved or increased shall be distributed according to the  
7 following ~~scale:~~ scale or subject to guidelines as set forth by  
8 the funding source:

9 (1) Twenty percent (20%) of the annualized savings or  
10 increased revenues, up to a maximum of twenty  
11 thousand dollars (\$20,000) for any one State  
12 employee, to constitute gainsharing. If a team of  
13 State employees is the suggester, the bonus  
14 provided in this subdivision shall be divided  
15 equally among the team members, except that no team  
16 member may receive in excess of twenty thousand  
17 dollars (\$20,000), nor may the team receive an  
18 aggregate amount in excess of one hundred thousand  
19 dollars (\$100,000).

20 (2) Thirty percent (30%) ~~to a performance bonus reserve~~  
21 ~~for all current employees of the employing unit of~~  
22 ~~the suggester, to be distributed according to G.S.~~  
23 ~~126-7, the Comprehensive Compensation System for~~  
24 ~~State employees, or according to the performance~~  
25 ~~bonus compensation system in which the suggester's~~  
26 ~~employing unit participates.~~ for all current  
27 employees in the work unit, as designated by the  
28 agency head, of the employing unit of the  
29 suggester.

30 (3) The remainder to the General Fund for nonrecurring  
31 budget items."

32 Section 7. G.S. 143-345.23(b) reads as rewritten:

33 "(b) The duties of the agency coordinator shall include:

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

36 (2) Responsibility for presenting, in conjunction with  
37 the agency evaluator, the plan of implementation  
38 for a suggestion or innovation to the Review  
39 Committee.

40 (3) Working in conjunction with the agency evaluator  
41 designated by the State Agency Coordinator for a  
42 particular suggestion or innovation.

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

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1           Section 8. Section 1 of this act becomes effective June  
2 30, 1999, except that G.S. 126-2(b)(1), as amended by Section 1  
3 of this act shall become effective when this act becomes law.  
4 Section 2 of this act shall not be effective until the  
5 appointments are made in accordance with G.S. 126-2(b)(1), as  
6 amended by Section 1 of this act. The remainder of this act is  
7 effective when it becomes law.

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HOUSE BILL 1469  
SHORT TITLE: STATE PERSONNEL COMMISSION  
REORGANIZED

Section 1. *Changes Composition of SPC.* Amends G.S. 126-2, to change the composition of the State Personnel Commission (SPC). The number of members is increased from seven to nine. The General Assembly would have two appointments and the Governor would have seven appointments, as follows:

- (1) Two NC attorneys appointed by the General Assembly, one by the Speaker and one by the President Pro Tempore.
- (2) Two persons from private business or industry who have a working knowledge or practical experience in human resources management, to be appointed by the Governor.
- (3) Two State employees appointed by the Governor, including one supervisory employee and one nonsupervisory employee. Neither may be a human resources professional. Nominations by SEANC shall be considered.
- (4) Two local government employees, one supervisory and one non-supervisory, who are subject to the State Personnel Act (SPA), appointed by the Governor upon recommendation of the NC Assn. of County Commissioners.
- (5) One member of the public at-large appointed by the Governor.

Members are to serve six-year staggered terms, with initial appointments varied to create the stagger. No member may serve more than two terms. Six members constitute a quorum. The Governor designates one member to serve as chair. The appointing authority may remove a member for cause. [Current law allows removal for "gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance."] *No member may serve on a case where there would be a conflict of interest.*

Section 2. *Panels May Recommend Final Agency Decision.* Adds a new section to the State Personnel Act, to allow the State Personnel Commission to make a final agency decision in a contested case brought under Article 3 of Chapter 150B of the General Statutes upon the recommendation of a panel of its members appointed by the SPC chair. Panels are to consist of four members, with three constituting a quorum. A panel may hear and make a recommendation as to the final agency decision, with that recommendation to be passed on to the full SPC. The full SPC may either:

- (1) Accept the panel's recommendation and incorporate the panel's recommendation as the SPC's final decision; or
- (2) Reject the panel's recommendation and make a final decision upon consideration by the full SPC.

Section 3. *General Assembly Members May Not Serve.* Provides that members of the General Assembly may not serve on the SPC.

Section 4. *Terms of Current Members To Expire.* Provides that the terms of members of the State Personnel Commission who are appointed under G.S. 126-2 as in effect currently, shall expire

*on June 30, 1999. Vacancies occurring before June 30, 1999, are to be filled in accordance with Section 1 of the act.*

*Sections 5. State Employee Incentive Bonus Program.*

Provides that savings to the State caused by a suggestion or innovation shall be determined at the end of the fiscal year in which the suggestion was implemented or the determination may be carried over for one full fiscal year after implementation before making an award if the actual savings cannot be verified before the end of the fiscal year.

Section 6. Provides that 30% of any saved funds or increased revenues shall be distributed in accord with the scale and guidelines from the funding source to all current employees in the work unit as designated by the agency head of the employing unit of the suggester.

Section 7. Provides that the Agency Coordinator shall work with the agency evaluator in reviewing a suggestion.

Section 8. *Effective Date.* Provides that the General Assembly may appoint the attorneys to the SPC as soon as the act becomes law. The other appointments will be made June 30, 1999. The SPC chair may begin appointing panels to recommend final agency decisions as soon as the General Assembly appoints the two attorneys to the Commission. The remainder of the act is effective when it becomes law.