1999

HOUSE
LOCAL GOVERNMENT I
COMMITTEE

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT I
1999 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
Dedmon, Andy, Chairman	Donna Abu Harb, Committee Assistant	733-5732	2213	112
Saunders, Drew, Vice Chair	Ruth Fish	733-5776	1219	82
Barefoot, Dan	Jackie Pittman	715-3021	416A	72
Buchanan, Charles	Glenda Jones	733-5825	536	41
Decker, Michael	Joanne Walters	733-5904	1021	40
Ellis, Sam	Allison Phillips	733-5755	607	113
Hill, Dewey	Ginny McCann	733-5830	1309	21
Kiser, Joe	Marilyn Holder	733-5782	1317	100
McCrary, Jaybird	Barbara Berry	733-5878	611	55
Rogers, Gene	Sally Gillis	733-3023	416A	35
Setzer, Mitchell	Debbie Puckett	733-5886	1015	117

Giles Perry, Committee Counsel

EX OFFICIO MEMBERS:

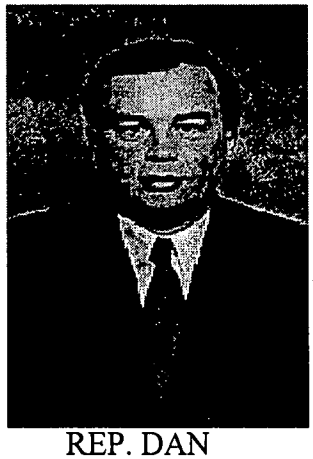
Baddour, Phil
Cunningham, Pete
Earle, Beverly
Hackney, Joe



REP. ANDY DEDMON,
CHAIR



REP. DREW SAUNDERS,
VICE CHAIR



REP. DAN
BAREFOOT



REP. CHARLES
BUCHANAN



REP. MICHAEL
DECKER



REP. SAM
ELLIS



REP. DEWEY
HILL



REP. JOE KISER



REP. JAYBIRD McCRARY



REP. GENE ROGERS



REP. MITCHELL SETZER

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1999-2000 Biennium — HOUSE: LOCAL GOVERNMENT I — Valid Through 27-JUL-1999

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 37	BADDOUR	LENOIR/WAYNE CONDEMNATION CONSENT	R -CH. SL 99-0006	02-16-99	03-02-99
H 66	HILL	COLUMBUS COUNTY LOCAL ACT-1	HF-POSTPONED INDEFINITELY	02-11-99	04-20-99
H 67	HILL	COLUMBUS COUNTY LOCAL ACT-2	*H -RE-REF COM ON FINANCE	02-11-99	04-13-99
H 81	GOODWIN	MUNICIPAL. IN 32ND HOUSE DISTRICT-1	HF-POSTPONED INDEFINITELY	02-16-99	04-20-99
H 82	GOODWIN	MUNICIPAL. IN 32ND HOUSE DISTRICT-2	HF-POSTPONED INDEFINITELY	02-16-99	04-20-99
H 83	GOODWIN	MUNICIPAL. IN 32ND HOUSE DISTRICT-3	HF-POSTPONED INDEFINITELY	02-16-99	04-20-99
H 84	GOODWIN	MONTGOMERY LOCAL ACT	HF-POSTPONED INDEFINITELY	02-16-99	04-20-99
H 129=	WALEND	BREVARD PROPERTY CONVEYANCE	R -CH. SL 99-0008	02-23-99	03-02-99
H 145=	TOLSON	EDGECOMBE SCHOOL VACANCIES	R -CH. SL 99-0012	02-25-99	03-02-99
H 149=	WARREN EDITH	REDUCE PITT CO. PISTOL PERMIT FEE	R -CH. SL 99-0285	02-25-99	03-09-99
H 178=	BROWN	JONESVILLE ACCIDENT REPORTS/WEEDS	R -CH. SL 99-0129	03-01-99	03-09-99
H 251	THOMPSON	BAKERSVILLE DELINQUENT TAXES	*R -CH. SL 99-0326	03-04-99	03-09-99
H 353	SETZER	COUNTY BIRD SANCTUARIES	H -REF TO COM ON LOCGOVI	03-08-99	
H 371	CARPENTER J	REMOVAL OF ELECTRONIC COLLARS	*R -CH. SL 99-0051	03-09-99	03-24-99
H 377=	SAUNDERS	HUNTERSVILLE SATELLITE ANNEXATION	*H -RE-REF COM ON FINANCE	03-10-99	03-24-99
H 410=	REDWINE	TOWN OF CALABASH	H -REF TO COM ON LOCGOVI	03-11-99	
H 437	TUCKER	JONES SUBDIVISION DEFINITION	R -CH. SL 99-0125	03-15-99	03-23-99
H 447=	NESBITT	ASHEVILLE ANTIDISCRIMINATION ACT	R -CH. SL 99-0206	03-15-99	03-23-99
H 462=	HILL	LOCAL UTILITY BILLS/DARE UTILITIES	R -CH. SL 99-0127	03-16-99	03-23-99
H 469=	MCMAHAN	BONUS CLARIFIED/MECKLENBURG SCHOOLS	H -RE-REF COM ON LOCGOVI	04-12-99	
H 492	MCMAHAN	MECKLENBURG TOWNS ETJ	H -REF TO COM ON LOCGOVI	03-18-99	
H 501	THOMAS	HOSPITAL AUTHORITY/CRAVEN	R -CH. SL 99-0015	03-18-99	03-23-99
H 520	JUSTUS	FLAT ROCK/HENDERSONVILLE PROP.	*R -CH. SL 99-0173	04-23-99	04-28-99
H 570	REDWINE	CAROLINA SHORES 201	H -RATIFIED	03-23-99	04-06-99
H 574=	GULLEY J	MECKLENBURG SCHO. ELECTION CHANGES 1	HF-REPTD UNFAV	03-24-99	03-30-99
H 575=	GULLEY J	MECKLENBURG SCH. ELECTION CHANGES 2	HF-REPTD UNFAV	03-24-99	03-30-99
H 597=	ALEXANDER	MECKLENBURG STORMWATER FEES	H -RE-REF COM ON FINANCE	03-25-99	04-06-99
H 605	THOMAS	CRAVEN CONVENTION CTR. CONDEMN.	*H -RE-REF COM ON FINANCE	04-20-99	04-27-99
H 649	REDWINE	HOLDEN BEACH NO-WAKE ZONE	R -CH. SL 99-0092	03-29-99	04-06-99
H 728	TOLSON	GREENVILLE FRATERNITY HOUSES	R -CH. SL 99-0156	03-30-99	04-06-99

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.
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BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1999-2000 Biennium — HOUSE: LOCAL GOVERNMENT I — Valid Through 27-JUL-1999

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 729	TOLSON	GREENVILLE AUTO TAX	H -REF TO COM ON LOCGOVI	03-30-99	
H 738	ROGERS	GREENVILLE/CATAWBA ANNEXATIONS	R -CH. SL 99-0283	03-30-99	04-06-99
H 765=	MELTON	WESLEY CHAPEL BOUNDARIES	R -CH. SL 99-0041	03-31-99	04-13-99
H 772	WRIGHT	LEE'S CUT NO-WAKE ZONE	*R -CH. SL 99-0095	04-13-99	04-28-99
H 776	CRAWFORD	ROANOKE RAPIDS OVERGROWN LOTS	R -CH. SL 99-0058	03-31-99	04-20-99
H 781	SETZER	CATAWBA ANNEXATIONS	S -REF TO COM ON FINANCE	03-31-99	05-18-99
H 787	MCMAHAN	CHARLOTTE/MECK. SCHOOL CONSTRUCTION	*H -RE-REF COM ON LOCGOVI	04-20-99	
H 791	GULLEY J	MECKLENBURG SCHOOL ELECTION CHANGES	H -REF TO COM ON LOCGOVI	04-01-99	
H 795	LUEBKE	DURHAM CONTRACTS	H -REF TO COM ON LOCGOVI	04-01-99	
H 800	MICHAUX	DURHAM COUNTY TRUST FUND INVESTMENTS	S -REF TO COM ON STLOCGVT	04-01-99	04-27-99
H 801=	MICHAUX	DURHAM CITY ANTIDISCRIMINATION	H -REF TO COM ON LOCGOVI	04-01-99	
H 811	THOMAS	HAVELOCK CHARTER REVISION	R -CH. SL 99-0126	04-01-99	04-13-99
H 812	THOMAS	REMOVE SUNSET/CRAVEN PROCEEDS USE	*R -CH. SL 99-0286	04-01-99	04-20-99
H 832	THOMPSON	SPRUCE PINE ANNEXATION	H -REF TO COM ON LOCGOVI	04-01-99	
H 837	EDWARDS	CHOCOWINITY ETJ	*R -CH. SL 99-0042	04-01-99	04-21-99
H 841	INSKO	CARRBORO/CHAPEL HILL LOCAL ACT	*R -CH. SL 99-0255	04-01-99	04-28-99
H 845	MCLAWHORN	GREENVILLE UTILITIES COMMISSION	*R -CH. SL 99-0233	04-01-99	04-29-99
H 856	MILLER G	DURHAM LICENSE TAX YEAR	H -REF TO COM ON LOCGOVI	04-01-99	
H 868=	INSKO	CHAPEL HILL OMNIBUS ACT	*S -REF TO COM ON STLOCGVT	04-01-99	04-28-99
H 872	CULPEPPER	DARE COURTHOUSE CONSTRUCTION FLEX	R -CH. SL 99-0040	04-01-99	04-27-99
S 181	HOYLE	DALLAS/WHITEVILLE PROP. MAINTENANCE	*R -CH. SL 99-0062	04-06-99	05-12-99
S 271=	ODOM	HUNTERSVILLE ANNEXATION	R -CH. SL 99-0236	04-19-99	05-11-99
S 296	DALTON	REPEAL FOREST CITY FIRE PENSION	*R -CH. SL 99-0063	04-20-99	05-12-99
S 300=	SOLES	TOWN OF CALABASH	R -CH. SL 99-0016	03-23-99	03-30-99
S 302=	KINNAIRD	LOCAL HUNTING	*R -CH. SL 99-0301	04-08-99	05-11-99
S 335	DANNELLY	BONUS CLARIFIED/MECKLENBURG SCHOOLS	*R -CH. SL 99-0047	04-07-99	05-11-99
S 350	ODOM	CHARLOTTE PRIVATE PROP. DISPOSITION	*R -CH. SL 99-0088	04-22-99	05-19-99
S 395	HARTSELL	CABARRUS COUNTY TOURISM	R -CH. SL 99-0097	05-03-99	05-25-99
S 474	ROBINSON	HENDERSONVILLE ABC PROFITS	*R -CH. SL 99-0177	04-08-99	05-26-99
S 543	HORTON	FORSYTH AREA ZONING CHANGES	R -CH. SL 99-0098	05-03-99	05-19-99

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NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1999-2000 Biennium HOUSE: LOCAL GOVERNMENT I Valid Through 27-JUL-1999

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S 573	CLODFELTER	CHARLOTTE DEVELOPMENT	R -CH. SL 99-0099	04-20-99	05-25-99
S 653	GULLEY W	DURHAM CO. HEALTH FUND INVEST.	R -CH. SL 99-0101	04-29-99	05-25-99
S 701=	LUCAS	DURHAM CITY ANTIDISCRIMINATION	H -REF TO COM ON LOCGOVI	04-27-99	
S 702	RUCHO	MATTHEWS ETJ	R -CH. SL 99-0069	04-27-99	05-18-99
S 705	WELLONS	EXPEDITE JOHNSTON SCH. CONSTRUCTION	R -CH. SL 99-0102	04-27-99	05-25-99
S 710	ODOM	HUNTERSVILLE DEVELOPMENT	H -RE-REF COM ON LOCGOVI	05-19-99	

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ATTENDANCE

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

1999 SESSION

DATES	M/D	3/2	3/9	3/23	3/30	4/6	4/13	4/20	4/27	4/28	4/29	5/11	5/18	5/25	6/22
DEDMON, Andy **CHAIR**		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
SAUNDERS, Drew **VICE CHAIR**		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
BAREFOOT, Dan		✓	✓	✓	X	X	✓	✓	✓	✓	✓	✓	✓	✓	
BUCHANAN, Charles		X	✓	✓	✓	X	✓	✓	✓	X	✓	✓	✓	✓	✓
DECKER, Michael		✓	X	✓	X	✓	X	✓	✓	X	X	✓	✓	✓	✓
ELLIS, Sam		✓	X	✓	X	✓	✓	X	✓	✓	✓	✓	X	✓	✓
HILL, Dewey		✓	X	✓	✓	✓	✓	X	✓	X	✓	✓	✓	✓	✓
KISER, Joe		✓	✓	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	✓
McCRARY, Jaybird		✓	X	✓	✓	✓	✓	✓	X	X	✓	✓	✓	✓	✓
ROGERS, Gene		✓	X	✓	X	✓	✓	✓	✓	X	✓	✓	✓		
SETZER, Mitchell		✓	X	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓
EX OFFICIO MEMBERS:															
BADDOUR, Phil		✓													
CUNNINGHAM, Pete					✓				✓			✓		✓	
EARLE, Beverly														✓	✓
HACKNEY, Joe									✓						✓

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

March 2, 1999

The House Committee on Local Government I met on Tuesday, March 02, 1999 in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Andy Dedmon, Vice Chairman Drew Saunders, Representatives Barefoot, Decker, Ellis, Hill, Kiser, McCrary, Rogers, Setzer. Ester Manheimer, Staff Counselor was in attendance for Giles Perry. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order to consider the following bills:

Representative Joe Tolson was recognized to explain HB 145, A BILL TO BE ENTITLED AN ACT TO PROVIDE A SPECIAL ELECTION FOR A VACANCY ON THE EDGECOMBE COUNTY BOARD OF EDUCATION AND TO PROVIDE THAT FUTURE VACANCIES ON THE BOARD SHALL BE FILLED ONLY UNTIL THE NEXT REGULARLY SCHEDULED ELECTION FOR THE BOARD RATHER THAN FOR THE REMAINDER OF THE TERM. Representative Sam Ellis moved for the adoption of the Committee Substitute for committee discussion. Representative Decker had a question concerning "substantial plurality" and the Chair recognized Mr. Michael Crowell, attorney for the Edgecombe County Board of Education to clarify the meaning as to how it would affect the Bill. Representative Rogers moved for a favorable report to the Committee Substitute bill, and unfavorable to the original bill; the motion carried.

The next order of business was HB 37, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF LENOIR AND WAYNE COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THOSE COUNTIES. Representative Baddour, bill sponsor, explained the bill. Upon motion made by Representative Hill, the committee voted for a favorable report.

The Chair recognized Representative Walend, sponsor of the bill, to explain HB 129 A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF BREVARD TO CONVEY CERTAIN PARCELS OF REAL PROPERTY TO PRIVATE LANDOWNERS IN EXCHANGE FOR PUBLIC RIGHTS-OF-WAY. Upon motion made by Representative Kiser, the committee voted for a favorable report.

There being no further business, the Chair adjourned the meeting at 11:20.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

March 2, 1999
Room 414 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS

Representative Phil Baddour - HB 37 Lenior/Wayne Condemnation Consent
Representative Trudy Walend - HB 129 Brevard Property Conveyance
Representative Joe Tolson – HB 145 Edgecombe School Vacancies

ADJOURNMENT

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 145. A BILL TO BE ENTITLED AN ACT TO PROVIDE A SPECIAL ELECTION FOR A VACANCY ON THE EDGECOMBE COUNTY BOARD OF EDUCATION AND TO PROVIDE THAT FUTURE VACANCIES ON THE BOARD SHALL BE FILLED ONLY UNTIL THE NEXT REGULAR SCHEDULED ELECTION FOR THE BOARD RATHER THAN FOR THE REMAINDER OF THE TERM.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (~~Committee Substitute Bill #); (and recommendation that the committee substitute bill #) be re-referred to the Committee on~~ .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

North Carolina General Assembly
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March 2, 1999

To: Members of the House Local Government I Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 145 Edgecombe School Vacancies
Introduced by Representative Tolson

House Bill 145 amends the 1991 law that established the Edgecombe County Board of Education districts and election procedure.

The bill provides for:
an election to fill a vacancy in District 4; and
future vacancies to be filled only until the next regularly scheduled election, instead of the rest of the term.

House Bill 145 is effective when it becomes law, subject to preclearance by the U.S. Justice Department under Section 5 of the Voting Rights Act.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 3

HOUSE BILL 145
Committee Substitute Favorable 3/2/99
State and Local Government Committee Substitute Adopted 3/22/99

Short Title: Edgecombe School Vacancies. (Local)

Sponsors:

Referred to:

February 25, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A SPECIAL ELECTION FOR A VACANCY ON THE EDGECOMBE COUNTY BOARD OF EDUCATION AND TO PROVIDE THAT FUTURE VACANCIES ON THE BOARD SHALL BE FILLED ONLY UNTIL THE NEXT REGULARLY SCHEDULED ELECTION FOR THE BOARD RATHER THAN FOR THE REMAINDER OF THE TERM.

The General Assembly of North Carolina enacts:

Section 1.(a) There currently exists a vacancy on the Edgecombe County Board of Education for the member to represent District 4 as provided in Chapter 809 of the Session Laws of 1991. The term for which the vacancy exists expires in 2000. Notwithstanding the provisions of Section 6 of Chapter 809 of the Session Laws of 1991 concerning the filling of vacancies on the board, the Edgecombe County Board of Elections shall schedule and conduct an election to fill the vacancy for the remainder of the unexpired term of that office.

Section 1.(b) The election shall be nonpartisan and shall be determined by a substantial plurality and by a runoff, if needed, as provided in Section 3 of Chapter 809 of the Session Laws of 1991. A person must reside in District 4 at the time of filing the notice of candidacy to be eligible to be a candidate in the election.

Section 1.(c) Upon preclearance under section 5 of the Voting Rights Act of 1965 of the portion of this act authorizing the special election, the Edgecombe County Board of Elections, in consultation with the State Board of Elections and the

Edgecombe County Board of Education, shall set and publicize a schedule for the special election at the earliest convenient date. The schedule shall include a filing period of two weeks.

Section 1.(d) The person elected to fill the vacancy in District 4 at the special election shall take office at the first regular meeting of the Board of Education following the certification of the results of the election and shall serve the remainder of the unexpired term of that office.

Section 2. Section 6 of Chapter 809 of the 1991 Session Laws reads as rewritten:

"Sec. 6. (a) Any vacancy on the board shall be filled by appointment by the remaining members of the board. The person appointed to fill the vacancy must reside in the district in which the vacancy occurs. The person appointed to fill the vacancy shall serve the remainder of the unexpired term of the vacating ~~member.~~ member if, (i) the term of office expires the same year as the next election for members of the board of education, or (ii) the vacancy occurs after the tenth day before the filing period ends under G.S. 163-106(c) preceding the next election. Otherwise, an election shall be held to fill the office for the remainder of the unexpired term, and the person appointed shall serve only until the person elected at that time qualifies and takes office.

(b) If the vacancy occurs after the filing period opens, and an election is to be held that year to elect a person to serve the remainder of the unexpired term under subsection (a) of this section, then filing shall open at 12:00 noon on the next business day and shall close seven days after it would have closed under G.S. 163-106.

(c) The provisions of G.S. 115C-37(f) do not apply to the Edgecombe County Board of Education."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 145
H145-CSRW-001
1-MAR-99 16:02:36

Short Title: Edgecombe School Vacancies. (Local)

Sponsors: Representatives Tolson; Hardaway and Warren.

Referred to: Local Government I.

February 25, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A SPECIAL ELECTION FOR A VACANCY ON THE EDGECOMBE COUNTY BOARD OF EDUCATION AND TO PROVIDE THAT FUTURE VACANCIES ON THE BOARD SHALL BE FILLED ONLY UNTIL THE NEXT REGULARLY SCHEDULED ELECTION FOR THE BOARD RATHER THAN FOR THE REMAINDER OF THE TERM.

The General Assembly of North Carolina enacts:

Section 1.(a) There currently exists a vacancy on the Edgecombe County Board of Education for the member to represent District 4 as provided in Chapter 809 of the Session Laws of 1991. The term for which the vacancy exists expires in 2000. Notwithstanding the provisions of Section 6 of Chapter 809 of the Session Laws of 1991 concerning the filling of vacancies on the board, the Edgecombe County Board of Elections shall schedule and conduct an election to fill the vacancy for the remainder of the unexpired term of that office.

Section 1.(b) The election shall be nonpartisan and shall be determined by a substantial plurality and by a runoff, if needed, as provided in Section 3 of Chapter 809 of the Session Laws of 1991. A person must reside in District 4 at the time of filing the notice of candidacy to be eligible to be a candidate in the election.

Section 1.(c) Upon preclearance under Section 5 of the Voting Rights Act of 1965 the portion of this act authorizing the special election, the Edgecombe County Board of Elections, in consultation with the State Board of Elections and the Edgecombe County Board of Education, shall set and publicize a schedule for the special election at the earliest convenient date. The schedule shall include a filing period of two weeks.

Section 1.(d) The person elected to fill the vacancy in District 4 at the special election shall take office at the first regular meeting of the Board of Education following the certification of the results of the election and shall serve the remainder of the unexpired term of that office.

Section 2. Section 6 of Chapter 809 of the 1991 Session Laws reads as rewritten:

"Sec. 6. (a) Any vacancy on the board shall be filled by appointment by the remaining members of the board. The person appointed to fill the vacancy must reside in the district in which the vacancy occurs. The person appointed to fill the vacancy shall serve the remainder of the unexpired term of the vacating ~~member.~~ member if, (i) the term of office expires the same year as the next election for members of the board of education, or (ii) the vacancy occurs after the tenth day before the filing period ends under G.S. 163-106(c) preceding the next election. Otherwise, an election shall be held to fill the office for the remainder of the unexpired term, and the person appointed shall serve only until the person elected at that time qualifies and takes office.

(b) If the vacancy occurs after the filing period opens, and an election is to be held that year to elect a person to serve the remainder of the unexpired term under subsection (a) of this section, then filing shall open at 12:00 noon on the next business day, and shall close seven days after it would have closed under G.S. 163-106."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 145

Short Title: Edgecombe School Vacancies. (Local)

Sponsors: Representatives Tolson; Hardaway and Warren.

Referred to: Local Government I.

February 25, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A SPECIAL ELECTION FOR A VACANCY ON THE EDGECOMBE COUNTY BOARD OF EDUCATION AND TO PROVIDE THAT FUTURE VACANCIES ON THE BOARD SHALL BE FILLED ONLY UNTIL THE NEXT REGULARLY SCHEDULED ELECTION FOR THE BOARD RATHER THAN FOR THE REMAINDER OF THE TERM.

The General Assembly of North Carolina enacts:

Section 1.(a) There currently exists a vacancy on the Edgecombe County Board of Education for the member to represent District 4 as provided in Chapter 809 of the Session Laws of 1991. The term for which the vacancy exists expires in 2000. Notwithstanding the provisions of Section 6 of Chapter 809 of the Session Laws of 1991 concerning the filling of vacancies on the board, the Edgecombe County Board of Elections shall schedule and conduct an election to fill the vacancy for the remainder of the unexpired term of that office.

Section 1.(b) The election shall be nonpartisan and shall be determined by a substantial plurality and by a runoff, if needed, as provided in Section 2 of Chapter 809 of the Session Laws of 1991. A person must reside in District 4 at the time of filing the notice of candidacy to be eligible to be a candidate in the election.

Section 1.(c) Upon preclearance under Section 5 of the Voting Rights Act of 1965 the portion of this act authorizing the special election, the Edgecombe County Board of Elections, in consultation with the State Board of Elections and the Edgecombe County Board of Education, shall set and publicize a schedule for the special election at the earliest convenient date. The schedule shall include a filing period of two weeks.

Section 1.(d) The person elected to fill the vacancy in District 4 at the special election shall take office at the first regular meeting of the Board of Education following the certification of the results of the election and shall serve the remainder of the unexpired term of that office.

Section 2. Section 6 of Chapter 809 of the 1991 Session Laws reads as rewritten:

"Sec. 6. (a) Any vacancy on the board shall be filled by appointment by the remaining members of the board. The person appointed to fill the vacancy must reside in the district in which the vacancy occurs. The person appointed to fill the vacancy shall serve the remainder of the unexpired term of the vacating ~~member.~~ member if, (i) the term of office expires the same year as the next election for members of the board of education, or (ii) the vacancy occurs after the tenth day before the filing period ends under G.S. 163-106(c) preceding the next election. Otherwise, an election shall be held to fill the office for the remainder of the unexpired term, and the person appointed shall serve only until the person elected at that time qualifies and takes office.

(b) If the vacancy occurs after the filing period opens, and an election is to be held that year to elect a person to serve the remainder of the unexpired term under subsection (a) of this section, then filing shall open at 12:00 noon on the next business day, and shall close seven days after it would have closed under G.S. 163-106."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 37 A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF LENOIR AND WAYNE COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THOSE COUNTIES.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

North Carolina General Assembly
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March 2, 1999

To: Members of the House Local Government I Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 37 Lenoir/Wayne Condemnation Consent
Introduced by Representatives Baddour, Russell, Braswell, and Wainwright

House Bill 37 adds Lenoir and Wayne Counties to the list of counties that must give consent before land is condemned or acquired in those counties by a unit of local government outside those counties.

House Bill 37 becomes effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 37

Short Title: Lenoir/Wayne Condemnation Consent. (Local)

Sponsors: Representatives Baddour, Russell, Braswell, and Wainwright (Primary Sponsors).

Referred to: Rules, Calendar and Operations of the House.

February 4, 1999

A BILL TO BE ENTITLED

AN ACT REQUIRING THE CONSENT OF LENOIR AND WAYNE COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THOSE COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-15(c) reads as rewritten:

"(c) This section applies to Alamance, Alleghany, Anson, Ashe, Bertie, Bladen, Brunswick, Burke, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Montgomery, Nash, New Hanover, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes, and Yancey Counties only."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 129 A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF BREVARD TO CONVEY CERTAIN PARCELS OF REAL PROPERTY TO PRIVATE LANDOWNERS IN EXCHANGE FOR PUBLIC RIGHTS-OF-WAY.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

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March 2, 1999

To: Members of the House Local Government I Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 129 Brevard Property Conveyance
Introduced by Representative Walend

House Bill 129 authorizes the Town of Brevard, by private conveyance, to exchange land it owns for rights-of- way for public utilities and public roadways.

Conveyances by Brevard under this act are limited to $5000 each.

House Bill 129 becomes effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 129

Short Title: Brevard Property Conveyance. (Local)

Sponsors: Representative Walend.

Referred to: Local Government I.

February 23, 1999

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF BREVARD TO CONVEY CERTAIN PARCELS OF REAL PROPERTY TO PRIVATE LANDOWNERS IN EXCHANGE FOR PUBLIC RIGHTS-OF-WAY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes, the City of Brevard may transfer by private conveyance, with or without monetary consideration, all or part of its right, title, and interest in and to parcels of real estate owned by it in exchange for rights-of-way for public utilities and public roadways, provided that the parcels conveyed are of comparable value to the rights-of-way exchanged for the parcels, as determined by the City Council.

Section 2. The City of Brevard may convey properties described in Section 1 of this act provided that the value of the properties, in any one instance, does not exceed five thousand dollars ($5,000).

Section 3. This act applies only to the City of Brevard in Transylvania County.

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

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I 3/2/99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cam Crew	BPMHL
MICHAEL CROWELL	ATTY, EDGECOMBE BD ED
Patricia Smith	Freedom Newspapers
Trudi Walend	
Andy Romanet	N.C. L.M.
Peter Carter	Carter & Assoc.

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

March 9, 1999

The House Committee on Local Government I met on Tuesday, March 09, 1999 in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Vice Chairman Drew Saunders, Representatives Barefoot, Buchanan and Kiser. Giles Perry, Staff Counselor was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Vice Chairman called the meeting to order. No quorum call was asked for as there were no objections to any of the bills considered. The following bills were then considered:

Representative George Holmes was recognized to explain HB 178, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF JONESVILLE TO CHARGE A FEE NOT TO EXCEED FIVE DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE TOWN TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE. Representative Charles Buchanan moved for a favorable report. The motion carried and the bill was re-referred to Finance.

The next order of business was HB 251, A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQENT TAXES FOR THE TOWN OF BAKERSVILLE BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES. Representative Gregg Thompson, the bill co-sponsor, explained the bill. Upon motion made by Representative Buchanan, the committee voted for a favorable report and the bill was then re-referred to Finance.

The Vice Chair recognized Mr. Giles Perry, Staff Counsel, to explain HB 149, A BILL TO BE ENTITLED AN ACT TO REDUCE THE PISTOL PERMIT FEE IN PITT COUNTY FROM TWENTY DOLLARS TO FIVE DOLLARS. Upon motion made by Representative Buchanan, the committee voted for a favorable report and the bill was then re-referred to Finance.

There being no further business, the Vice Chair adjourned the meeting at 11:15.

Respectfully submitted,

Representative Drew Saunders
Vice Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

March 9, 1999
Room 414 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS

HB 149 REDUCE PITT COUNTY PISTOL PERMIT FEE – Rep'sWarren, McLawhorn, Tolson, Rogers, Edwards

HB 178 JONESVILLE ACCIDENT REPORTS/WEEDS – Rep's Brown & Holmes

BH 251 BAKERSVILLE DELINQUENT TAXES – Rep's Thompson & Buchanan

ADJOURNMENT

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 178 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF JONESVILLE TO CHARGE A FEE NOT TO EXCEED FIVE DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE TOWN TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINACE.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☒ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

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March 9, 1999

To: Members of the House Local Government I Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 178 Jonesville Accident Reports/Weeds
Introduced by Representatives Brown; and Holmes

House Bill 178 authorizes the Town of Jonesville to:

1. Charge five dollars for a police incident or accident report, with the fees to be used for law enforcement purposes. One fee uncertified copy would be provided to the operator of any vehicle involved in an accident.

2. Place a lien on property for violation of the municipality's overgrown vegetation ordinance.

The Towns of Denton, Farmville, and the City of Greenville already have these powers.

House Bill 178 would become effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 178

Short Title: Jonesville Accident Reports/Weeds. (Local)

Sponsors: Representatives Brown; and Holmes.

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

March 1, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF JONESVILLE TO CHARGE A FEE NOT TO EXCEED FIVE DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE TOWN TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of S.L. 1998-108 reads as rewritten:

"Section 3. This act applies to the Towns of ~~Denton and Farmville~~ Denton, Farmville, and Jonesville and the City of Greenville only."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 251 A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF BAKERSVILLE BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☒ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

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March 9, 1999

To: Members of the House Local Government I Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 251 Bakersville Delinquent Taxes
Introduced by Representatives Thompson and Buchanan

House Bill 251 requires delinquent taxes on property in the Town of Bakersville be paid before transfer of the property may be recorded by the Mitchell County Register of Deeds.

House Bill 251 would become effective June 1, 1999, and apply to deeds recorded on or after that date.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 251

Short Title: Bakersville Delinquent Taxes. (Local)

Sponsors: Representatives Thompson and Buchanan (Primary Sponsors).

Referred to: Local Government I.

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF BAKERSVILLE BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 537 of the 1987 Session Laws, as amended by S.L. 1997-410, reads as rewritten:

"Section 1. The Register of Deeds of Mitchell County shall not receive for recordation any deed unless the following conditions are met:

(1) The deed is accompanied by a certificate from the Mitchell County Tax Collector to the effect that all delinquent county taxes and all delinquent taxes for municipalities for which the county collects taxes have been paid with respect to the property described in the deed.

(2) If the property described in the deed is located in whole or in part in the Town of Spruce ~~Pine,~~ Pine or the Town of Bakersville, the deed is accompanied by a certificate from the tax collector for ~~the town~~ each of these towns in which it is located to the effect that all delinquent municipal taxes have been paid with respect to the property."

Section 2. This act becomes effective June 1, 1999, and applies to deeds recorded on or after that date.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 149 A BILL TO BE ENTITLED AN ACT TO REDUCE THE PISTOL PERMIT FEE IN PITT COUNTY FROM TWENTY DOLLARS TO FIVE DOLLARS.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☒ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

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March 9, 1999

To: Members of the House Local Government I Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 149 Reduce Pitt County Pistol Permit Fee
Introduced by Representatives Warren, McLawhorn, Tolson, Rogers, and Edwards

House Bill 149 reduces the Pitt County pistol permit fee from $20 to $5, the fee in most counties.

House Bill 149 would become effective when it becomes law.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 149

Short Title: Reduce Pitt Co. Pistol Permit Fee. (Local)

Sponsors: Representatives Warren, McLawhorn, Tolson, Rogers, and Edwards.

Referred to: Local Government I.

February 25, 1999

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE PISTOL PERMIT FEE IN PITT COUNTY FROM TWENTY DOLLARS TO FIVE DOLLARS.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 205 of the 1993 Session Laws reads as rewritten:

"Sec. 2. This act applies ~~only to Martin County and Pitt County.~~ to Martin County only."

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

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I 3/9/99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
LISA REYES	the INSIDER
Alan Garland	Electricities

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

March 23, 1999

The House Committee on Local Government I met on Tuesday, March 23, 1999 in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Andy Dedmon, Vice Chairman Drew Saunders, Representatives Barefoot, Buchanan, Decker, Ellis, Hill, Kiser, McCrary, Rogers, and Setzer. Giles Perry, Staff Counselor was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order to consider the following bills:

Representative Thomas was recognized to explain HB 501, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING APPOINTMENTS AND COMPENSATION OF HOSPITAL AUTHORITIES IN CRAVEN COUNTY. Representative Buchanan moved for a favorable report; the motion carried.

The next order of business was HB 371, A BILL TO BE ENTITLED AN ACT TO ADD CHEROKEE, CLAY, GRAHAM, AND MADISON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS. Representative Carpenter, bill sponsor, explained the bill. Representative Buchanan offered an amendment. After some discussion and requests for other counties to be added by members of the committee, Representative Buchanan made the motion for a favorable report on the committee substitute and unfavorable report on the original bill.

The next order of business was HB 377, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO MAKE ADDITIONAL VOLUNTARY SATELLITE ANNEXATIONS IF CERTAIN CRITERIA ARE MET. Representative Saunders, bill sponsor, offered an amendment to the bill. Upon motion made by Representative Ellis, the committee voted to roll the amendment into a committee substitute and give an unfavorable report to the original bill and a favorable report to the committee substitute.

The next order of business was HB 410, A BILL TO BE ENTITLED AN ACT REPEALING THE TOWN OF CALABASH'S LIMITATIONS ON THE HEIGHT OF BUILDINGS, EXTENDING THE TOWN'S EXTRATERRITORIAL JURISDICTION, INCREASING THE NUMBER OF TOWN COMMISSIONERS, AND STAGGERING THE COMMISSIONERS' TERMS. Representative Redwine and Hill, bill sponsors asked the Chair to reschedule the hearing of this bill until next meeting.

The next order of business was HB 437, A BILL TO BE ENTITLED AN ACT AMENDING THE STATUTORY DEFINITION OF "SUBDIVISION" FOR THE PURPOSE OF SUBDIVISION REGULATIONS IN JONES COUNTY. Representative Tucker, bill sponsor, explained the bill. He then referred questions to Mr. Larry Meadows, Jones County Manager. Mr. Meadows also distributed a handout concerning

the definition of subdivision (See attachment #1). Upon motion of Representative Buchanan, the Committee voted for a favorable report.

The next order of business was HB 447, A BILL TO BE ENTITLED AN ACT AUTHORIZE THE CITY OF ASHEVILLE TO PROHIBIT ACTS OF DISCRIMINATION IN EMPLOYMENT BASED ON RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, OR AGE. Representative Nesbitt, bill sponsor, was recognized to explain the bill. Mr. Andy Romonct of the North Carolina League of Municipalities also spoke on the bill. Representative Kiser moved for a favorable report; the motion carried.

The final order of business was HB 462, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHADBOURN TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN. Representative Hill, bill sponsor, explained the bill. Representative Buchanan moved for a favorable report; the motion carried.

There being no further business, the Chair adjourned the meeting at 11:35.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

March 23, 1999
Room 414 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS

HB 501 HOSPITAL AUTHORITY/CRAVEN – Rep. Thomas
HB 371 REMOVAL OF ELECTRONIC COLLARS - Rep. Carpenter
HB 377 HUNTERSVILLE SATELLITE ANNEXATION - Rep. Saunders
HB 410 TOWN OF CALABASH – Rep. Redwine
HB 437 JONES SUBDIVISION DEFINITION – Rep. Tucker
HB 447 ASHEVILLE ANTIDISCRIMINATION ACT – Rep. Nesbitt
HB 462 CHADBOURN UTILITY BILLS – Rep. Hill

ADJOURNMENT

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 501 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING APPOINTMENTS AND COMPENSATION OF HOSPITAL AUTHORITIES IN CRAVEN COUNTY.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 501:
Hospital Authority/Craven

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Reps. Thomas, Wainwright and Edwards
Date:	March 23, 1999		
Version:	First Edition	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY:

House Bill 501 changes the way hospital authorities are selected and compensated in Craven County.

Under current law, hospital authorities in Craven County are selected by the mayor or County Board of Commissioners chairperson, have six to thirty members, and members are eligible for reasonable compensation.

House Bill 501 gives the power to select the hospital authority members to the Craven County Board of Commissioners, requires the Board to have at least 11 members, and eliminates compensation other than expenses.

Effective Date: when it becomes law.

H.B. 2317 **CHAPTER 921**

AN ACT TO ALLOW THE TOWN OF PINE KNOLL SHORES TO REGULATE TREES.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 556, Session Laws of 1985 reads as rewritten:

"Sec. 3. This act applies only to the Cities of Asheville and Raleigh, except that Section 1 also applies to the Town of Pine Knoll Shores."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 23rd day of June, 1988.

H.B. 2319 **CHAPTER 922**

AN ACT TO AMEND THE LAW REGARDING THE BOARD OF COMMISSIONERS OF A HOSPITAL AUTHORITY IN CRAVEN HOSPITAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-18(d) reads as rewritten:

"(d) When a commissioner resigns, is removed from office, completes a term of office, or when there is an increase in the number of commissioners, the remaining commissioners shall submit to the mayor or the ~~chairman of the~~ county board of commissioners a list of nominees for appointment to the commission. The mayor or the ~~chairman of the~~ county board of commissioners shall appoint, only from the nominees, the number of commissioners necessary to fill all vacancies. However, the mayor or the ~~chairman of the~~ county board of commissioners may require the commissioners to submit as many additional lists of nominees as ~~he or she~~ they may desire."

Sec. 2. G.S. 131E-18(f) reads as rewritten:

"(f) Commissioners ~~shall receive no compensation~~ may receive reasonable compensation as set by the hospital authority for their services, ~~but~~ and they shall be entitled to reimbursement for necessary expenses, including travel expenses, incurred in the discharge of their duties."

Sec. 3. G.S.131E-23(19) reads as rewritten:

"(19) To enter into any contracts or other arrangements with any municipality, other public agency of this or any other State or of the United States, or with any individual, private organization, or nonprofit association for the provision of hospital, clinical, or similar

services .and may also enter into and expend funds on any joint venture with the organizations listed in this subdivision, and, in addition, with any physician or group of physicians, or professional association:".

Sec. 4. This act shall apply to Craven County only.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 23rd day of June, 1988.

H.B. 2321 **CHAPTER 923**

AN ACT TO ALLOW RUTHERFORD COUNTY AND MUNICIPALITIES WITHIN THAT COUNTY TO ENTER INTO LONG-TERM CONTRACTS FOR THE DISPOSAL OF SOLID WASTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-299.6 reads as rewritten:

"§ *153A-299.6. Applicability.*--This Part shall apply only to Beaufort County, Craven County, Davie County, Edgecombe County, Gaston County, Hyde County, Lenoir County, Martin County, New Hanover County, Pamlico County, Pitt County, Rowan County, Rutherford County, Washington County, Wilson County, and to any and all incorporated cities and towns situated within the foregoing counties."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 23rd day of June, 1988.

H.B. 2330 **CHAPTER 924**

AN ACT ALLOWING CONSTRUCTION OF THE BERTIE COUNTY OFFICE BUILDING USING THE DESIGN-BUILD CONTRACT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any provision of law or administrative rules to the contrary, the Bertie County Board of Commissioners may plan, develop and construct a proposed county office building using the design-build contract system.

Sec. 2. This act is effective upon ratification, but expires June 30, 1989.

In the General Assembly read three times and ratified this the 23rd day of June, 1988.

H.B. 2331

AN ACT TO
CERTIFICATION

The General Assembl

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37(a), is hereby vali

Sec. 2. This a

Sec. 3. This a

In the General
23rd day of June, 19

H.B. 2333

AN ACT TO EX
COUNTY CO
MEMBERS, AN
AND ELECTION

The General Assemb

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H.B. 504 CHAPTER 189

AN ACT TO REMOVE THE SUNSET ON THE LAWS CODIFIED AS ARTICLE 7A OF CHAPTER 143 AND ARTICLE 6 OF CHAPTER 143B OF THE GENERAL STATUTES ALLOWING THE SECRETARIES OF HUMAN RESOURCES AND CORRECTION TO ADOPT RULES ON DAMAGE OR THEFT OF PERSONAL PROPERTY BELONGING TO EMPLOYEES, VOLUNTEERS, AND CLIENTS IN INSTITUTIONS OF THE DEPARTMENTS OF HUMAN RESOURCES AND CORRECTION.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 393 of the 1985 Session Laws, as amended by Chapter 264, Session Laws of 1987, is amended by deleting "This act shall expire July 1, 1989."

Sec. 2. Section 3 of Chapter 639 of the 1987 Session Laws is amended by deleting "This act shall expire July 1, 1989."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of June, 1989.

H.B. 529 CHAPTER 190

AN ACT TO AMEND THE LAW REGARDING APPOINTMENTS OF HOSPITAL AUTHORITIES IN CRAVEN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-18(d), as modified in its applicability to Craven County by Chapter 922, Session Laws of 1987, reads as rewritten:

"(d) When a commissioner resigns, is removed from office, completes a term of office, or when there is an increase in the number of commissioners, the ~~remaining commissioners shall submit to the mayor or the county board of commissioners a list of nominees for appointment to the commission. The mayor or the~~ county board of commissioners shall appoint~~, only from the nominees,~~ the number of commissioners necessary to fill all vacancies. ~~However, the mayor or the county board of commissioners may require the commissioners to submit as many additional lists of nominees as they may desire.~~"

Sec. 2. This act applies to Craven County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of June, 1989.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 501

Short Title: Hospital Authority/Craven. (Local)

Sponsors: Representatives Thomas, Wainwright, and Edwards (Primary Sponsors).

Referred to: Local Government I.

March 18, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING APPOINTMENTS AND COMPENSATION OF HOSPITAL AUTHORITIES IN CRAVEN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-18(a) reads as rewritten:

"(a) The ~~mayor or the chairman of the county board~~ board of county commissioners shall appoint the commissioners of the ~~authority.~~ authority in accordance with subsection (d) of this section, as modified in its applicability to Craven County by Chapter 190 of the 1989 Session Laws. There shall be ~~not less than six~~ not fewer than 11 and not more than 30 commissioners. Upon a finding that it is in the public interest, the board of county commissioners may adopt a resolution increasing or decreasing the number of commissioners by a fixed number; Provided that no decrease in the number of commissioners shall shorten a commissioner's term. ~~A certified copy of the resolution and a list of nominees shall be submitted to the mayor or the chairman of the county board of commissioners for appointments in accordance with the procedures set forth in subsection (d) of this section.~~"

Section 2. Section 2 of Chapter 922 of the 1987 Session Laws, Regular Session 1988, is repealed.

Section 3. This act applies to Craven County only.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 371 A BILL TO BE ENTITLED AN ACT TO ADD CHEROKEE, CLAY, GRAHAM, AND MADISON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

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

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 371:
Removal of Electronic Collars

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Rep. Carpenter
Date:	March 16, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 371 adds Cherokee, Clay, Graham, and Madison Counties to the list of counties where it is unlawful to remove or destroy an electronic dog collar.

Violation of this law constitutes a Class 3 misdemeanor (max $200 fine, 1-10 community penalty for first offense with no prior record).

Effective Date: Offenses on or after December 1, 1999.

H371-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 371
Committee Substitute Favorable 3/24/99

Short Title: Removal of Electronic Collars. (Local)

Sponsors:

Referred to:

March 9, 1999

A BILL TO BE ENTITLED

AN ACT TO ADD SEVERAL COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-401.17 reads as rewritten:

"**§ 14-401.17. Unlawful removal or destruction of electronic dog collars.**

(a) It is unlawful to intentionally remove or destroy an electronic collar or other electronic device placed on a dog by its owner to maintain control of the dog.

(b) A first conviction for a violation of this section is a Class 3 misdemeanor. A second or subsequent conviction for a violation of this section is a Class 2 misdemeanor.

(c) This act is enforceable by officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction.

(d) This act applies only to Alamance, Avery, Beaufort, Brunswick, Buncombe, Burke, Caldwell, Caswell, Cherokee, Clay, Columbus, Craven, Cumberland, Davidson, Graham, Haywood, Henderson, Hyde, Jackson, Macon, Madison, McDowell, Mecklenburg, Mitchell, New Hanover, Orange, Pasquotank, Pitt, Robeson, Rockingham, Swain, ~~Macon, Henderson,~~ Transylvania, Union, ~~and Wilkes,~~ Wilkes, and Yancey Counties."

Section 2. This act becomes effective December 1, 1999, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 371
Proposed Committee Substitute H371-PCS4120-RW

Short Title: Removal of Electronic Collars. (Local)

Sponsors:

Referred to:

March 9, 1999

A BILL TO BE ENTITLED

AN ACT TO ADD SEVERAL COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-401.17 reads as rewritten:

"**§ 14-401.17. Unlawful removal or destruction of electronic dog collars.**

(a) It is unlawful to intentionally remove or destroy an electronic collar or other electronic device placed on a dog by its owner to maintain control of the dog.

(b) A first conviction for a violation of this section is a Class 3 misdemeanor. A second or subsequent conviction for a violation of this section is a Class 2 misdemeanor.

(c) This act is enforceable by officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction.

(d) This act applies only to Alamance, Avery, Beaufort, Brunswick, Buncombe, Burke, Caldwell, Caswell, Cherokee, Clay, Columbus, Craven, Cumberland, Davidson, Graham, Haywood, Henderson, Hyde, Jackson, Macon, Madison, McDowell, Mecklenburg, Mitchell, New Hanover, Orange, Pasquotank, Pitt, Robeson, Rockingham, Swain, ~~Macon, Henderson,~~ Transylvania, Union, ~~and Wilkes,~~ Wilkes, and Yancey Counties."

Section 2. This act becomes effective December 1, 1999, and applies to offenses committed on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 371

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

H371-ALL-001 Page 1 of __

Date_____,1999

Comm. Sub. []
Amends Title [YES]

Representative Buchanan

moves to amend the bill on page 1, line 2,
by deleting the words "AND MADISON" and substituting the words
"MADISON, MITCHELL, AND YANCEY";

and on page 1, lines 18-19,
by rewriting those lines to read:
"Orange, Pasquotank, Pitt, Rockingham, Swain, Macon, Madison,
Mitchell, Henderson, Transylvania, Union, ~~and Wilkes~~ Wilkes, and
Yancey Counties."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 371

Short Title: Removal of Electronic Collars. (Local)

Sponsors: Representative Carpenter.

Referred to: Local Government I.

March 9, 1999

A BILL TO BE ENTITLED

AN ACT TO ADD CHEROKEE, CLAY, GRAHAM, AND MADISON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-401.17 reads as rewritten:

"**§ 14-401.17. Unlawful removal or destruction of electronic dog collars.**

(a) It is unlawful to intentionally remove or destroy an electronic collar or other electronic device placed on a dog by its owner to maintain control of the dog.

(b) A first conviction for a violation of this section is a Class 3 misdemeanor. A second or subsequent conviction for a violation of this section is a Class 2 misdemeanor.

(c) This act is enforceable by officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction.

(d) This act applies only to Alamance, Avery, Beaufort, Burke, Caldwell, Caswell, Cherokee, Clay, Craven, Cumberland, Graham, Haywood, Hyde, Jackson, McDowell, Orange, Pasquotank, Pitt, Rockingham, Swain, Macon, Madison, Henderson, Transylvania, Union, and Wilkes Counties."

Section 2. This act becomes effective December 1, 1999, and applies to offenses committed on or after that date.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 377 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO MAKE ADDITIONAL VOLUNTARY SATELLITE ANNEXATIONS IF CERTAIN CRITERIA ARE MET.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

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

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 377:
Huntersville Satellite Annexation

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Rep. Saunders
Date:	March 16, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 377 authorizes Huntersville to annex satellite areas more than three miles from its current limits, or closer to another city, if:

--the area is located entirely within the same county as Huntersville,

--is in an area that another city has agreed not to annex, and

--is an area that the other city has agreed can be annexed by Huntersville.

Effective Date: When it becomes law.

H377-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 377*
Committee Substitute Favorable 3/24/99

Short Title: Huntersville Satellite Annexation. (Local)

Sponsors:

Referred to:

March 10, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO MAKE ADDITIONAL VOLUNTARY SATELLITE ANNEXATIONS IF CERTAIN CRITERIA ARE MET.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-58.1(b) reads as rewritten:

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

(1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city. Notwithstanding this subdivision, if an area proposed for annexation is located entirely within the same county as the annexing municipality and in an area that another city in that county has: (i) agreed not to annex, or (ii) has given the annexing city the right of annexation under an agreement with the annexing city under Part 6 of this Article or similar local legislation authorizing such agreements, then this subdivision shall not apply.

(2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city. Notwithstanding this subdivision, if an area proposed for annexation under this Part is either: (i) in an area that another city has agreed not to annex

under an agreement with the annexing city under Part 6 of this Article or similar local legislation authorizing such agreements and the territory to be annexed is within the same county as the annexing city is located, or (ii) the closer city is located entirely within another county than the area being annexed, then the proximity to that other city shall not be considered in applying this subdivision.

(3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

(4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision which is located within the same county as the annexing municipality must be included.

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

Section 2. This act applies to the Town of Huntersville only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 377*
Proposed Committee Substitute H377-PCS6094-RW

Short Title: Huntersville Satellite Annexation. (Local)

Sponsors:

Referred to:

March 10, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO MAKE ADDITIONAL VOLUNTARY SATELLITE ANNEXATIONS IF CERTAIN CRITERIA ARE MET.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-58.1(b) reads as rewritten:

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

(1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city. Notwithstanding this subdivision, if an area proposed for annexation is located entirely within the same county as the annexing municipality and in an area that another city in that county has: (i) agreed not to annex, or (ii) has given the annexing city the right of annexation under an agreement with the annexing city under Part 6 of this Article or similar local legislation authorizing such agreements, then this subdivision shall not apply.

(2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city. Notwithstanding this subdivision, if an area proposed for annexation under this Part is either: (i) in an area that another city has agreed not to annex

under an agreement with the annexing city under Part 6 of this Article or similar local legislation authorizing such agreements and the territory to be annexed is within the same county as the annexing city is located, or (ii) the closer city is located entirely within another county than the area being annexed, then the proximity to that other city shall not be considered in applying this subdivision.

(3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

(4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision which is located within the same county as the annexing municipality must be included.

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

Section 2. This act applies to the Town of Huntersville only.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 377

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

H377-ARW-001 Page 1 of __

Date_____,1999

Comm. Sub. []
Amends Title []

Rep.__

I moves to amend the bill on page 1, line 13,
by adding after the word "city", the phrase "in that county".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 377*

Short Title: Huntersville Satellite Annexation. (Local)

Sponsors: Representatives Saunders; Bridgeman and Earle.

Referred to: Local Government I.

March 10, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO MAKE ADDITIONAL VOLUNTARY SATELLITE ANNEXATIONS IF CERTAIN CRITERIA ARE MET.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-58.1(b) reads as rewritten:

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

(1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city. Notwithstanding this subdivision, if an area proposed for annexation is located entirely within the same county as the annexing municipality and in an area that another city has: (i) agreed not to annex, or (ii) has given the annexing city the right of annexation under an agreement with the annexing city under Part 6 of this Article or similar local legislation authorizing such agreements, then this subdivision shall not apply.

(2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city. Notwithstanding this subdivision, if an area proposed for annexation under this Part is either: (i) in an area that another city has agreed not to annex under an agreement with the annexing city under Part 6 of this Article or similar local legislation authorizing such agreements and

the territory to be annexed is within the same county as the annexing city is located, or (ii) the closer city is located entirely within another county than the area being annexed, then the proximity to that other city shall not be considered in applying this subdivision.

(3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

(4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision which is located within the same county as the annexing municipality must be included.

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

Section 2. This act applies to the Town of Huntersville only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 410

Short Title: Town of Calabash. (Local)

Sponsors: Representatives Redwine; and Hill.

Referred to: Local Government I.

March 11, 1999

A BILL TO BE ENTITLED

AN ACT REPEALING THE TOWN OF CALABASH'S LIMITATIONS ON THE HEIGHT OF BUILDINGS, EXTENDING THE TOWN'S EXTRATERRITORIAL JURISDICTION, INCREASING THE NUMBER OF TOWN COMMISSIONERS, AND STAGGERING THE COMMISSIONERS' TERMS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 621 of the 1995 Session Laws is repealed.

Section 2. In addition to any areas where the Town of Calabash exercises extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes, the Town shall have extraterritorial jurisdiction under that Article in the following described area:

From that portion of the existing extraterritorial jurisdiction line that bisects the Ocean Harbour Golf Course in a southeasterly manner through the Ocean Harbour Estates subdivision to the middle of the Intracoastal Waterway.

Section 3. Section 1.(f) of S.L. 1998-75 reads as rewritten:

"(f) Beginning with the organizational meeting after the 1999 municipal election, the ~~Board of Commissioners of the Town of Calabash consists of four members.~~ governing body of the Town of Calabash shall consist of the Town Board of Commissioners and the Mayor. The Town Board of Commissioners has five members. The Commissioners and the Mayor shall be elected to four-year terms by the qualified voters of the entire Town. In 1999, the two persons receiving the highest number of votes are elected to four-year terms, and the three persons receiving the next highest number of votes are elected to two-year terms. In 2001,

and quadrennially thereafter, three persons are elected to four-year terms. In 2003, and quadrennially thereafter, two persons are elected to four-year terms."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 437 A BILL TO BE ENTITLED AN ACT AMENDING THIS STATUTORY DEFINITION OF "SUBDIVISION" FOR THE PURPOSE OF SUBDIVISION REGULATION IN JONES COUNTY.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 437:
Jones Subdivision Definition

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Reps. Tucker and Wainwright
Date:	March 23, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 437 changes the statutory definition of "subdivision" that applies in Jones County.

Under current law, the general law definition of "subdivision" is applicable to subdivision regulation in Jones County. That definition provides that a "subdivision" includes a division of land into two or more lots, and does not include a division of land into parcels greater than ten acres, if no street right-of-way is involved.

House Bill 437 changes the definition of "subdivision" as it applies in Jones County to increase the required divisions of land from two to five lots, and reduces from ten to five the number of acres required per parcel for the exclusion of divisions of land with no street rights-of-way involved.

Effective date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 437

Short Title: Jones Subdivision Definition. (Local)

Sponsors: Representatives Tucker and Wainwright.

Referred to: Local Government I.

March 15, 1999

A BILL TO BE ENTITLED

AN ACT AMENDING THE STATUTORY DEFINITION OF "SUBDIVISION" FOR THE PURPOSE OF SUBDIVISION REGULATION IN JONES COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-335 reads as rewritten:

"**§ 153A-335. 'Subdivision' defined.**

For purposes of this Part, 'subdivision' means all divisions of a tract or parcel of land into ~~two~~ five or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;

(2) The division of land into parcels greater than ~~10~~ five acres if no street right-of-way dedication is involved;

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

(4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots

are equal to or exceed the standards of the county as shown by its subdivision regulations."

Section 2. This act applies to Jones County only.

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

ATTACHMENT #1

BOARD OF COUNTY COMMISSIONERS

NOLAN B. JONES, Chairman
P.O. Box 98
Maysville, NC 28555

HORACE B. PHILLIPS, Vice Chairman
7601 Hwy. 58 North
Trenton, NC 28585

CHARLES BATTLE, JR.
P.O. Box 156
Comfort, NC 28522

SONDRA IPOCK RIGGS
105 Riggstown Rd.
Pollocksville, NC 28573

JOSEPH F. WIGGINS
601 Highlands Hwy.
Trenton, NC 28585

County of Jones
POST OFFICE BOX 266
TRENTON, NORTH CAROLINA 28585
(252) 448-7571 FAX (252) 448-1072

COUNTY MANAGER
LARRY P. MEADOWS
P.O. Box 266
Trenton, NC 28585

COUNTY ATTORNEY
CHRIS HENDERSON
P.O. Box 459
Trenton, NC 28585

CLERK TO THE BOARD
CORA DAVENPORT
P.O. Box 266
Trenton, NC 28585

March 22, 1999

TO: Representative Russell Tucker

FROM: Larry P. Meadows/ Manager

SUBJECT: SUBDIVISION DEFINITION

The Jones County Board of Commissioners is asking for this Local Bill to change the definition of a "subdivision" to include any division of land into 5 or more lots because (see attachment):

1. In Jones County the County Manager acts as the Planner. Without a full-time planner it is impossible to administer all divisions of land in a professional manner.

2. Since Jones County does not have a large amount of development we do not see the necessity to manage all divisions of property.

3. It is not mandatory for counties to adopt a subdivision ordinance which should make it easier to pass a local bill to change the definition.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 447 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO PROHIBIT ACTS OF DISCRIMINATION IN EMPLOYMENT BASED ON RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, OR AGE.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 447*

Short Title: Asheville Antidiscrimination Act. (Local)

Sponsors: Representative Nesbitt.

Referred to: Local Government I.

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO PROHIBIT ACTS OF DISCRIMINATION IN EMPLOYMENT BASED ON RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, OR AGE.

The General Assembly of North Carolina enacts:

Section 1. Definition. -- As used in this act, "person" means one or more individuals, governments, governmental agencies, political subdivisions, labor organizations, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees-in-bankruptcy, or receivers. Person does not include a bona fide private membership club other than a labor organization that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954.

Section 2. Authority to adopt ordinances. -- (a) The City of Asheville ("City") may adopt ordinances to prohibit discrimination in employment based on race, color, national origin, religion, sex, disability, or having attained the age of 40 or more years. To assist in the enforcement of these ordinances, the City may, in these ordinances, adopt procedures and delegate powers to the Asheville-Buncombe Community Relations Council ("Council") that are necessary and proper for carrying out and enforcing these ordinances. The Council may:

(1) Receive, initiate, and review complaints that allege a violation of the ordinance has occurred.

(2) Conduct investigations into the basis of complaints.

(3) Apply to the superior court for mandatory or prohibitory injunctive relief, or both, pursuant to Rule 65 of the North Carolina Rules of Civil Procedure if it determines, after a

preliminary investigation, that prompt judicial action is necessary to carry out the purposes of the ordinance.

(4) Make a determination of whether or not there is reasonable cause to believe that an unlawful discriminatory practice has occurred.

(5) Dismiss complaints in these cases when the Council determines that reasonable cause does not exist.

(6) Issue a right-to-sue letter to any complainant in those instances where the Council has failed to make a determination of reasonable cause in a timely manner, determines that reasonable cause does not exist, or where conciliation efforts have failed.

(7) Attempt to conciliate a resolution of the complaint between the parties.

(8) Enter into conciliation agreements in instances where conciliation efforts have been successful.

Section 2.(b) When conducting investigations pursuant to subdivision (2) of subsection (a) of this section, the Council may:

(1) Subpoena witnesses, administer oaths, and compel the production of evidence.

(2) Take depositions and serve interrogatories in accordance with Chapter 1A of the General Statutes, the Rules of Civil Procedure.

Section 2.(c) In the event any person refuses to comply with a subpoena or discovery request under subsection (b) of this section, the Council may apply to the Buncombe County Superior Court for an order to compel compliance with the subpoena or discovery request. No testimony of any witness before the Council pursuant to a subpoena issued under this section may be used against the witness in the trial of any criminal action other than a prosecution for false swearing committed on the examination.

Section 2.(d) The General Assembly does not intend to expand the authority or powers of the Council beyond those prescribed by federal laws or regulations with respect to a specific employer. The Council may, as part of an enforcing order, require any person to cease and desist from unlawful practices and to engage in all of the following additional remedial actions as may be appropriate, including, but not limited to, requiring the person to:

(1) Hire, reinstate, or upgrade aggrieved individuals, with or without back pay.

(2) Admit aggrieved individuals to or to allow aggrieved individuals to participate in guidance programs, apprenticeship training programs, on-the-job training programs, or other occupational training programs; and to use objective criteria in the admission of any individual to these programs.

(3) Submit to the Council, for approval or disapproval, plans to eliminate or reduce imbalance with respect to race, color, national origin, religion, sex, disability, or age.

(4) Provide technical assistance to aggrieved individuals.

(5) Report as to the manner of compliance with this act.
(6) Post notices in conspicuous places in the form prescribed by the Council.

Section 3. Judicial review of Council order. -- (a) Except as provided in subsection (b) of this section, judicial review of Council orders shall be in accordance with Article 4 of Chapter 150B of the General Statutes.

Section 3.(b) Notwithstanding the provisions of G.S. 150B-45, petitions for judicial review shall be filed in the Buncombe County Superior Court.

Section 3.(c) For purposes of this section, the term "agency", whenever used in Article 4 of Chapter 150B of the General Statutes, shall have the same meaning as "Council" under this act.

Section 4. Enforcement of Council orders. -- (a) If within 60 days after entry of an order of the Council, a respondent has neither complied with nor sought review of that order, any aggrieved person or the Council may apply to the Buncombe County Superior Court for an order of the court to enforce the order of the Council. The application to superior court must be filed not later than 120 days after entry of the order of the Council.

Section 4.(b) Within 30 days after the court's receipt of the petition for enforcement of the Council's order or within such additional time as the court may allow, the Council shall transmit to the court the original or a certified copy of the entire record of the proceedings leading to the order. With the permission of the court, the record may be shortened by stipulation of all parties. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for any additional costs as may be occasioned by the refusal. The court, in its discretion, may require or permit subsequent corrections or additions to the record.

Section 4.(c) Subject to subsection (d) of this section, the hearing on the petition for enforcement of the Council's order shall be conducted by the court without a jury. The court shall hear oral arguments and receive written briefs, but shall not take evidence that was not offered at the Council hearing.

Section 4.(d) In cases of alleged irregularities in procedure before the Council not shown in the record, testimony may be taken by the court regarding the alleged irregularities. The judge in his or her discretion may hear all or part of the matter de novo where no record was made of the proceeding or where the record is inadequate.

Section 4.(e) The court shall issue the order requiring compliance with the Council's order unless the court finds that enforcement of the Council's order would prejudice substantial rights of the party against whom the order is sought to be enforced. The Council's order would prejudice substantial rights of the party against whom the order is sought if the Council's findings, inferences, conclusions, or decisions do any of the following:

(1) Are in violation of constitutional provisions.
(2) Are in excess of the statutory authority or jurisdiction of the Council.
(3) Are made upon unlawful procedure.

(4) Are affected by other error of law.
(5) Are unsupported by substantial evidence in view of the entire record as submitted.
(6) Are arbitrary or capricious.

Section 4.(f) If the court declines to require compliance with the Council's order, the court shall do one of the following:

(1) Dismiss the petition.
(2) Modify the Council's order and enforce it as modified.
(3) Remand the case to the Council for further proceedings.

Section 4.(g) Any party to the hearing on the petition for enforcement of the Council's order may appeal the court's decision to the appellate division pursuant to the North Carolina Rules of Appellate Procedure.

Section 5. Civil action for unlawful employment practice. -- (a) An ordinance adopted pursuant to this act may permit any complainant dissatisfied with the Council's final disposition of a matter to bring a civil action in the Buncombe County Superior Court against the person allegedly engaging in the unlawful practice. A civil action for an unlawful employment practice shall not be brought more than one year after a charge of discrimination was filed with the Council or more than 60 days after the complainant's receipt of notification of the Council's final disposition of the matter, whichever is later.

Section 5.(b) If the court finds that the respondent has engaged in or is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in an unlawful employment practice and order any action as may be appropriate, which may include, but is not limited to: reinstatement or hiring of employees, with or without back pay by the person, firm, corporation, or association responsible for the unlawful practice; or any other equitable relief as the court deems appropriate. Back pay shall not accrue from a date more than two years prior to the filing of a charge with the Council. Interim earnings or amounts earnable with reasonable diligence by the person discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require any remedies under this act, if the individual was refused employment or advancement or was suspended or discharged for any reason other than discrimination based on race, color, religion, sex, national origin, disability, or age in violation of an ordinance adopted pursuant to this act.

Section 5.(c) In any action or proceeding under an ordinance adopted pursuant to this act, the court, in its discretion, may award the prevailing party reasonable attorneys' fees as part of the costs.

Section 6. Discrimination based on opposition to unlawful practices or participation in an investigation, proceeding, or hearing. -- It shall be an unlawful employment practice for any employer to discriminate against any employees or applicants for employment or to discriminate against any individual, or for a union labor organization to discriminate against any member of its union or applicant for membership, because the individual opposed an unlawful employment practice adopted by ordinance pursuant to this act or because the individual has made a

charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under such an ordinance.

Section 7. Cases deferred by Equal Employment Opportunity Commission. -- The City may authorize the Council to serve as a deferral agency for cases deferred by the Equal Employment Opportunity Commission as provided in section 706 of the Civil Rights Act of 1964, 42 U.S.C. § 20000e-5, the Age Discrimination in Employment Act, 29 U.S.C. § 621, et seq., and the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.

Section 8. Access to records. -- The Council, at all reasonable times, shall have access to and the right to copy any evidence of any person being investigated that relates to an unlawful employment practice under an ordinance adopted pursuant to the act and relevant to the charge under investigation. Information discovered during such an investigation shall not be made public by the Council until offered into evidence in an administrative hearing or judicial proceeding.

Section 9. Public records. -- The provisions of G.S. 132-6 and G.S. 132-9 shall not apply to records concerning the investigation, conciliation, or mediation of alleged violations of an ordinance enacted pursuant to this act.

Section 10. This act applies only to the City of Asheville.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 462 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHADBOURN TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 462:
Chadbourn Utility Bills

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Reps. Hill; and Wright
Date:	March 23, 1999	**Summary by:**	Giles S. Perry, Committee Counsel
Version:	First Edition		

SUMMARY:

Under current law, the Towns of Richfield, Stanfield and Locust are authorized to use the procedures in G.S. 105-366 and –367 to levy upon and sell personal property to collect unpaid town utility bill.

House Bill 462 authorizes Chadbourn to use the same procedure.

Effective date: when it becomes law.

Sec. 30. Section 21 of this act is effective for taxable years beginning on and after January 1, 1987.

Sec. 31. Section 23 of this act does not apply to the 1990 automobile rate filing made pursuant to Article 36 of Chapter 58 of the General Statutes. Section 27 of this act shall expire at the end of the 1993-94 fiscal year and Section 28 shall become effective upon the expiration of Section 27. If the General Assembly does not appropriate or transfer funds in accordance with Sections 1, 22, 26, 27, or 28 of this act for a fiscal year, Sections 1 through 14 and Sections 23 through 30 of this act shall expire on the day after the General Assembly adjourns without making the appropriations or transfers; and the statutes amended by Sections 2 through 14, 23, and 26 shall read as they did immediately prior to the effective date of this act.

Sec. 32. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 28th day of July, 1990.

S.B. 439 CHAPTER 1070

AN ACT TO ALLOW THE TOWN OF RICHFIELD TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN.

The General Assembly of North Carolina enacts:

Section 1. Whenever water supply or distribution or sewage collection or disposal is provided by a town under Article 16 of Chapter 160A of the General Statutes, and the person legally responsible for payment of the rents, rates, fees or charges for the service fails to pay such rents, rates, fees or charges for more than 60 days after they became delinquent, the Town providing the service may treat the amount due as if it were a tax due to the Town and may proceed to collect the amount due through the use of levy on tangible personal property under G.S. 105-366 and G.S. 105-367.

Sec. 2. This act applies to the Town of Richfield only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 28th day of July, 1990.

S.B. 774 CHAPTER 1071

AN ACT TO LIMIT THE LIABILITY OF DIRECTORS, OFFICERS, AND EMPLOYEES OF MEDICAL SERVICES CORPORATIONS.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-84
HOUSE BILL 1587

AN ACT TO ALLOW THE TOWN OF STANFIELD AND THE CITY OF LOCUST TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN AND THE CITY.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 1070 of the 1989 Session Laws reads as rewritten:

"Sec. 2. This act applies to the ~~Town~~ Towns of Richfield and Stanfield and the City of Locust only."

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

In the General Assembly read three times and ratified this the 10th day of August, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

ARTICLE 26.

Collection and Foreclosure of Taxes.

§ 105-356. Priority of tax liens.

CASE NOTES

Quoted in Andrews v. Crump, 984 F. Supp. 393 (W.D.N.C. 1996).

§ 105-360. Due date; interest for nonpayment of taxes; discounts for prepayment.

Local Modification. — Village of Wesley Chapel: 1998-43, s. 2 (for fiscal years 1998-98 and 1998-99).

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

Editor's Note. —

Session Laws 1998-67, s.1 provides that a taxing unit's governing body may by resolution provide that, notwithstanding the provisions of G.S. 105-360 regarding the accrual of interest and G.S. 105-380 and G.S. 105-381 regarding the release, refund, or compromise of taxes, interest shall not accrue on unpaid taxes for fiscal year 1997-98 unless the taxes remain unpaid after June 6, 1998. Interest accruing on taxes that remain unpaid after June 6, 1998, shall be computed according to the schedule stated in G.S. 105-360 in the same manner as though the taxes were unpaid as of January 6, 1998. A resolution adopted pursuant to this act may apply only to fiscal year 1997-98 taxes, receipts of which were not delivered to the tax collector before October 3, 1997.

Session Laws 1998-67, s.2 provides that a resolution adopted by a taxing unit's governing body pursuant to this act relieves the tax collector of that taxing unit of any obligation to collect interest on taxes to which the resolution applies that are paid on or before June 6, 1998. After adoption of the resolution, the governing body of the taxing unit or its delegate shall refund any interest subject to Section 1 of this act that was paid by a taxpayer for the period between January 6, 1998, and June 6, 1998.

§ 105-366. Remedies against personal property.

(a) Authority to Proceed against Personal Property; Relation between Remedies against Personal Property and Remedies against Real Property. — All tax collectors shall have authority to proceed against personal property to enforce the collection of taxes as provided in this section and in G.S. 105-367 and 105-368. Any tax collector may, in his discretion, proceed first against personal property before employing the remedies for enforcing the lien for taxes against real property, and he shall proceed first against personal property:

(1) When directed to do so by the governing body of the taxing unit; or

(2) When requested to do so by the taxpayer or by a mortgagee or other person holding a lien upon the real property subject to the lien for taxes if the person making the request furnishes the tax collector with a written statement describing the personal property to be proceeded against and giving its location.

No foreclosure of a tax lien on real property may be attacked as invalid on the ground that payment of the tax should have been procured from personal property.

(b) Remedies after Taxes Are Delinquent. — At any time after taxes are delinquent and before the filing of a tax foreclosure complaint under G.S. 105-374 or the docketing of a judgment for taxes under G.S. 105-375, and subject to the provisions of G.S. 105-356 governing the priority of liens, the tax collector may levy upon and sell or attach the following property for failure to pay taxes:

(1) Any personal property owned by the taxpayer, regardless of the time at which it was acquired and regardless of the existence or date of creation of mortgages or other liens thereon.

(2) Any personal property transferred by the taxpayer to a relative (which shall mean any parent, grandparent, child, grandchild, brother, sister, aunt, uncle, niece, or nephew, or their spouses, of the taxpayer or his spouse).

(3) Personal property in the hands of a receiver for the taxpayer. (It shall not be necessary for the tax collector to apply for an order of the court directing payment or authorizing the levy or attachment, but he may proceed as though the property were not in the hands of the receiver, and the tax collector's filing of a claim in a receivership proceeding shall not preclude him from proceeding to levy under G.S. 105-367 or to attach under G.S. 105-368.)

(4) Personal property of a deceased taxpayer if the levy or attachment is made before final settlement of the estate.

(5) The stock of goods or fixtures of a wholesale merchant or retailer, as defined in G.S. 105-164.3, in the hands of a purchaser or transferee thereof, or any other personal property of the purchaser or transferee of the property, if the taxes on the goods or fixtures remain unpaid 30 days after the date of the sale or transfer. In the case of other personal property of the purchaser or transferee, the levy or attachment must be made within six months of the sale or transfer.

(6) Personal property of the taxpayer that has been repossessed by one having a security interest therein so long as the property remains in the hands of the person who has repossessed it or the person to whom it has been transferred other than by bona fide sale for value.

(7) Personal property due the taxpayer or to become due to him within the calendar year.

(8) Personal property of a partner in satisfaction of taxes on partnership property, but only after the tax collector:
   a. Has sold the taxing unit's lien for taxes against the partnership real property, if any; and
   b. Exhausted the partnership's personal property through the use of levy and attachment and garnishment; and
   c. Exercised the authority granted him by G.S. 105-364 in an effort to collect the tax due on the partnership's property.

(9) Personal property transferred by the taxpayer by any type of transfer other than those mentioned in this subsection (b) and other than by bona fide sale for value if the levy or attachment is made within six months of the transfer.

(c) Remedies Before Taxes Are Delinquent. — If between the date as of which property is to be listed and January 6 of the fiscal year

for which the taxes are imposed the tax collector has reasonable grounds for believing that the taxpayer is about to remove his property from the taxing unit or transfer it to another person or is in imminent danger of becoming insolvent, the tax collector may levy on or attach that property or any other personal property of the taxpayer, in the manner provided in G.S. 105-367 and 105-368. If the amount of taxes collected under this subsection has not yet been determined, these taxes shall be computed in accordance with G.S. 105-359 and any applicable discount shall be allowed.

(d) Remedies against Sellers and Purchasers of Stocks of Goods or Fixtures of Wholesale Merchants or Retailers. —

(1) Any wholesale merchant or retailer, as defined in G.S. 105-164.3, who sells or transfers the major part of its stock of goods, materials, supplies, or fixtures, other than in the ordinary course of business, or who goes out of business, must take the following actions:
   a. At least 48 hours prior to the date of the pending sale, transfer, or termination of business, give notice to the assessors and tax collectors of the taxing units in which the business is located.
   b. Within 30 days of the sale, transfer, or termination of business, pay all taxes due or to become due on the transferred property on the first day of September of the current calendar year.

(2) Any person to whom the major part of the stock of goods, materials, supplies, or fixtures of a wholesale merchant or retailer is sold or transferred, other than in the ordinary course of business, or who becomes the successor in business of a wholesale merchant or retailer shall withhold from the purchase money paid to the merchant an amount sufficient to pay the taxes due or to become due on the transferred property on the first day of September of the current calendar year until the former owner or seller produces either a receipt from the tax collector showing that the taxes have been paid or a certificate that no taxes are due. If the purchaser or successor in business fails to withhold a sufficient amount of the purchase money to pay the taxes as required by this subsection and the taxes remain unpaid after the 30-day period allowed, the purchaser or successor is personally liable for the amount of the taxes unpaid. This liability may be enforced by means of a civil action brought in the name of the taxing unit against the purchaser or successor in an appropriate trial division of the General Court of Justice in the county in which the taxing unit is located.

(3) Whenever any wholesale merchant or retailer sells or transfers the major part of its stock of goods, materials, supplies, or fixtures, other than in the ordinary course of business, or goes out of business and the taxes due or to become due on the transferred property on the first day of September of the current calendar year are unpaid, the tax collector, to enforce collection of the unpaid taxes, may do any of the following:
   a. Levy on or attach any personal property of the seller.
   b. If the taxes remain unpaid 30 days after the date of the transfer or termination of business, levy on or attach

any of the property transferred in the hands of the transferee or successor in business, or any other personal property of the transferee or successor in business, but in either case the levy or attachment must be made within six months of the transfer or termination of business.

(4) In using the remedies provided in this subsection, the amount of taxes not yet determined shall be computed in accordance with G.S. 105-359, and any applicable discount shall be allowed. (1939, c. 310, s. 1713; 1951, c. 1141, s. 1; 1955, cc. 1263, 1264; 1957, c. 1414, ss. 2-4; 1969, c. 305, c. 1029, s. 1; 1971, c. 806, s. 1; 1973, c. 564, s. 1; 1987, c. 45, s. 1; c. 93, s. 3; 1998-98, ss. 112, 113.)

Effect of Amendments. — The 1998 amendment, effective August 14, 1998, in subdivision (b)(5), substituted "merchant or retailer, as defined in G.S. 105-164.3" for "or retail merchant (as defined in Schedule E of the Revenue Act)," and substituted "transfer. In the case of other personal property of the purchaser or transferee, the" for "transfer, but in such a case the"; and in subdivision (d)(1), substituted "as defined in G.S. 105-164.3" for "(as defined in Schedule E of the Revenue Act)," and substituted "must take the following actions" for "shall"; in subdivision (d)(2), substituted "purchaser or successor" for "he" and "him"; in subdivisions (d)(2) and (d)(3), deleted "(as defined in Schedule E of the Revenue Act)" following "wholesale merchant or retailer"; in subdivisions (d)(2) and (d)(4), deleted "(d)" following "this subsection"; in subdivision (d)(3), inserted "do any of the following" following "may"; substituted "wholesale merchant or retailer" or a variation thereof for "wholesale or retail merchant" or a variation thereof throughout; and substituted gender-neutral terms, and made stylistic changes.

§ 105-378. Limitation on use of remedies.

(a) Use of Remedies Barred. — No county or municipality may maintain an action or procedure to enforce any remedy provided by law for the collection of taxes or the enforcement of any tax liens (whether the taxes or tax liens are evidenced by the original tax receipts, tax sales certificates, or otherwise) unless the action or procedure is instituted within 10 years from the date the taxes became due.

(b) Not Applicable to Special Assessments. — The provisions of subsection (a), above, shall not be construed to apply to the lien of special assessments.

(c) Repealed by Session Laws 1998-98, s. 26, effective August 14, 1998. (1933, c. 181, s. 7; c. 399; 1945, c. 832; 1947, c. 1065, s. 1; 1949, cc. 60, 269, 735; 1951, cc. 71, 306, 572; 1953, cc. 381, 427, 538, 645, 656, 752, 775, 1008; 1955, c. 1087; 1957, cc. 53, 678, 1123; 1959, cc. 373, 608; 1961, cc. 542, 695, 885; 1965, cc. 129, 294; 1967, c. 242; c. 321, s. 1; c. 422, s. 1; 1969, c. 96; 1971, c. 806, s. 1; 1998-98, s. 26.)

Effect of Amendments. — The 1998 amendment, effective August 14, 1998, repealed subsection (c), pertaining to the applicable date of the section.

§ 105-367. Procedure for levy.

(a) The levy upon the sale of tangible personal property for tax collection purposes (including levy and sale fees) shall be governed by the laws regulating levy and sale under execution except as otherwise provided in this section.

(b) The tax collector or any duly appointed deputy tax collector shall make the levy and conduct the sale; it shall not be necessary for the sheriff to make the levy or conduct the sale. However, upon the authorization of the governing body of the taxing unit, the tax collector may direct an execution against personal property for taxes to the sheriff in the case of county or municipal taxes or to a municipal policeman in the case of municipal taxes. In either case the officer to whom the execution is directed shall proceed to levy on and sell the personal property subject to levy in the manner and with the powers and authority normally exercised by sheriffs in levying upon and selling personal property under execution.

(c) In addition to the notice of sale required by the laws governing sale of property levied upon under execution, the tax collector may advertise the sale in any reasonable manner and for any reasonable period of time he deems necessary to produce an adequate bid for the property. The taxing unit shall advance the cost of all advertising.

(d) Levy and sale fees, plus actual advertising costs, shall be added to and collected in the same manner as taxes. The advertising costs, when collected, shall be used to reimburse the taxing unit for advertising costs it has advanced. Levy and sale fees, when collected, shall be treated in the same manner as other fees received by the collecting official. (1939, c. 310, s. 1713; 1951, c. 1141, s. 1; 1955, cc. 1263, 1264; 1957, c. 1414, ss. 2-4; 1969, c. 305; c. 1029, s. 1; 1971, c. 806, s. 1.)

Local Modification. — Town of Banner Elk: 1989, c. 318, s. 3(b).

§ 105-368. Procedure for attachment and garnishment.

(a) Subject to the provisions of G.S. 105-356 governing the priority of the lien acquired, the tax collector may attach wages and other compensation, rents, bank deposits, the proceeds of property subject to levy, or any other intangible personal property, including property held in the Escheat Fund, in the circumstances and to the extent prescribed in G.S. 105-366(b), (c), and (d).

In the case of property due the taxpayer or to become due to him within the current calendar year, the person owing the property to the taxpayer or having the property in his possession shall be liable for the taxes to the extent of the amount he owes or has in his possession. However, when wages or other compensation for personal services is attached, the garnishee shall not pay to the tax collector more than ten percent (10%) of such compensation for any one pay period.

(b) To proceed under this section, the tax collector shall serve or cause to be served upon the taxpayer and the person owing or having in his possession the wages, rents, debts or other property sought to be attached a notice as provided by this subsection. The notice may be personally served by any deputy or employee of the tax collector or by any officer having authority to serve summonses,

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 462

Short Title: Chadbourn Utility Bills. (Local)

Sponsors: Representatives Hill; and Wright.

Referred to: Local Government I.

March 16, 1999

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CHADBOURN TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 1070 of the 1989 Session Laws, as amended by S.L. 1998-84, reads as rewritten:

"Sec. 2. This act applies to the Towns of ~~Richfield~~ Chadbourn, Richfield, and Stanfield and the City of Locust only."

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

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

3/23/99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dona Caine RN	NCNA
TIMOTHY REEDER	NCMS
LARRY MEADOWS	JONES COUNTY - MANAGER
Andy Romanet	N.C.L.M.
Russell Tucker	NCGA - Rep. 10
Mark Mason	Capital Group
Kirby Mitchell	NyTeNG
John Rustin	NCFPC
Jerry Roberts	C.V.C.A.

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

March 30, 1999

The House Committee on Local Government I met on Tuesday, March 30, 1999 in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman Saunders, Representatives Buchanan, Hill, Kiser, McCrary, and Setzer. Ex Officio, Rep. Cunningham was also present. Giles Perry, Staff Counselor was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order. The following bills were then considered:

The first item on the agenda was **HB 410 TOWN OF CALABASH.** Having a companion bill also assigned to the committee, SB 300, Chairman Dedmon recognized Representative Redwine, to explain **SB 300 A BILL TO BE ENTITLED AN ACT REPEALING THE TOWN OF CALABASH'S LIMITATIONS ON THE HEIGHT OF BUILDINGS, EXTENDING THE TOWN'S EXTRATERRITORIAL JURISDICTION, INCREASING THE NUMBER OF TOWN COMMISSIONERS, AND STAGGERING THE COMMISSIONERS' TERMS.** After the explanation, Rep. Hill moved for a favorable report; the motion carried.

The next order of business was **HB 492 MECKLENBURG TOWNS ETJ.** Rep. McMahan, bill sponsor, asked the chairman to bring the bill up at the next meeting.

The next order of business was **HB 570 CAROLINA SHORES 201.** At the request of the bill sponsor, Rep. Redwine, the bill will be brought up at the next meeting.

The next order of business was **HB 574 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION SO AS TO PROVIDE FOR NONPARTISAN PRIMARY ELECTIONS.** Representative Gulley, the bill sponsor, explained the bill. After some debate by other delegation members, (delegation members from Mecklenburg) and discussion from the committee, Rep. Cunningham made a motion for an unfavorable report; the motion carried.

Chairman Dedmon again recognized Rep. Gulley, bill sponsor, to explain **HB 575 A BILL TO BE ENTITLED AN ACT TO TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION SO AS TO EXPAND THE NUMBER OF AT-LARGE MEMBERS.** After some debate on how the bill would impact the way districts are represented, Rep. Cunningham made a motion for an unfavorable report. Rep. Kiser then called for a Roll-Call Vote. (attachment 1) The vote being 5 ayes to 3 nos, the motion for an unfavorable report carried.

There being no further business, the Chair adjourned the meeting at 11:25.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

March 30, 1999
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS

HB 410 TOWN OF CALABASH – Rep's. Redwine & Hill
HB 492 MECKLENBURG TOWNS ETJ – Rep.'s McMahan, Easterling & C. Wilson
HB 570 CAROLINA SHORES 201
HB 574 MECKLENBURG SCHOOL ELECTION CHANGES – Rep. Gulley
HB 575 MECKLENBURG SCHOOL ELECTION CHANGES – Rep. Gulley

ADJOURNMENT

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 300 A BILL TO BE ENTITLED AN ACT REPEALING THE TOWN OF CALABASH'S LIMITATIONS ON THE HEIGHT OF BUILDINGS, EXTENDING THE TOWN'S EXTRATERRITORIAL JURISDICTION, INCREASING THE NUMBER OF TOWN COMMISSIONERS, AND STAGGERING THE COMMISSIONERS' TERMS.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 300

Short Title: Town of Calabash. (Local)

Sponsors: Senator Soles.

Referred to: State and Local Government.

March 9, 1999

A BILL TO BE ENTITLED

AN ACT REPEALING THE TOWN OF CALABASH'S LIMITATIONS ON THE HEIGHT OF BUILDINGS, EXTENDING THE TOWN'S EXTRATERRITORIAL JURISDICTION, INCREASING THE NUMBER OF TOWN COMMISSIONERS, AND STAGGERING THE COMMISSIONERS' TERMS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 621 of the 1995 Session Laws is repealed.

Section 2. In addition to any areas where the Town of Calabash exercises extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes, the Town shall have extraterritorial jurisdiction under that Article in the following described area:

From that portion of the existing extraterritorial jurisdiction line that bisects the Ocean Harbour Golf Course in a southeasterly manner through the Ocean Harbour Estates subdivision to the middle of the Intracoastal Waterway.

Section 3. Section 1.(f) of S.L. 1998-75 reads as rewritten:

"(f) Beginning with the organizational meeting after the 1999 municipal election, the ~~Board of Commissioners of the Town of Calabash consists of four members.~~ governing body of the Town of Calabash shall consist of the Town Board of Commissioners and the Mayor. The Town Board of Commissioners has five members. The Commissioners and the Mayor shall be elected to four-year terms by the qualified voters of the entire Town. In 1999, the two persons receiving the highest number of votes are elected to four-year terms and the three persons receiving the next highest number of votes are elected to two-year terms. In 2001,

and quadrennially thereafter, three persons are elected to four-year terms. In 2003, and quadrennially thereafter, two persons are elected to four-year terms."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 410

Short Title: Town of Calabash. (Local)

Sponsors: Representatives Redwine; and Hill.

Referred to: Local Government I.

March 11, 1999

A BILL TO BE ENTITLED

AN ACT REPEALING THE TOWN OF CALABASH'S LIMITATIONS ON THE HEIGHT OF BUILDINGS, EXTENDING THE TOWN'S EXTRATERRITORIAL JURISDICTION, INCREASING THE NUMBER OF TOWN COMMISSIONERS, AND STAGGERING THE COMMISSIONERS' TERMS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 621 of the 1995 Session Laws is repealed.

Section 2. In addition to any areas where the Town of Calabash exercises extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes, the Town shall have extraterritorial jurisdiction under that Article in the following described area:

From that portion of the existing extraterritorial jurisdiction line that bisects the Ocean Harbour Golf Course in a southeasterly manner through the Ocean Harbour Estates subdivision to the middle of the Intracoastal Waterway.

Section 3. Section 1.(f) of S.L. 1998-75 reads as rewritten:

"(f) Beginning with the organizational meeting after the 1999 municipal election, the ~~Board of Commissioners of the Town of Calabash consists of four members.~~ governing body of the Town of Calabash shall consist of the Town Board of Commissioners and the Mayor. The Town Board of Commissioners has five members. The Commissioners and the Mayor shall be elected to four-year terms by the qualified voters of the entire Town. In 1999, the two persons receiving the highest number of votes are elected to four-year terms, and the three persons receiving the next highest number of votes are elected to two-year terms. In 2001,

and quadrennially thereafter, three persons are elected to four-year terms. In 2003, and quadrennially thereafter, two persons are elected to four-year terms."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 492

Short Title: Mecklenburg Towns ETJ. (Local)

Sponsors: Representatives McMahan; Easterling and C. Wilson.

Referred to: Local Government I.

March 18, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A ONE-MILE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 161 of the 1991 Session Laws, as rewritten by S.L. 1997-106, reads as rewritten:

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

Section 2. Any ordinances that Mecklenburg County may need to adopt under Article 18 of Chapter 153A of the General Statutes or any local act relating to planning in Mecklenburg County, as a result of areas being removed from the planning jurisdiction of the Towns of Cornelius, Davidson, or Huntersville by this act,

may be adopted as provided by law at any time after ratification of this act but may not become effective prior to July 1, 1999.

Section 3. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 570

Short Title: Carolina Shores 201. (Local)

Sponsors: Representatives Redwine; and Hill.

Referred to: Local Government I.

March 23, 1999

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE TOWN OF CAROLINA SHORES FROM THE 201 PLANNING AREA IN BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The Town of Carolina Shores is removed from the 201 Planning Area in Brunswick County.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 574 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION SO AS TO PROVIDE FOR NONPARTISAN PRIMARY ELECTIONS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☒ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 574:
Mecklenburg School Election Changes

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Rep. Gulley
Date:	March 30, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 574 changes the election method for the Charlotte-Mecklenburg Baord of Education from a nonpartisan plurality basis to a nonpartisan primary basis, effective in 2001 if approved by a referendum.

Effective Date: when it becomes law.

for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates."

Sec. 2. The State Board of Education shall report the results of its study on lateral entry of school administrators performed in accordance with this act to the Joint Legislative Education Oversight Committee prior to March 31, 1994.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of June, 1993.

S.B. 613 CHAPTER 167

AN ACT TO CHANGE THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO PROVIDE FOR DISTRICT AND AT-LARGE ELECTION, WITH NONPARTISAN PLURALITY ELECTIONS IN THE ODD-NUMBERED YEAR, AND TO USE THE SAME DISTRICTS FOR ELECTION OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS, ALL SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. The Charlotte-Mecklenburg Board of Education shall be elected on a nonpartisan plurality basis on the Tuesday after the first Monday in November in odd-numbered years, with the results determined as provided by G.S. 163-292. Except as otherwise provided by this act, the election shall be administered in accordance with Articles 23 and 24 of Chapter 163 of the General Statutes.

Sec. 2. (a) In 1995 and quadrennially thereafter, three members of the Charlotte-Mecklenburg Board of Education shall be elected for four-year terms by all the qualified voters of Mecklenburg County.

(b) Mecklenburg County is divided into single-member electoral districts for the purpose of electing members of the Charlotte-Mecklenburg Board of Education. The districts are as follows:

District 1: Precincts: 4, 79, 80, 89, 95, 105, 107, 200, 202, 203, 204, 205, 206, 207, 208, 209, 212, 214, 222, 223, 224, 228, and 229.

District 2: Precincts: 12, 16, 22, 25, 31, 39, 41, 50, 52, 53, 54, 55, 58, 59, 76, 77, 78, 81, 97, and 98.

District 3: Precincts: 3, 11, 13, 14, 23, 24, 26, 27, 28, 30, 40, 42, 43, 56, 60, 82, 104, 210, 211, and 213.

District 4: Precincts: 2, 5, 6, 7, 9, 10, 15, 17, 21, 29, 33, 34, 35, 44, 45, 46, 61, 62, 63, 64, 84, 96, 99, and 108.

District 5: Precincts: 1, 8, 18, 19, 20, 32, 36, 37, 38, 47, 48, 49, 51, 57, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 85, 86, 92, 93, 101, 103, and 106.

District 6: Precincts: 69, 83, 87, 88, 90, 91, 94, 100, 102, 201, 215, 216, 217, 218, 219, 220, 221, 225, 226, and 227.

Precincts as defined by this section are those as they existed for the 1992 general election in Mecklenburg County. Changes in the boundaries of precincts, or creation or dissolution of precincts, do not affect the boundaries of districts as established by this section.

(c) In 1995, one member of the Charlotte-Mecklenburg Board of Education shall be elected from each district for a two-year term by all the qualified voters of the district. In 1997 and quadrennially thereafter, one member of the Charlotte-Mecklenburg Board of Education shall be elected from each district for a four-year term by all the qualified voters of the district.

Sec. 3. Terms of office of members of the Charlotte-Mecklenburg Board of Education elected in 1995 and thereafter commence on the first Monday in December of the year of their election. The terms of office of all members of the Charlotte-Mecklenburg Board of Education elected in 1990 or 1992, or persons filling vacancies in such terms, expire on the first Monday in December of 1995.

Sec. 4. Sections 5, 6, and 7 of Chapter 378, Session Laws of 1959, Chapter 1114, Session Laws of 1961, Chapter 881, Session Laws of 1967, and Chapter 56, Session Laws of 1983 are repealed.

Sec. 5. If a vacancy occurs on the board, the board shall appoint someone to serve the remainder of the unexpired term. If any vacancy occurs in a district seat, only a qualified voter of the district may be appointed.

Sec. 6. The districts for election of district members of the Mecklenburg County Board of Commissioners shall be the same as those for the Charlotte-Mecklenburg Board of Education as established by this act. Nothing in this act limits the authority of:

(1) The Mecklenburg County Board of Commissioners to redefine electoral district boundaries of that board after the 2000 and subsequent censuses under G.S. 153A-22; and

(2) The Charlotte-Mecklenburg Board of Education to revise electoral district boundaries of that board after the 2000 and subsequent censuses under G.S. 115C-37(i).

Sec. 7. Sections 1 through 6 of this act are effective only if approved by the qualified voters of Mecklenburg County in a referendum to be held on Tuesday after the first Monday in November

of 1993. The referendum shall be conducted by the Mecklenburg County Board of Elections.

The question on the ballot shall be:

"[ ] FOR changing the manner of election of the Charlotte-Mecklenburg Board of Education so it consists of three members elected at-large, and six members elected from single-member districts, and providing the same districts for election of the Mecklenburg County Board of Commissioners.

[ ] AGAINST changing the manner of election of the Charlotte-Mecklenburg Board of Education so it consists of three members elected at-large, and six members elected from single-member districts, and providing the same districts for election of the Mecklenburg County Board of Commissioners."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of June, 1993.

S.B. 649 CHAPTER 168

AN ACT TO UPDATE A LOCAL ACT WHICH ALLOWS THE CITY OF RALEIGH TO HAVE A SUBCOMMITTEE ISSUE CERTIFICATES OF APPROPRIATENESS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-400.9(a) reads as rewritten:

"(a) From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the preservation ~~commission.~~ commission or the historic district commission (as it continues to exist under Section 4 of Chapter 706, Session Laws of 1989) or by a subcommittee of the historic district commission or its successor. The subcommittee shall be composed of at least five members, a majority of the members of the subcommittee having demonstrated special interest, experience, or education in history or architecture. Any reference in this Part to the commission also refers to its subcommittee when the subcommittee is considering certificates of appropriateness. The municipality shall require such a certificate to

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

HOUSE BILL 574*

Short Title: Mecklenburg School Election Changes. (Local)

Sponsors: Representative Gulley.

Referred to: Local Government I.

March 24, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION SO AS TO PROVIDE FOR NONPARTISAN PRIMARY ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 167 of the 1993 Session Laws reads as rewritten:

"Section 1. (a) The Charlotte-Mecklenburg Board of Education shall be elected on a nonpartisan ~~plurality~~ primary basis on the Tuesday after the first Monday in November in odd-numbered years, with the results determined as provided by ~~G.S. 163-292.~~ G.S. 163-294. Notwithstanding G.S. 163-279(a), if any municipality in the county conducts its election on a partisan basis:

(1) The nonpartisan primary for the board of education shall be held on the sixth Tuesday before the election;

(2) Any municipality in the county which conducts its election on a nonpartisan primary basis shall have the nonpartisan primary on the sixth Tuesday before the election;

(3) Any municipality in the county which conducts its election on a nonpartisan election and runoff election basis shall have the election on the sixth Tuesday before the Tuesday after the first Monday in November.

(b) Except as otherwise provided by this act, the election shall be administered in accordance with Articles 23 and 24 of Chapter 163 of the General Statutes."

Section 2. The Mecklenburg County Board of Elections shall conduct an election on November 2, 1999, on the question of approval of Section 1 of this act. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Election of the members of the Charlotte-Mecklenburg County Board of Education with nonpartisan primaries".

If a majority of the votes cast are FOR the question, then Section 1 of this act becomes effective beginning with the 2001 election. If less than a majority of the votes cast are FOR the question, then Section 1 of this act does not become effective.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 575 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION SO AS TO EXPAND THE NUMBER OF AT-LARGE MEMBERS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☒ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 575:
Mecklenburg School Election Changes

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Rep. Gulley
Date:	March 30, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 575 increases the number of at-large members on the Charlotte-Mecklenburg Board of Education from three to five, beginning in 2001, if approved by referendum.

Effective Date: when it becomes law.

for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates."

Sec. 2. The State Board of Education shall report the results of its study on lateral entry of school administrators performed in accordance with this act to the Joint Legislative Education Oversight Committee prior to March 31, 1994.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of June, 1993.

S.B. 613 CHAPTER 167

AN ACT TO CHANGE THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO PROVIDE FOR DISTRICT AND AT-LARGE ELECTION, WITH NONPARTISAN PLURALITY ELECTIONS IN THE ODD-NUMBERED YEAR, AND TO USE THE SAME DISTRICTS FOR ELECTION OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS, ALL SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. The Charlotte-Mecklenburg Board of Education shall be elected on a nonpartisan plurality basis on the Tuesday after the first Monday in November in odd-numbered years, with the results determined as provided by G.S. 163-292. Except as otherwise provided by this act, the election shall be administered in accordance with Articles 23 and 24 of Chapter 163 of the General Statutes.

Sec. 2. (a) In 1995 and quadrennially thereafter, three members of the Charlotte-Mecklenburg Board of Education shall be elected for four-year terms by all the qualified voters of Mecklenburg County.

(b) Mecklenburg County is divided into single-member electoral districts for the purpose of electing members of the Charlotte-Mecklenburg Board of Education. The districts are as follows:

District 1: Precincts: 4, 79, 80, 89, 95, 105, 107, 200, 202, 203, 204, 205, 206, 207, 208, 209, 212, 214, 222, 223, 224, 228, and 229.

District 2: Precincts: 12, 16, 22, 25, 31, 39, 41, 50, 52, 53, 54, 55, 58, 59, 76, 77, 78, 81, 97, and 98.

District 3: Precincts: 3, 11, 13, 14, 23, 24, 26, 27, 28, 30, 40, 42, 43, 56, 60, 82, 104, 210, 211, and 213.

District 4: Precincts: 2, 5, 6, 7, 9, 10, 15, 17, 21, 29, 33, 34, 35, 44, 45, 46, 61, 62, 63, 64, 84, 96, 99, and 108.

District 5: Precincts: 1, 8, 18, 19, 20, 32, 36, 37, 38, 47, 48, 49, 51, 57, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 85, 86, 92, 93, 101, 103, and 106.

District 6: Precincts: 69, 83, 87, 88, 90, 91, 94, 100, 102, 201, 215, 216, 217, 218, 219, 220, 221, 225, 226, and 227.

Precincts as defined by this section are those as they existed for the 1992 general election in Mecklenburg County. Changes in the boundaries of precincts, or creation or dissolution of precincts, do not affect the boundaries of districts as established by this section.

(c) In 1995, one member of the Charlotte-Mecklenburg Board of Education shall be elected from each district for a two-year term by all the qualified voters of the district. In 1997 and quadrennially thereafter, one member of the Charlotte-Mecklenburg Board of Education shall be elected from each district for a four-year term by all the qualified voters of the district.

Sec. 3. Terms of office of members of the Charlotte-Mecklenburg Board of Education elected in 1995 and thereafter commence on the first Monday in December of the year of their election. The terms of office of all members of the Charlotte-Mecklenburg Board of Education elected in 1990 or 1992, or persons filling vacancies in such terms, expire on the first Monday in December of 1995.

Sec. 4. Sections 5, 6, and 7 of Chapter 378, Session Laws of 1959, Chapter 1114, Session Laws of 1961, Chapter 881, Session Laws of 1967, and Chapter 56, Session Laws of 1983 are repealed.

Sec. 5. If a vacancy occurs on the board, the board shall appoint someone to serve the remainder of the unexpired term. If any vacancy occurs in a district seat, only a qualified voter of the district may be appointed.

Sec. 6. The districts for election of district members of the Mecklenburg County Board of Commissioners shall be the same as those for the Charlotte-Mecklenburg Board of Education as established by this act. Nothing in this act limits the authority of:

(1) The Mecklenburg County Board of Commissioners to redefine electoral district boundaries of that board after the 2000 and subsequent censuses under G.S. 153A-22; and

(2) The Charlotte-Mecklenburg Board of Education to revise electoral district boundaries of that board after the 2000 and subsequent censuses under G.S. 115C-37(i).

Sec. 7. Sections 1 through 6 of this act are effective only if approved by the qualified voters of Mecklenburg County in a referendum to be held on Tuesday after the first Monday in November

of 1993. The referendum shall be conducted by the Mecklenburg County Board of Elections.

The question on the ballot shall be:

"[ ] FOR changing the manner of election of the Charlotte-Mecklenburg Board of Education so it consists of three members elected at-large, and six members elected from single-member districts, and providing the same districts for election of the Mecklenburg County Board of Commissioners.

[ ] AGAINST changing the manner of election of the Charlotte-Mecklenburg Board of Education so it consists of three members elected at-large, and six members elected from single-member districts, and providing the same districts for election of the Mecklenburg County Board of Commissioners."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of June, 1993.

S.B. 649 CHAPTER 168

AN ACT TO UPDATE A LOCAL ACT WHICH ALLOWS THE CITY OF RALEIGH TO HAVE A SUBCOMMITTEE ISSUE CERTIFICATES OF APPROPRIATENESS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-400.9(a) reads as rewritten:

"(a) From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the preservation ~~commission.~~ commission or the historic district commission (as it continues to exist under Section 4 of Chapter 706, Session Laws of 1989) or by a subcommittee of the historic district commission or its successor. The subcommittee shall be composed of at least five members, a majority of the members of the subcommittee having demonstrated special interest, experience, or education in history or architecture. Any reference in this Part to the commission also refers to its subcommittee when the subcommittee is considering certificates of appropriateness. The municipality shall require such a certificate to

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 575*

Short Title: Mecklenburg School Election Changes. (Local)

Sponsors: Representative Gulley.

Referred to: Local Government I.

March 24, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION SO AS TO EXPAND THE NUMBER OF AT-LARGE MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Section 2(a) of Chapter 167 of the 1993 Session Laws reads as rewritten:

"(a) In 1995 ~~and quadrennially thereafter,~~ three members of the Charlotte-Mecklenburg Board of Education shall be elected for four-year terms by all the qualified voters of Mecklenburg County. In 1999 and quadrennially thereafter, five members of the Charlotte-Mecklenburg Board of Education shall be elected for four-year terms by all the qualified voters of Mecklenburg County."

Section 2. The Mecklenburg County Board of Elections shall conduct an election on November 2, 1999, on the question of approval of Section 1 of this act. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Addition of two at-large members of the Charlotte-Mecklenburg County Board of Education."

If a majority of the votes cast are FOR the question, then Section 1 of this act becomes effective. If less than a majority of the votes cast are FOR the question, then Section 1 of this act does not become effective.

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

Attachment 1

ROLL CALL VOTE

5 YES 3 NO = 8 (TOTAL)

HB# 575
SB# ____

HOUSE STANDING COMMITTEE ON LOCAL GOVERNMENT I

YES	NO	MEMBER
✓		DEDMON, CHAIR
✓		SAUNDERS, VICE CHAIR
		BAREFOOT
	✓	BUCHANAN
		DECKER
		ELLIS
✓		HILL
	✓	KISER
✓		McCRARY
		ROGERS
	✓	SETZER
		EX OFFICIO MEMBERS
		BADDOUR
✓		CUNNINGHAM
		EARLE
		HACKNEY

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

3/30/99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Peggy Maynard	gpa inc.
Lorna Winnie	NCSBA
Jim Gulley	Rep.
Kristin Mitchell	NYSRNG
John Curtis	NCASA
Gmarkham	FGHS

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

April 6, 1999

The House Committee on Local Government I met on Tuesday, April 6, 1999 in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Andy Dedmon, Vice Chairman Drew Saunders, Representatives Decker, Ellis, Hill, Kiser, McCrary, Rogers and Setzer. Giles Perry, Staff Counselor was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order to consider the following bills:

HB 570, A BILL TO BE ENTITLED AN ACT TO REMOVE THE TOWN OF CAROLINA SHORES FROM THE 201 PLANNING AREA IN BRUNSWICK COUNTY. Chairman Dedmon recognized Representative Redwine, bill sponsor, to explain the bill. Upon motion made by Representative Rogers, the bill received a favorable report.

The next order of business was **HB 597, A BILL TO BE ENTITLED AN ACT TO ALLOW MECKLENBURG COUNTY TO CONTINUE TO LEVY STORMWATER FEES IF REVENUE BONDS HAVE BEEN ISSUED AND ARE OUTSTANDING.** Representative Alexander, bill sponsor, explained the bill. After some discussion, Representative Saunders made a motion for a favorable report and the motion carried. The bill was then re-referred to the House Committee on Finance.

The next order of business was **HB 649, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE SPEED ZONE IN HOLDEN BEACH.** Representative Redwine, bill sponsor, explained that the bill would simply create a no-wake zone. Upon motion made by Representative Kiser, the committee voted for a favorable report.

The next order of business was **HB 728, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO REQUIRE FIRE ALARM SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY AND THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION.** Chairman Dedmon recognized Giles Perry, Staff Attorney to explain the bill in absence of the bill's sponsors. After some questions and discussion, Representative McCrary made a motion for a favorable report; the motion carried.

The next order of business was **HB 738, A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE CITY OF GREENVILLE.** Representative Rogers, bill sponsor, was recognized to explain the bill. Upon motion made by Representative Saunders, the committee voted for a favorable report.

There being no further business, the Chair adjourned the meeting at 11:20 AM.

Representative Andy Dedmon,
Chairman

Donna Abu Harb,
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

April 6, 1999
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS

HB 570 CAROLINA SHORES 201
HB 597 MECKLENBURG STORMWATER FEES
HB 649 HOLDEN BEACH NO-WAKE ZONE
HB 728 GREENVILLE FRATERNITY HOUSES
HB 729 GREENVILLE AUTO TAXES
HB 738 GREENVILLE SATELLITE ANNEXATIONS

ADJOURNMENT

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 570 A BILL TO BE ENTITLED AN ACT TO REMOVE THE TOWN OF CAROLINA SHORES FROM THE 201 PLANNING AREA IN BRUNSWICK COUNTY.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 570:
Carolina Shores 201

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Reps. Redwine; and Hill
Date:	March 30, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 570 removes the Town of Carolina Shores in Brunswick County from the "201 Planning Area" of that County.

Effective Date: When it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 570

Short Title: Carolina Shores 201. (Local)

Sponsors: Representatives Redwine; and Hill.

Referred to: Local Government I.

March 23, 1999

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE TOWN OF CAROLINA SHORES FROM THE 201 PLANNING AREA IN BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The Town of Carolina Shores is removed from the 201 Planning Area in Brunswick County.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT 1.**

☐ Committee Substitute for
H.B. 597 A BILL TO BE ENTITLED AN ACT TO ALLOW MECKLENBURG COUNTY TO CONTINUE TO LEVY STORMWATER FEES IF REVENUE BONDS HAVE BEEN ISSUED AND ARE OUTSTANDING.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 597:
Mecklenburg Stormwater Fees

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Reps. Alexander and others
Date:	April 6, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 597 amends the county public enterprise laws, as they apply to Mecklenburg County.

Under general law, counties may operate public enterprises, including "structural and natural stormwater and drainage systems of all types."

House Bill 597 authorizes Mecklenburg County to continue to charge stormwater utility fees to repay revenue bonds for which stormwater utility fees have been pledged.

Similar authority was granted to the City of Charlotte by Session Law 1998-66.

Effective Date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 597*

Short Title: Mecklenburg Stormwater Fees. (Local)

Sponsors: Representatives Alexander; Earle, Easterling, Gulley, McMahan, Rayfield, and Saunders.

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

March 25, 1999

A BILL TO BE ENTITLED

AN ACT TO ALLOW MECKLENBURG COUNTY TO CONTINUE TO LEVY STORMWATER FEES IF REVENUE BONDS HAVE BEEN ISSUED AND ARE OUTSTANDING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-277(a1) reads as rewritten:

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

The fees established under this subsection must be made applicable throughout the area of the county outside municipalities. Schedules of rates, fees, charges, and penalties for providing structural and natural stormwater and drainage system service may vary according to whether the property served is residential, commercial, or industrial property, the property's use, the size of the property, the area of impervious surfaces on the property, the quantity and quality of the runoff from the property, the characteristics of the watershed into which stormwater from the property drains, and other factors that affect the stormwater drainage system. Rates, fees, and charges imposed under this subsection may not exceed the county's cost of providing a stormwater and drainage system.

No stormwater utility fee may be levied under this subsection whenever two or more units of local government operate separate structural and natural stormwater and drainage system services in the same area within a ~~county.~~ county, except that a unit of local government that has issued revenue bonds, including revenue bonds issued to refund prior revenue bonds, for which stormwater utility fees have been pledged under Article 5 of Chapter 159 of the General Statutes may continue to levy a stormwater utility fee under this subsection for the sole purpose of (i) paying principal, interest, or redemption premiums in accordance with the terms of the revenue bonds, (ii) funding any reserve requirements or similar obligations imposed by any documents, instruments, or agreements pursuant to which the revenue bonds are authorized or issued or securing the same or any related credit facility, liquidity facility, derivative agreement, or any other similar agreement, and (iii) paying any related cost, fees, and expenses until the revenue bonds have been retired. However, two or more units of local government may allocate among themselves the functions, duties, powers, and responsibilities for jointly operating a single structural and natural stormwater and drainage system service in the same area within a county, provided that only one unit may levy a fee for the service within the joint service area. For purposes of this subsection, a unit of local government shall include a regional authority providing structural and natural stormwater and drainage system services."

Section 2. This act applies to Mecklenburg County only.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I**.

☐ Committee Substitute for
H.B. 649 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE IN HOLDEN BEACH.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 649:
Holden Beach No-Wake Zone

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Reps. Redwine; and Hill
Date:	April 6, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 649 establishes a "no-wake" zone in a designated are of the intercoastal waterway within the Town of Holden Beach.

The Town and Brunswick County are authorized to place markers designating the no-wake zone.

Violation of the no-wake zone would enforceable under Chapter 75A, and would be punishable as a Class 3 misdemeanor, once markers are placed.

Effective Date: when it becomes law

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 649

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

Sponsors: Representatives Redwine; and Hill.

Referred to: Local Government I.

March 29, 1999

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NO-WAKE SPEED ZONE IN HOLDEN BEACH.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to operate a vessel at greater than a no-wake speed in the Intracoastal Waterway within the Town of Holden Beach between the island area designated as Rogers Street and the eastern line of the L.S. Holden subdivision. No-wake speed is idle speed or a slow speed creating no appreciable wake.

Section 2. With regard to marking the no-wake speed zone established in Section 1 of this act, the Town of Holden Beach, Brunswick County, or their designees may place and maintain the markers in accordance with the Uniform Waterway Marking System and any supplementary standards for such system adopted by the Wildlife Resources Commission. All markers of the no-wake speed zone shall be buoys or floating signs placed in the water and must be sufficient in number and size as to give adequate warning of the no-wake speed zone to the vessels approaching from various directions.

Section 3. This act is enforceable under G.S. 75A-17 as if it were a provision of Chapter 75A of the General Statutes.

Section 4. Violation of Section 1 of this act is a Class 3 misdemeanor.

Section 5. This act applies only to the Town of Holden Beach.

Section 6. This act is effective when it becomes law and is enforceable after markers complying with Section 2 of this act are placed in the water.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 728 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO REQUIRE FIRE ALARM STSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY AND THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 728:
Greenville Fraternity/Sorority Houses

BILL ANALYSIS

Committee:	House LocalGovernment I	**Introduced by:**	Reps. Tolson; and others
Date:	April 6, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 728 authorizes the Town of Greenville to require by ordinance the installation of fire alarm systems, including smoke detectors, in all fraternity and sorority houses within the City and its extraterritorial planning and zoning jurisdiction area.

Effective Date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 728

Short Title: Greenville Fraternity Houses. (Local)

Sponsors: Representatives Tolson; McLawhorn, Rogers, and Warren.

Referred to: Local Government I.

March 30, 1999

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF GREENVILLE TO REQUIRE FIRE ALARM SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY AND THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any provision of the State Building Code or any public or local law to the contrary, including Chapter 143 of the General Statutes, the City of Greenville may require by ordinance the installation of a fire alarm system in all fraternity and sorority houses within the corporate limits of the City or within the City's extraterritorial planning jurisdiction, the installation to be completed as provided in the ordinance within a reasonable period of time, to be determined at the adoption of the ordinance, following the effective date of the ordinance. A fire alarm system shall include a fire alarm control panel, manual fire alarm pull boxes at each required exit, smoke detectors in all sleep areas, heat detectors in unoccupied areas, audible devices that can be heard throughout the houses, a central monitoring station, and a power source.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 738 A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE CITY OF GREENVILLE.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 738:
Greenville Satellite Annexations

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Rep. Rogers
Date:	April 6, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 738 changes the standard for voluntary noncontiguous annexations by the City of Greenville.

Under current law, an area proposed for voluntary noncontiguous annexation may not be closer to the primary corporate limits of another city than to the annexing city.

House Bill 738 allows Greenville to voluntarily annex a noncontiguous area that is closer to another city than to Greenville, if the other city has entered into an agreement with Greenville.

Effective date: when it becomes law.

utilized in the annexation under scrutiny complies with the requirements of this section. Food Town Stores, Inc. v. City of Salisbury, 300 N.C. 21, 265 S.E.2d 123 (1980).

It is eminently reasonable for the city to follow actual use and ownership patterns instead of artificial patterns of subdivision in determining the number of lots in the area to be annexed. Such method of lot counting was calculated to provide reasonably accurate results as required by this section. Food Town Stores, Inc. v. City of Salisbury, 300 N.C. 21, 265 S.E.2d 123 (1980).

Applied in Thrash v. City of Asheville, 327 N.C. 251, 393 S.E.2d 842 (1990).

Quoted in Asheville Indus., Inc. v. City of Asheville, 112 N.C. App. 713, 436 S.E.2d 873 (1993).

Repealed by Session Laws 1983, c. 636.

Section 38 of Session Laws 1983, c. 636 provided: "This act shall be effective with respect to all annexations where resolutions of intent are adopted on or after the date of ratification of this act, except that Sections 36 and 37 shall become effective with respect to all annexations where resolutions of intent are adopted on or after July 1, 1984. Sections 25.1 through 35.5 and Section 37.1 are effective upon ratification and Section 25 shall become effective as provided in that section. No annexation where a resolution of intent was adopted prior to the date of ratification of this act shall be affected by this act except as provided in Section 25."

The act was ratified June 29, 1983.

future codification purposes.

on of Noncontiguous Areas.

is.

efined in this section have the meanings Part unless the context clearly requires

city, town, or village without regard to cit ot qualified to receive gasoline de 136-41.2.

(2) "Primary corporate limits" means the corporate limits of a city as defined in its charter, enlarged or diminished by subsequent annexations or exclusions of contiguous territory pursuant to Parts 1, 2, and 3 of this Article or local acts of the General Assembly.

(3) "Satellite corporate limits" means the corporate limits of a noncontiguous area annexed pursuant to this Part or a local act authorizing or effecting noncontiguous annexations. (1973, c. 1173, s. 2.)

Local Modification. — (As to Part 4) Iredell and municipalities located therein: 1989, c. 598, s. 12.1; (as to Part 4) town of Dobbins Heights: 1983, c. 658.

Cross References. — As to effective date of annexation ordinances adopted under Article 4A of Chapter 160A, see § 160A-58.9A.

Legal Periodicals. — For 1984 survey, "Competitive Annexation Among Municipalities: North Carolina Adopts the Prior Jurisdiction Rule," see 63 N.C.L. Rev. 1260 (1985).

CASE NOTES

Satellite corporate limits are not "municipal boundaries" as that term is used in § 160A-36. Hawks v. Town of Valdese, 299 N.C. 1, 261 S.E.2d 90 (1980).

Cited in Taylor v. City of Raleigh, 290 N.C. 608, 227 S.E.2d 576 (1976); Texfi Indus., Inc. v. City of Fayetteville, 301 N.C. 1, 269 S.E.2d 142 (1980).

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

(a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

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

(1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.

(2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.

(3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

(4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.

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

(c) The petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits (except owners not required to sign by subsection (a)), shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than to the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city. The city council may prescribe the form of the petition.

(d) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested rights shall be terminated. (1973, c. 1173, s. 2; 1989 (Reg. Sess., 1990), c. 996, s. 4.)

Local Modification. — Municipalities located wholly or partly in Guilford: 1987 (Reg. Sess., 1988), c. 1009, s. 6; City of Brevard: 1987, c. 254, s. 2; city of Durham: 1987, c. 606; city of Hickory: 1987, c. 179; city of Mount Holly: 1985, c. 110; city of New Bern: 1989, c. 382, s. 1; 1993 (Reg. Sess., 1994), c. 605, s. 3; city of Statesville: 1989 (Reg. Sess., 1990), c. 882, s. 1; town of Apex: 1993, c. 312, s. 3; town of Canton: 1983, c. 301; 1985 (Reg. Sess., 1986), c. 979; town of Clayton: 1993, c. 63, s. 1; town of Garner: 1989 (Reg. Sess., 1990), c. 872 (expires July 1, 1995); town of Holly Springs: 1991, c. 243 (as to annexation ordinances adopted before July 1, 1993); town of Kenly; 1987, c. 67; town of Knightdale: 1987, c. 234; town of Pittsboro: 1987 (Reg. Sess., 1988), c. 1023, s. 4.1; town of Trent Woods: 1989, c. 382, s. 1; town of Troy: 1993, c. 159, s. 2; town of Wake Forest: 1989 (Reg. Sess., 1990), c. 882, s. 2(a); town of Weaverville: 1989, c. 181, s. 1 (applicable with respect to annexation ordinances adopted on or before June 30, 1990).

Editor's Note. — Session Laws 1989 (Reg. Sess., 1990), c. 996, s. 4, which added subsection (d) became effective October 1, 1991, and is applicable only to site specific development plans or phased development plans approved on or after that date.

CASE NOTES

A city has statutory authority to annex areas both contiguous and noncontiguous to its primary corporate limits. It must stand ready to provide sewer service (among other services) to newly annexed areas on substantially the same basis and in the same manner in which these services are provided to the rest of the city. Davidson County v. City of High Point, 321 N.C. 252, 362 S.E.2d 553 (1987).

Use of City-Owned Sewage Treatment Plant Without Prior Approval of County. — Since county had no authority to restrict or regulate city's provision of sewer service to its residents, the city could use the city-owned sewage treatment plant located outside the city but within the county, which was upgraded pursuant to the county's special use permit, with a condition attached to the permit requiring the county's prior approval of service to county citizens to meet its statutory mandate to provide sewer service to residents in newly annexed areas without seeking the county's prior approval, even though the facility was located in the county. Davidson County v. City of High Point, 321 N.C. 252, 362 S.E.2d 553 (1987).

idents and Property Owners out Standing to Challenge Vol- Annexation of Noncontigu- Property. — Residents and prop- owners in town, who instituted an in which they sought to enjoin from placing into effect an ordi- annexing into the corporate limits town 89.68 acres of noncontiguous erty belonging to intervenor com-

160A-58.2. Public heari

Upon receipt of a petition for an council shall cause the city clerk certify the results of his investig upon investigation the petition shall fix a date for a public hearin hearing shall be published once a hearing.

At the hearing, any person res area proposed for annexation and may appear and be heard on the petition and the desirability of t finds and determines that (i) t meets all of the standards set petition bears the signatures of within the area proposed for ann to sign by G.S. 160A-58.1(a)), (i and (iv) the public health, safet the city and of the area proposed by the annexation, the council the area described in the petit effective immediately or on an from the date of passage. (197

Local Modification. — City of Dur ham: 1993, c. 342, s. 1; town of Pittsboro

CAS

Cited in Joyner v. Town Weaverville, 94 N.C. App. 588, 38 S.E.2d 536 (1989).

§ 160A-58.2A. Assumpt

(a) If the city has annexed served by a rural fire depart
(1) An insurance district
(2) A rural fire protection 69 of the General S
(3) A fire service district the General Statute

then beginning with the effec pay annually a proportionate debt (including principal ar

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 738

Short Title: Greenville Satellite Annexations. (Local)

Sponsors: Representative Rogers.

Referred to: Local Government I.

March 30, 1999

A BILL TO BE ENTITLED

AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE CITY OF GREENVILLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-58.1(b)(2) shall not apply to the City of Greenville as to any property if the City has entered into an annexation agreement pursuant to Part 6 of Article 4A of Chapter 160A of the General Statutes with the city to which a point on the proposed satellite corporate limits is closer and that agreement states that the other city will not annex the property.

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

VISITOR REGISTRATION SHEET

Local GOV - I 4/6/99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY
1.	Kim Hibbard	NC League of Municipalities
2.	Kirsten Mitchell	NYSRG
3.	Mary Carnilia	Mecklenburg County
4.	Jay Sprankle	ASSE
5.	Joe McClees	ASSE
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MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT I
April 13, 1999

The House Committee on Local Government I met on Tuesday, April 13, 1999 at 11:00 a.m. in Room 415 in the Legislative Office Building. The following members were present: Representative Dedmon, Chair; Representative Saunders, Vice Chair; and Representatives Barefoot, Buchanan, Ellis, Hill, Kiser, McCrary and Rogers. Staff Counsel, Giles Perry, was also in attendance. A Visitor Registration sheet is attached and made part of the minutes.

Chairman Dedmon called the meeting to order at 11:00 a.m. to consider the following bills:

House Bill 67 – AN ACT RELATING TO COLUMBUS COUNTY. Representative Hill was recognized for House Bill 67 and to offer a committee substitute. Representative Buchanan moved for the adoption of the proposed committee substitute for committee discussion. Motion carried and proposed committee substitute for House Bill 67 was properly before the committee. Representative Hill explained that the bill would annex certain described territory to the Town of Lake Waccamaw. Representative Buchannan moved to give the committee substitute a favorable report, unfavorable to original bill and recommendation that the bill be re-referred to the Committee on Finance. Motion carried.

House Bill 765 –AN ACT AMENDING THE BOUNDARIES OF THE VILLAGE OF WESLEY CHAPEL. Representative Melton was recognized to explain his bill. Representative Ellis moved for a favorable report. Motion carried and the bill was re-referred to the Committee on Finance.

House Bill 811 – AN ACT TO AMEND THE CHARTER OF THE CITY OF HAVELOCK TO INCREASE THE TERM OF THE MAYOR FROM TWO YEARS TO FOUR YEARS BEGINNING WITH THE REGULAR MUNICIPAL ELECTION IN 2001. Representative Thomas was recognized to explain the bill. Representative Barefoot moved for a favorable report. Motion carried.

House Bill 812 – AN ACT TO REMOVE SUNSET ON PROCEEDS. Amended and rewritten to read AN ACT TO ALLOW CRAVEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. Representative Thomas was recognized to explain the bill and offered a proposed committee substitute for House Bill 812. Representative Buchanan moved for the adoption of the proposed committee substitute for committee discussion. Motion carried and the proposed committee substitute was properly before the Committee. Representative Thomas explained that the committee substitute would remove the sunset on a requirement that part of certain Craven County proceeds be used for a convention center and a tourist center.

There being no further business, the Chair adjourned the meeting at 11:40 a.m.

Representative Andy Dedmon
Chair

Anne M. Cole
Acting Committee Assistant

Attachments:
Agenda
Visitor Registration Sheet
House Bill 67 and Committee Substitute for House Bill 67
House Bill 765
House Bill 811
House Bill 812 and Committee for House Bill 812
Committee Reports

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I
Tuesday, April 13, 1999
Room 415 LOB at 11:00 a.m.

OPENING REMARKS **Representative Dedmon, Chair**

BILLS BEFORE THE COMMITTEE

HB 67	Columbus County Local Act 2 Representative Hill
HB 729	Greenville Auto Tax Representative Tolson
HB 765	Wesley Chapel Boundaries Representative Melton
HB 795	Durham Contracts Representative Luebke
HB 811	Havelock Charter Revision Representative Thomas
HB 812	Modify Craven Room Tax Use Representative Thomas
HB 832	Spruce Pine Annexations Representative Thompson
HB 837	Chocowinity Extraterritorial Jurisdiction Representative Edwards
HB 856	Durham License Tax Year Representative Miller

ADJOURNMENT

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Dedmon for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 67 A BILL TO BE ENTITLED AN ACT RELATING TO COLUMBUS COUNTY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#_____)~~, ☒ which changes the title, unfavorable as to ~~(~~original bill~~)~~ ~~(Committee Substitute Bill #_____)~~, ~~(~~and recommendation that the committee substitute bill ~~#_____)~~ be re-referred to the Committee on FINANCE.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 67
Committee Substitute Favorable 4/13/99

Short Title: Lake Waccamaw Annexation. (Local)

Sponsors:

Referred to:

February 11, 1999

A BILL TO BE ENTITLED

AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF LAKE WACCAMAW.

The General Assembly of North Carolina enacts:

Section 1. The corporate limits of the Town of Lake Waccamaw are extended to include the following described territory:

Waccamaw Shores Drive

BEGINNING at an existing concrete monument, in the northeast right-of-way of Waccamaw Shores Drive, also known as S.R. 1967, said existing concrete monument marking the most southern corner of the Lake Waccamaw Camp Ground lands now or formerly belonging to Gene Grainger as recorded in Deed Book 385 Page 531 Columbus County Registry, said existing concrete monument also marking the most western corner of lands of James and Paul Council as recorded in Deed Book 261 Page 189 of the Columbus County Registry. Said existing concrete monument also marking the most southern limits of the Town of Lake Waccamaw. Running thence along the eastern edge of Waccamaw Shores Drive in a northwesterly direction to a point located approximately North 63 degrees 33 minutes 00 seconds East 60.00 feet from the southeast corner of Lot 306, Waccamaw Shores Subdivision as shown and delineated in Plat Book 11, Page 65, of the Columbus County Registry. Thence crossing Waccamaw Shores Drive South 63 degrees 33 minutes 00 seconds West 60.00 feet to the southeast corner of Lot 306, Waccamaw Shores Subdivision as shown and delineated in Plat Book 11, Page 65, of the Columbus County Registry.

Thence continuing along the line between Lot 306 and Lot 305 South 63 degrees 33 minutes 00 seconds West 119.88 feet to the southwest corner of Lot 306 and the northwest corner of Lot 305. Thence continuing South 63 degrees 33 minutes 00 seconds West to a point located North 37 degrees 25 minutes 00 seconds West from the northwest corner of Lot 304. Thence South 37 degrees 25 minutes 00 seconds East to the northwest corner of Lot 304, located in the center of a canal. Thence along the west and southwest lines of Lots 304 thru 1 of Block D, Waccamaw Shores Subdivision as shown and delineated in Plat Book 11, Page 65, Plat Book 8, Page 33, Plat Book 8, Page 31, Plat Book 8, Page 29, Plat Book 8, Page 27, and Plat Book 8, Page 25, all of the Columbus County Registry, to the southwest corner of Lot 1, Block D, Waccamaw Shores Subdivision as shown and delineated in Plat Book 8, Page 25, of the Columbus Country Registry. Thence continuing southwestwardly along the southwest lines of Lots 1 thru 272 of Block B of the Waccamaw Shores Subdivision as shown and delineated in Plat Book 8, Page 6, Plat Book 8, Page 7, Plat Book 8, Page 8, Plat Book 8, Page 9, Plat Book 8, Page 10, Plat Book 8, Page 11, and Plat Book 8, Page 12, all of the Columbus County Registry, to the southwest corner of Lot 272 of Block B of the Waccamaw Shores Subdivision as shown and delineated in Plat Book 8, Page 12, of the Columbus Country Registry, in the center of a canal. Thence along the south line of Lot 272 North 82 degrees 34 minutes 00 seconds East 145.00 feet to a point in the western right-of-way of Waccamaw Shores Drive, marking the southeast corner of Lot 272. Thence crossing Waccamaw Shores Drive approximately North 75 degrees 21 minutes 00 seconds East 60.50 feet to an existing concrete monument marking the southwest corner of Lot 273 of Block A of the Waccamaw Shores Subdivision as shown and delineated on a plat recorded in Plat Book 8 Page 12 of the Columbus County Registry. Running thence in a northwesterly direction with the eastern edge of Waccamaw Shores Drive to the point and place of beginning.

Shawnee Acres and Bella Coola

TRACT 1

For a tie line, begin at an old concrete control monument located at the northwestern corner of Lot 1 in that plat for Bella Coola Corp. recorded in Plat Book 8, Page 24, of the Columbus County Registry. Thence North 86 degrees 11 minutes East 34.01 feet to a point in the center of S.R. 1947, locally known as Creek Ridge Road, this being THE POINT AND PLACE OF BEGINNING. Thence North 86 degrees 11 minutes East 34.01 feet to a point, this being the northwestern corner of Lot 1A of that plat for Bella Coola Corp. recorded in Plat Book 10, Page 95, of the Columbus County Registry. Thence North 65 degrees 08 minutes East 192.51 feet to a point. Thence South 81 degrees 10 minutes East 34.54 feet to a point. Thence South 35 degrees 44 minutes East 54.00 feet to a point. Thence South 23 degrees 54 minutes East 101.01 feet to a point. Thence South 35 degrees 55 minutes East 100.24 feet to a point. Thence South 37 degrees 04 minutes East 100.46 feet to a point. Thence South 28 degrees 41 minutes East 72.21 feet to a point. Thence South 30 degrees 03 minutes East 101.33 feet to a point. Thence South 35 degrees 25 minutes East 100.29 feet to a point. Thence South 34 degrees 39 minutes East 100.37 feet to a

point. Thence South 37 degrees 29 minutes East 100.08 feet to a point. Thence South 43 degrees 52 minutes East 100.37 feet to a point. Thence South 40 degrees 23 minutes East 117.93 feet to a point. Thence South 41 degrees 30 minutes East 55.58 feet to a point. Thence South 31 degrees 09 minutes East 67.90 feet to a point. Thence South 18 degrees 00 minutes East 118.26 feet to a point. Thence South 14 degrees 49 minutes East 100.78 feet to a point. Thence South 17 degrees 30 minutes East 100.30 feet to a point. Thence South 68 degrees 11 minutes West 202.97 feet to a point in the centerline of S.R. 1947, said point being located South 68 degrees 11 minutes West 30.00 feet from the southwest corner of Lot 15A as shown and delineated in that plat for Bella Coola Corp. recorded in Plat Book 10, Page 95, of the Columbus County Registry. Thence following the centerline of S.R. 1947 in a northwesterly direction back to the point and place of beginning.

TRACT 2

BEGINNING at PKS #172, located in the centerline of S.R. 1947, locally known as Creek Ridge Road, said point being shown and delineated in that map entitled "The Big Creek Tract at Lake Waccamaw -- The Southern Part" for IP Timberlands Operating Co., Ltd. and International Paper Company recorded in Plat Book 60, Page 61, of the Columbus County Registry. Thence North 28 degrees 42 minutes 02 seconds East 202.38 feet to a post. Thence North 29 degrees 22 minutes 26 seconds East 28.43 feet to an existing iron pipe. Thence South 55 degrees 49 minutes 35 seconds East 3612.22 feet to an existing iron pipe located on the west bank of Big Creek. Thence South 35 degrees 55 minutes 49 seconds West approximately 376.68 feet to a point located in the centerline of S.R. 1947. Thence following the centerline of S.R. 1947 in a northwesterly direction to the point and place of beginning.

Section 2. This act becomes effective only upon adoption of an ordinance by the Town of Lake Waccamaw.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

HOUSE BILL 67

Short Title: Columbus County Local Act-2. (Local)

Sponsors: Representative Hill.

Referred to: Local Government I.

February 11, 1999

A BILL TO BE ENTITLED

AN ACT RELATING TO COLUMBUS COUNTY.

The General Assembly of North Carolina enacts:

Section 1. This act relates to Columbus County only.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Dedmon for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 765 A BILL TO BE ENTITLED AN ACT AMENDING THE BOUNDARIES OF THE VILLAGE OF WESLEY CHAPEL.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on ~~Appropriations~~ ☐ Finance ☒ ~~☐~~.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 765:
Wesley Chapel Boundaries

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Rep. Melton
Date:	April 13, 1999	**Summary by:**	Giles S. Perry Committee Counsel
Version:	First Edition		

SUMMARY:

The Charter of the Town of Wesley Chapel was enacted as Chapter 43 of the 1998 Session Laws.

House Bill 765 amends the Charter to correct a boundary reference.

Effective Date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 765

Short Title: Wesley Chapel Boundaries. (Local)

Sponsors: Representative Melton.

Referred to: Local Government I.

March 31, 1999

A BILL TO BE ENTITLED

AN ACT AMENDING THE BOUNDARIES OF THE VILLAGE OF WESLEY CHAPEL.

The General Assembly of North Carolina enacts:

Section 1. Section 2.1 of the Charter of the Village of Wesley Chapel, being S.L. 1998-43, reads as rewritten:

"Sec. 2.1. **Village Boundaries.** Until modified in accordance with the law, the boundaries of the Village of Wesley Chapel are as follows:

BEGINNING at a point in the centerline of Wesley Chapel-Stouts Road (SR 1377) that intersects with the northwestern extension of the northern property boundary line of parcel 001 as shown on tax map 7-096; thence southeasterly with said property boundary line approximately 3,630 feet to the centerline of the ~~East Fork~~ Twelve Mile Creek; thence southerly with said creek to a point being the centerline of Goldmine Road (SR 1162); thence with the centerline of Goldmine Road in an easterly direction to the intersection of the extension of the centerline of Birmingham Lane; thence with the centerline of Birmingham Lane in a southerly direction to the northeast corner of the property boundary line of parcel 26-A as shown on tax map 7-096; thence southeastward approximately 300 feet to the northeast corner of the property boundary line of parcel 26 as shown on tax map 7-096; thence southwestward approximately 250 feet to the centerline of Birmingham Lane; thence southeastward along the centerline of Birmingham Lane approximately 800 feet to the extension of the southeast corner property boundary line of parcel 4-F as shown on tax map 7-096; thence southwestward with said property boundary line approximately 1,020 feet and then westward with said property boundary line

approximately 1,204 feet to the centerline of East Fork Twelve Mile Creek; thence following the southwesterly direction of said creek approximately 2,517 feet with the intersection of N.C. Highway 84; thence following the southerly direction of said creek approximately 1,650 feet to a point being the northernmost corner property boundary line of parcel 7-A as shown on tax map 6-006; thence easterly approximately 333 feet to a point being the northernmost corner of property boundary line of parcel 9 as shown on tax map 6-006; thence southeasterly then southwesterly and then northwesterly with said parcel until it intersects with the centerline of Potter Road (SR 1162); thence southward on said road approximately 247 feet to the intersection of the extension of the centerline of Parkside Drive; thence westward with the centerline of said road approximately 412 feet to a point being the northernmost property boundary corner of parcel 41 as shown on tax map 6-027; thence southeasterly with the eastern property boundary line of said parcel approximately 825 feet to a point being the easternmost property boundary line of parcel 31 as shown on tax map 6-027; thence southwesterly with the southern property boundary line of said parcel approximately 810 feet to a point being the southernmost property boundary line of parcel 28 as shown on tax map 6-027; thence northwesterly with the western property boundary line of said parcel approximately 1,155 feet to a point being the southernmost property boundary line of parcel 11 as shown on tax map 6-027; thence northerly and then southwesterly with said parcel approximately 1,002 feet to a point being the northeastern corner property boundary line of parcel 5-A as shown on tax map 6-027; thence southeasterly with said parcel approximately 736 feet to the intersection with the centerline of the East Fork Twelve Mile Creek; thence southwestward with said creek approximately 4,785 feet to a point being the centerline of Chambwood Road (SR 1336); thence northeasterly with the centerline of Chambwood Road approximately 2,475 feet to a point being the southernmost property boundary line of parcel 42 as shown on tax map 6-027; thence northwesterly with the southern property line of said parcel approximately 1,155 feet to a point being the intersection with the southern boundary line of parcel 4-C as shown on tax map 6-027; thence westerly with the southern property line of said parcel approximately 1,072 feet and then northwesterly with the western property line of said parcel approximately 1,815 feet to a point being the northernmost property boundary line of parcel 4-B as shown on tax map 6-027; thence northwesterly with the western property boundary line of parcel 8-B as shown on tax map 6-048 approximately 853 feet to a point being the southeastern property boundary line of parcel 20 as shown on tax map 6-045; thence westerly with said parcel approximately 786 feet and then northwesterly with said parcel approximately 509 feet to a point being the intersection of the extension of said line northwestward and the centerline of N. C. Highway 84; thence easterly with the centerline of N. C. Highway 84 approximately 577 feet to a point being the intersection of said centerline and the southeastward extension of the western property boundary line of parcel 16 as shown on tax map 6-045, thence northwesterly then southeasterly and then northwesterly with said parcel approximately 620 feet to a point being the northwestern most property boundary line of parcel 11 as shown on tax map 6-045; thence northwesterly

approximately 1,155 feet to a point being the northeast corner of parcel 7-B as shown on tax map 6-045; thence southerly and then northwesterly with said parcel approximately 1,017 feet to a point being the southwestern most property boundary line of parcel 15-A as shown on tax map 6-045; thence northerly with said parcel approximately 247 feet to a point being the southeastern most property boundary line of parcel 22-B as shown on tax map 6-045; thence westerly and then northerly with said parcel approximately 660 feet to a point being the intersection with the southern property boundary line of parcel 24 as shown on tax map 6-045; thence westerly then northerly with said parcel approximately 577 feet to a point being the intersection with the centerline of Underwood Road (SR 1377); thence southeasterly with the centerline of said road approximately 1,139 feet to a point being the extension of the western property boundary line of parcel 16 as shown on tax map 6-045; thence northerly and then southeasterly with said parcel to a point being the intersection of the centerline of Little Twelve Mile Creek; thence northerly with said creek approximately 2,145 feet to a point being the intersection with Potter Road (SR 1346); thence northerly with said creek approximately 1,520 feet to a point being a corner in the southwestern property boundary line of parcel 2 as shown on tax map 6-021; thence northeasterly, then northerly, then westerly, and then northerly with said property line to a point being the southern property boundary line of parcel 3 as shown on tax map 6-021; thence westerly with said parcel approximately 330 feet to a point being the corner of the southwest property boundary line of said parcel; thence northeasterly approximately 1,815 feet to a point being the intersection with the southwestward property boundary line of parcel 5 as shown on tax map 7-120; thence northwesterly then northeasterly and then southeasterly with said property line to a point being the northernmost corner property boundary line of parcel 7 as shown on tax map 7-120; thence with the extension of said property boundary line to the centerline of Hawfield Road (SR 1354); thence southeasterly with the centerline of said road approximately 2,145 feet to the intersection with the centerline of Wesley Chapel-Stouts Road (SR 1377); thence northeasterly with the centerline of said road approximately 1,980 feet to the point and place of BEGINNING. Excluded from this description are Tracts IV, V, and VI annexed to the Town of Indian Trail under Part 4 of Article 4A of Chapter 160A of the General Statutes by Annexation Ordinance 40 adopted May 25, 1998, more particularly described as follows:

TRACT IV:

BEGINNING at a point where the centerline of the right-of-way of S.R. 1162 (known as Goldmine Road) intersects the centerline of the right-of-way of S.R. 1377 (known as Wesley Chapel-Stouts Road) (the right-of-way for each road being 60 feet wide), and running from said beginning point with the center of the right-of-way of S.R. 1377 as follows: (1) N 44-22-25 E 148.77 feet to a point; (2) N 40-39-45 E 528.84 feet to a point, a corner of Lot 8 of Houston Farm Subdivision, Phase III (Plat Cabinet B, File 306-A, Union County Registry); thence with the southwestern boundary of Lot 8 of said subdivision, South 35-01-09 E 231.18 feet to a point, a corner of Lot 9 of Houston Farm Subdivision, Phase III; thence with southwest boundary of Lot 9 of said subdivision, S 34-51-04 E 249.94 feet to a point in the

center of the right-of-way of S.R. 1162; thence with the center of the right-of-way of S.R. 1162 as follows: (1) S 82-52-40 W 134.60 feet to a point; (2) S 80-44-44 W 558.83 feet to a point; (3) S 80-32-27 W 39.54 feet to the point of BEGINNING, and containing 3.54 acres, more or less, as shown on copy of map of survey prepared by F. Donald Lawrence & Associates, P.A., NCRLS, dated October 27, 1986, and recorded in Plat Cabinet B, at Page 306-A, Union County Registry.

TRACT V:

BEGINNING at a point where the centerline of the right-of-way of S.R. 1162 (known as Goldmine Road) intersects with the centerline of the right-of-way of S.R. 1377 (known as Wesley Chapel-Stouts Road), and running from said beginning point with the centerline of the right-of-way of S.R. 1162 as follows: (1) S 80-32-25 W 320.00 feet to a point; (2) S 80-33-44 W 591.51 feet to a point; (3) S 75-37-55 W 89.30 feet to a point; (4) S 47-08-50 W 60.77 feet to a point; (5) S 11-11-50 W 64.16 feet to a point near the center of the intersection of S.R. 1162 and S.R. 1355; thence N 15-46-08 W 35.86 feet to a point within the right-of-way of S.R. 1162; thence N 32-02-38 W 181.80 feet to a point in the center of the right-of-way of S.R. 1355; thence with the center of the right-of-way of S.R. 1355 as follows: (1) N 29-11-30 W 293.99 feet to a point; (2) N 32-02-58 W 431.58 feet to a point; (3) N 32-38-20 W 364.15 feet to a point in the center of said road right-of-way; thence N 45-02-45 E 3329.74 feet to a point in the southwestern boundary of the right-of-way of S.R. 1354 (known as Hawfield Road); thence within the right-of-way of S.R. 1354 (but not the centerline thereof), S 36-43-29 E 1656.35 feet to the point where the centerline of S.R. 1354 intersects the centerline of the right-of-way of S.R. 1377; thence with the center of the right-of-way of S.R. 1377 as follows: (1) S 51-43-45 W 98.35 feet to a point; (2) S 47-36-55 W 68.82 feet to a point; (3) S 41-39-39 W 102.57 feet to a point; (4) S 38-38-51 W 105.59 feet to a point; (5) S 38-07-38 W 270.65 feet to a point; (6) S 39-00-58 W 103.56 feet to a point; (7) S 40-22-09 W 110.27 feet to a point; (8) S 40-39-45 W 1471.25 feet to a point; (9) S 44-22-25 W 148.77 feet to the point of BEGINNING, and containing 129.06 acres, more or less, as shown on copy of unrecorded map of survey prepared by F. Donald Lawrence & Associates, P.A., NCRLS, dated March 6, 1986.

TRACT VI:

Beginning at a point in the centerline of Goldmine Road (S.R. 1162) the common corner of Lot #12 and #11 of Houston Farms, Phase I as shown on plat recorded in Plat Cabinet A, File 101-A, Union County Registry. Thence with the centerline of said road as follows: 1st N12-56-05W 122.27', 2nd N13-03-20W 105.36', 3rd N07-14-55W 76.96', 4th N11-11-50W 64.16', 5th N47-08-50W 60.77', 6th N76-37-55E 80.30', 7th N80-33-40E 419.44' to a point in the centerline of said road, the common corner of Lot #11 and #10, thence S33-44-00W 358.84' to an iron stake the common corner of Lot #10, #11, #12, thence S53-00-00W 366.35' to the point and place of BEGINNING, being all of Lot #11 and containing 3.34 acres.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Dedmon for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 811 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF HAVELOCK TO INCREASE THE TERM OF THE MAYOR FROM TWO YEARS TO FOUR YEARS BEGINNING WITH THE REGULAR MUNICIPAL ELECTION IN 2001.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 811:
Havelock Chapter Revisions

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Reps. Thomas and Wainwright
Date:	April 13, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 811 amends the Chapter of the City of Havelock to increase the term of Mayor from two to four years, beginning in 2001.

Effective Date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 811

Short Title: Havelock Charter Revision. (Local)

Sponsors: Representatives Thomas and Wainwright.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF HAVELOCK TO INCREASE THE TERM OF THE MAYOR FROM TWO YEARS TO FOUR YEARS BEGINNING WITH THE REGULAR MUNICIPAL ELECTION IN 2001.

The General Assembly of North Carolina enacts:

Section 1. Section 3(a) of the Charter of the City of Havelock, being Chapter 952 of the 1959 Session Laws, as amended by Chapter 152 of the 1977 Session Laws, reads as rewritten:

"(a) The Government of the City of Havelock shall be vested in a mayor and a board of commissioners made up of five members. Regular elections shall be held biennially to ~~elect a mayor for a term of two years and,~~ elect, as their terms expire, commissioners for terms of four ~~years.~~ years and, until the regular election in 2001, a mayor for a term of two years. Beginning with the regular election in 2001, a mayor shall be elected for a term of four years. In the regular election in 1977, and quadrennially thereafter, there shall be elected two commissioners; and in the regular election in 1979, and quadrennially thereafter, there shall be elected three commissioners. Voters in each regular election shall be entitled to ~~one vote for the office of mayor and~~ as many votes for the offices of commissioner as there are full terms for commissioner to be filled pursuant to this ~~subparagraph.~~ subparagraph, and to one vote for the office of mayor in the year in which the term of the mayor expires. The candidate for mayor who receives the highest number of votes shall be declared elected; and candidates for commissioner, equal in number to the number of offices to be filled, who receive the highest number of votes, shall be declared elected."

Section 2. All existing ordinances, resolutions, and other provisions of the City of Havelock not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Dedmon for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 812 A BILL TO BE ENTITLED AN ACT TO REMOVE SUNSET ON PROCEEDS USE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#_____)~~, ☒ which changes the title, unfavorable as to ~~(original bill) (Committee Substitute Bill #_____)~~, ~~(~~and recommendation that the committee substitute bill ~~#_____)~~ be re-referred to the Committee on FINANCE

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 812
Committee Substitute Favorable 4/20/99

Short Title: Remove Sunset/Craven Proceeds Use. (Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE SUNSET ON A REQUIREMENT THAT PART OF CERTAIN CRAVEN COUNTY PROCEEDS BE USED FOR A CONVENTION CENTER AND A TOURIST CENTER.

The General Assembly of North Carolina enacts:

Section 1. Chapter 980 of the 1983 Session Laws, as amended by Chapter 710 of the 1985 Session Laws and Chapter 721 of the 1995 Session Laws, reenacted by Chapter 20 of the 1996 Second Extra Session, reads as rewritten:

"AN ACT TO ALLOW CRAVEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

"Section 1. Levy of Tax. -- (a) The Board of Commissioners of Craven County may ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy and tourism development ~~tax.~~

~~(b) Collection of the tax, and liability therefor, shall begin and continue only on and after the first day of a calendar month set by the board of county commissioners in the resolution levying the tax, which in no case may be earlier than the first day of the second succeeding calendar month after the date of adoption of the resolution.~~

~~"Sec. 2. Rate of Tax. The room occupancy and tourism development~~ tax ~~that may be levied under Section 1 of this act shall be~~ at the rate of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, or other similar enterprise within the county now subject to the three percent (3%) sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any local sales tax.

"Sec. 2.1. Additional Occupancy Tax. -- In addition to the tax authorized by Section 1 of this act, the Craven County Board of Commissioners may levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any accommodations taxable under Section 1 of this act. The levy, collection, administration, and repeal of the tax authorized by this section shall be in accordance with the provisions of this act. Craven County may not levy a tax under this section unless it also levies the tax under Section 1 of this act.

"Sec. 3. -- Exemptions. The tax authorized by this act does not apply to gross receipts derived by the following entities from accommodations furnished by them:

(1) religious organizations;
(2) a business that offers to rent fewer than five units;
(3) educational organizations; and
(4) summer camps.

"Sec. 4. Administration of Tax. -- A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section. Any repeal of the tax authorized in Section 2.1 of this act may not become effective before June 30, 2018.

~~(a) Returns. -- Any tax levied under this act is due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by Craven County. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. An operator of a business who collects the occupancy tax levied under this act may deduct from the amount remitted to the county a discount equal to the discount the State allows the operator for State sales and use tax.~~

~~The county shall design, print, and furnish to all affected businesses in Craven County the necessary forms for filing returns and instructions to ensure the collection of the tax. A return filed with the county tax collector under this act is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.~~

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

~~"Sec. 5. Collection of Tax. -- Every operator of a business subject to the tax levied by this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of Craven County. The tax levied pursuant to this act shall be~~

~~added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business.~~

"Sec. 6. Disposition of Taxes Collected. -- (a) 'Net Proceeds' Defined. -- As used in this act, the term 'net proceeds' means gross proceeds less the cost to the county of administering and collecting the tax, not to exceed three percent (3%) of the gross proceeds of the tax.

(a1) Tax Levied Under Section 1. -- Craven County shall remit the net proceeds of the occupancy tax levied under Section 1 of this act to the Craven County Tourism Development Authority. The County Tourism Development Authority shall allocate the occupancy tax revenue remitted to it for the following purposes:

(1) Direct advertising costs for visitor promotions, conventions, or tourism, including outdoor advertising, print media, broadcast media, and brochures;

(2) Marketing and promotions expenses, including test market programs, consultant fees, entertainment, housing expenses, travel expenses, and registration fees;

(3) Operating expenses for the Visitor Information Center, including postage, telephone, supplies, dues, subscriptions, equipment, rent, and overhead allocation;

(4) Salaries, benefits, and expenses for Visitor Information Center personnel; and

(5) Other expenses that aid and encourage visitor promotions, conventions, or tourism.

~~Effective until June 30, 2013, thirty-five~~ Thirty-five percent (35%) of the net proceeds in excess of one hundred thousand dollars ($100,000) remitted to the Authority pursuant to this subsection in a fiscal year shall be allocated to the Room Tax Trust Fund created pursuant to subsection (c) of this section.

(b) Authority May Contract. -- The County Tourism Development Authority may contract with appropriate organizations or agencies to assist it in carrying out the purposes provided in this section.

(c) Tax Levied Under Section 2.1. -- Craven County shall credit the net proceeds of the tax levied under Section 2.1 of this act to a separate Room Tax Trust Fund. Monies in the Room Tax Trust Fund may be used only to construct, maintain, operate, or market a convention or meeting facility in New Bern and a tourist center in Havelock. Any monies distributed to the City of New Bern or the City of Havelock from the Room Tax Trust Fund shall be maintained in and disbursed from a separate trust fund within the respective city's organizational chart of accounts.

"Sec. 7. Appointment, Duties of Tourism Development Authority. -- (a) When the board of county commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall also adopt a resolution creating a County Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act and shall be composed of the following members:

(1) One county commissioner appointed by the Board of Commissioners of Craven County;
(2) After the first full year of collections under this act, one person appointed by the governing board of each municipality from which, during the previous 12-month period, at least ten percent (10%) of the gross proceeds of the occupancy tax were collected;
(3) One person representing motel operators, appointed by the board of commissioners;
(4) One person with demonstrated interest in and support of tourism development, appointed by the New Bern-Craven Chamber of Commerce;
(4a) One person with demonstrated interest in and support of tourism development, appointed by the Havelock Chamber of Commerce;
(5) One person representing Tryon Palace Complex, appointed by the Tryon Palace Commission;
(6) Two at-large members with a demonstrated interest in conventions and tourism development, appointed by the other members of the Authority;
(7) The finance officer of Craven County, who shall serve as a nonvoting, ex officio member; and
(8) The Executive Director of the Authority, who shall serve as a nonvoting, ex officio member.

(b) All members of the Authority shall serve without compensation. Vacancies in the Authority shall be filled by the appointing authority of the member creating the vacancy. Members appointed to fill vacancies shall serve for the remainder of the unexpired term for which they are appointed to fill. Members shall serve three-year terms, except the initial members who shall serve the following terms:
(1) Members appointed pursuant to subdivisions (a)(1) and (a)(2) shall serve a one-year term;
(2) Members appointed pursuant to subdivisions (a)(3) and (a)(4) shall serve a two-year term; and
(3) Members appointed pursuant to subdivisions (a)(5) and (a)(6) shall serve a three-year term.

(c) A member appointed under subdivision (a)(2) shall serve his full term, regardless whether, during a 12-month period of his term, the percentage of the gross proceeds of the occupancy tax that are collected from the municipality he represents is less than ten percent (10%).

(d) Members may serve no more than two consecutive three-year terms. The members shall elect a ~~chairman,~~ chair, who shall serve for a term established in the bylaws of the Authority. The Authority shall meet at the call of the ~~chairman~~ chair and shall adopt rules of procedure to govern its meetings. The finance officer for Craven County shall be the ex officio finance officer of the Authority.

(e) The Tourism Development Authority shall report at the close of the fiscal year to the board of county commissioners on its receipts and expenditures for the preceding year in such detail as the board may require.

~~"Sec. 8. Repeal of Levy. (a) The board of county commissioners may by resolution repeal the levy of the room occupancy tax authorized in Section 1 of this act, but the repeal of taxes levied under Section 1 of this act shall not become effective until the end of the fiscal year in which the resolution was adopted.~~

~~(a1) The board of county commissioners may by resolution repeal the levy of the room occupancy tax authorized in Section 2.1 of this act, but the repeal of taxes levied under Section 2.1 of this act shall not become effective until the later of June 30, 2018, or the end of the fiscal year in which the resolution was adopted.~~

~~(b) No liability for any tax levied under this act that attached prior to the date on which a levy is repealed is discharged as a result of the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed may be denied as a result of the repeal.~~

"Sec. 9. This act is effective upon ratification."

Section 2. County Administrative Provisions. Section 3(b) of S.L. 1997-102, as amended by Section 2 of S.L. 1997-255, Section 2 of S.L. 1997-342, Section 3 of S.L. 1997-364, Section 6 of S.L. 1997-410, and Section 2 of S.L. 1998-14, reads as rewritten:

"(b) This section applies only to Avery, Brunswick, Craven, Davie, Madison, Nash, Person, Randolph, and Scotland Counties."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

H812-PCSRW-001
PROPOSED COMMITTEE SUBSTITUTE
HOUSE 812
THIS IS A DRAFT 13-APR-99 09:40:31
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Remove Sunset/Craven Proceeds Use. (Local)

Sponsors:

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE SUNSET ON A REQUIREMENT THAT PART OF CERTAIN CRAVEN COUNTY PROCEEDS BE USED FOR A CONVENTION CENTER AND A TOURIST CENTER.

The General Assembly of North Carolina enacts:

Section 1. Chapter 980 of the 1983 Session Laws, as amended by Chapter 710 of the 1985 Session Laws and Chapter 721 of the 1995 Session Laws, reenacted by Chapter 20 of the 1996 Second Extra Session, reads as rewritten:

"AN ACT TO ALLOW CRAVEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

"Section 1. Levy of Tax. -- (a) The Board of Commissioners of Craven County may ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy and tourism development ~~tax.~~

~~(b) Collection of the tax, and liability therefor, shall begin and continue only on and after the first day of a calendar month set by the board of county commissioners in the resolution levying the tax, which in no case may be earlier than the first~~

~~day of the second succeeding calendar month after the date of adoption of the resolution.~~

~~"Sec. 2. -- Rate of Tax. The room occupancy and tourism development~~ tax ~~that may be levied under Section 1 of this act shall be~~ at the rate of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, or other similar enterprise within the county now subject to the three percent (3%) sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any local sales tax.

"Sec. 2.1. Additional Occupancy Tax. -- In addition to the tax authorized by Section 1 of this act, the Craven County Board of Commissioners may levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any accommodations taxable under Section 1 of this act. The levy, collection, administration, and repeal of the tax authorized by this section shall be in accordance with the provisions of this act. Craven County may not levy a tax under this section unless it also levies the tax under Section 1 of this act.

"Sec. 3. -- Exemptions. The tax authorized by this act does not apply to gross receipts derived by the following entities from accommodations furnished by them:

(1) religious organizations;
(2) a business that offers to rent fewer than five units;
(3) educational organizations; and
(4) summer camps.

"Sec. 4. Administration of Tax. -- A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section. Any repeal of the tax authorized in Section 2.1 of this act may not become effective before June 30, 2018.

~~(a) Returns. -- Any tax levied under this act is due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by Craven County. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. An operator of a business who collects the occupancy tax levied under this act may deduct from the amount remitted to the county~~

~~a discount equal to the discount the State allows the operator for State sales and use tax.~~

~~The county shall design, print, and furnish to all affected businesses in Craven County the necessary forms for filing returns and instructions to ensure the collection of the tax. A return filed with the county tax collector under this act is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.~~

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

~~"Sec. 5. Collection of Tax. -- Every operator of a business subject to the tax levied by this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of Craven County. The tax levied pursuant to this act shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business.~~

"Sec. 6. Disposition of Taxes Collected. -- (a) 'Net Proceeds' Defined. -- As used in this act, the term 'net proceeds' means gross proceeds less the cost to the county of administering and collecting the tax, not to exceed three percent (3%) of the gross proceeds of the tax.

(a1) Tax Levied Under Section 1. -- Craven County shall remit the net proceeds of the occupancy tax levied under Section 1 of this act to the Craven County Tourism Development Authority. The County Tourism Development Authority shall allocate the occupancy tax revenue remitted to it for the following purposes:

(1) Direct advertising costs for visitor promotions, conventions, or tourism, including outdoor advertising, print media, broadcast media, and brochures;

(2) Marketing and promotions expenses, including test market programs, consultant fees, entertainment, housing expenses, travel expenses, and registration fees;

(3) Operating expenses for the Visitor Information Center, including postage, telephone, supplies, dues, subscriptions, equipment, rent, and overhead allocation;
(4) Salaries, benefits, and expenses for Visitor Information Center personnel; and
(5) Other expenses that aid and encourage visitor promotions, conventions, or tourism.

~~Effective until June 30, 2013, thirty-five~~ Thirty-five percent (35%) of the net proceeds in excess of one hundred thousand dollars ($100,000) remitted to the Authority pursuant to this subsection in a fiscal year shall be allocated to the Room Tax Trust Fund created pursuant to subsection (c) of this section.

(b) Authority May Contract. -- The County Tourism Development Authority may contract with appropriate organizations or agencies to assist it in carrying out the purposes provided in this section.

(c) Tax Levied Under Section 2.1. -- Craven County shall credit the net proceeds of the tax levied under Section 2.1 of this act to a separate Room Tax Trust Fund. Monies in the Room Tax Trust Fund may be used only to construct, maintain, operate, or market a convention or meeting facility in New Bern and a tourist center in Havelock. Any monies distributed to the City of New Bern or the City of Havelock from the Room Tax Trust Fund shall be maintained in and disbursed from a separate trust fund within the respective city's organizational chart of accounts.

"Sec. 7. Appointment, Duties of Tourism Development Authority. -- (a) When the board of county commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall also adopt a resolution creating a County Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act and shall be composed of the following members:
(1) One county commissioner appointed by the Board of Commissioners of Craven County;
(2) After the first full year of collections under this act, one person appointed by the governing board of each municipality from which, during the previous 12-month period, at least ten percent (10%) of the gross proceeds of the occupancy tax were collected;
(3) One person representing motel operators, appointed by the board of commissioners;

(4) One person with demonstrated interest in and support of tourism development, appointed by the New Bern-Craven Chamber of Commerce;

(4a) One person with demonstrated interest in and support of tourism development, appointed by the Havelock Chamber of Commerce;

(5) One person representing Tryon Palace Complex, appointed by the Tryon Palace Commission;

(6) Two at-large members with a demonstrated interest in conventions and tourism development, appointed by the other members of the Authority;

(7) The finance officer of Craven County, who shall serve as a nonvoting, ex officio member; and

(8) The Executive Director of the Authority, who shall serve as a nonvoting, ex officio member.

(b) All members of the Authority shall serve without compensation. Vacancies in the Authority shall be filled by the appointing authority of the member creating the vacancy. Members appointed to fill vacancies shall serve for the remainder of the unexpired term for which they are appointed to fill. Members shall serve three-year terms, except the initial members who shall serve the following terms:

(1) Members appointed pursuant to subdivisions (a)(1) and (a)(2) shall serve a one-year term;

(2) Members appointed pursuant to subdivisions (a)(3) and (a)(4) shall serve a two-year term; and

(3) Members appointed pursuant to subdivisions (a)(5) and (a)(6) shall serve a three-year term.

(c) A member appointed under subdivision (a)(2) shall serve his full term, regardless whether, during a 12-month period of his term, the percentage of the gross proceeds of the occupancy tax that are collected from the municipality he represents is less than ten percent (10%).

(d) Members may serve no more than two consecutive three-year terms. The members shall elect a ~~chairman,~~ chair, who shall serve for a term established in the bylaws of the Authority. The Authority shall meet at the call of the ~~chairman~~ chair and shall adopt rules of procedure to govern its meetings. The finance officer for Craven County shall be the ex officio finance officer of the Authority.

(e) The Tourism Development Authority shall report at the close of the fiscal year to the board of county commissioners on its receipts and expenditures for the preceding year in such detail as the board may require.

~~"Sec. 8. Repeal of Levy. -- (a) The board of county commissioners may by resolution repeal the levy of the room occupancy tax authorized in Section 1 of this act, but the repeal of taxes levied under Section 1 of this act shall not become effective until the end of the fiscal year in which the resolution was adopted.~~

~~(a1) The board of county commissioners may by resolution repeal the levy of the room occupancy tax authorized in Section 2.1 of this act, but the repeal of taxes levied under Section 2.1 of this act shall not become effective until the later of June 30, 2018, or the end of the fiscal year in which the resolution was adopted.~~

~~(b) No liability for any tax levied under this act that attached prior to the date on which a levy is repealed is discharged as a result of the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed may be denied as a result of the repeal.~~

"Sec. 9. This act is effective upon ratification."

Section 2. County Administrative Provisions. Section 3(b) of S.L. 1997-102, as amended by Section 2 of S.L. 1997-255, Section 2 of S.L. 1997-342, Section 3 of S.L. 1997-364, Section 6 of S.L. 1997-410, and Section 2 of S.L. 1998-14, reads as rewritten:

"(b) This section applies only to Avery, Brunswick, Craven, Davie, Madison, Nash, Person, Randolph, and Scotland Counties."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 812

Short Title: Modify Craven Room Tax Use. (Local)

Sponsors: Representatives Thomas, Wainwright, and Edwards.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO REMOVE SUNSET ON PROCEEDS USE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 980 of the 1983 Session Laws, as amended by Chapter 710 of the 1985 Session Laws and Chapter 721 of the 1995 Session Laws, reenacted by Chapter 20 of the 1996 Second Extra Session, reads as rewritten:

"AN ACT TO ALLOW CRAVEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

"Section 1. Levy of Tax. -- (a) The Board of Commissioners of Craven County may ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto, levy a room occupancy and tourism development tax.~~

~~(b) Collection of the tax, and liability therefor, shall begin and continue only on and after the first day of a calendar month set by the board of county commissioners in the resolution levying the tax, which in no case may be earlier than the first day of the second succeeding calendar month after the date of adoption of the resolution.~~

~~"Sec. 2. Rate of Tax. The room occupancy and tourism development tax that may be levied under Section 1 of this act shall be~~ levy a room occupancy and tourism development tax at the rate of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, or other similar enterprise within the county now subject to the three percent (3%) sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any local sales tax.

"Sec. 2.1. Additional Occupancy Tax. -- In addition to the tax authorized by Section 1 of this act, the Craven County Board of Commissioners may levy a room

occupancy tax of three percent (3%) of the gross receipts derived from the rental of any accommodations taxable under Section 1 of this act. The levy, collection, administration, and repeal of the tax authorized by this section shall be in accordance with the provisions of this act. Craven County may not levy a tax under this section unless it also levies the tax under Section 1 of this act.

"Sec. 3. -- Exemptions. The tax authorized by this act does not apply to gross receipts derived by the following entities from accommodations furnished by them:

(1) religious organizations;

(2) a business that offers to rent fewer than five units;

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"Sec. 4. Administration of Tax. -- A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section. Any repeal of the tax authorized in Section 2.1 of this act may not become effective before June 30, 2018.

~~(a) Returns. -- Any tax levied under this act is due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by Craven County. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. An operator of a business who collects the occupancy tax levied under this act may deduct from the amount remitted to the county a discount equal to the discount the State allows the operator for State sales and use tax.~~

~~The county shall design, print, and furnish to all affected businesses in Craven County the necessary forms for filing returns and instructions to ensure the collection of the tax. A return filed with the county tax collector under this act is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.~~

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

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(a1) Tax Levied Under Section 1. -- Craven County shall remit the net proceeds of the occupancy tax levied under Section 1 of this act to the Craven County Tourism Development Authority. The County Tourism Development Authority shall allocate the occupancy tax revenue remitted to it for the following purposes:

(1) Direct advertising costs for visitor promotions, conventions, or tourism, including outdoor advertising, print media, broadcast media, and brochures;

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(3) Operating expenses for the Visitor Information Center, including postage, telephone, supplies, dues, subscriptions, equipment, rent, and overhead allocation;

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~~Effective until June 30, 2013, thirty-five~~ Thirty-five percent (35%) of the net proceeds in excess of one hundred thousand dollars ($100,000) remitted to the Authority pursuant to this subsection in a fiscal year shall be allocated to the Room Tax Trust Fund created pursuant to subsection (c) of this section.

(b) Authority May Contract. -- The County Tourism Development Authority may contract with appropriate organizations or agencies to assist it in carrying out the purposes provided in this section.

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(1) One county commissioner appointed by the Board of Commissioners of Craven County;

(2) After the first full year of collections under this act, one person appointed by the governing board of each municipality from which, during the previous 12-month period, at least ten percent (10%) of the gross proceeds of the occupancy tax were collected;
(3) One person representing motel operators, appointed by the board of commissioners;
(4) One person with demonstrated interest in and support of tourism development, appointed by the New Bern-Craven Chamber of Commerce;
(4a) One person with demonstrated interest in and support of tourism development, appointed by the Havelock Chamber of Commerce;
(5) One person representing Tryon Palace Complex, appointed by the Tryon Palace Commission;
(6) Two at-large members with a demonstrated interest in conventions and tourism development, appointed by the other members of the Authority;
(7) The finance officer of Craven County, who shall serve as a nonvoting, ex officio member; and
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(3) Members appointed pursuant to subdivisions (a)(5) and (a)(6) shall serve a three-year term.

(c) A member appointed under subdivision (a)(2) shall serve his full term, regardless whether, during a 12-month period of his term, the percentage of the gross proceeds of the occupancy tax that are collected from the municipality he represents is less than ten percent (10%).

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(e) The Tourism Development Authority shall report at the close of the fiscal year to the board of county commissioners on its receipts and expenditures for the preceding year in such detail as the board may require.

~~"Sec. 8. Repeal of Levy. -- (a) The board of county commissioners may by resolution repeal the levy of the room occupancy tax authorized in Section 1 of this act, but the repeal of taxes levied under Section 1 of this act shall not become effective until the end of the fiscal year in which the resolution was adopted.~~

~~(a1) The board of county commissioners may by resolution repeal the levy of the room occupancy tax authorized in Section 2.1 of this act, but the repeal of taxes levied under Section 2.1 of this act shall not become effective until the later of June 30, 2018, or the end of the fiscal year in which the resolution was adopted.~~

~~(b) No liability for any tax levied under this act that attached prior to the date on which a levy is repealed is discharged as a result of the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed may be denied as a result of the repeal.~~

"Sec. 9. This act is effective upon ratification."

Section 2. County Administrative Provisions. Section 3(b) of S.L. 1997-102, as amended by Section 2 of S.L. 1997-255, Section 2 of S.L. 1997-342, Section 3 of S.L. 1997-364, Section 6 of S.L. 1997-410, and Section 2 of S.L. 1998-14, reads as rewritten:

"(b) This section applies only to Avery, Brunswick, Craven, Davie, Madison, Nash, Person, Randolph, and Scotland Counties."

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

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I
Name of Committee

4-13-99
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
S Markham	Eghts
Kim Hibbard	NCLM
Patricia Smith	Freedom Newspapers
Katherine Davis	ElectriCities

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

April 20, 1999

The House Committee on Local Government I met on Tuesday, April 20, 1999 in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman Saunders, Representatives Barefoot, Buchanan, Decker, McCrary, Rogers and Setzer. Giles Perry, Staff Counselor was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order. The following bills were then considered:

The first item on the agenda was **HB 832, A BILL TO BE ENTITLED AN ACT EXEMPTING THE TOWN OF SPUCE PINE FROM THE CEILING ON SATELLITE ANNEXATIONS.** Representative Buchanan was recognized and moved to have the bill postponed indefinitely; the motion carried.

The next order of business was **HB 776, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.** Representative Crawford was recognized to explain the bill. Representative Buchanan moved for a favorable report. The motion carried.

The next order of business was **HB 837, A BILL TO BE ENTITLED AN ACT EXTENDING THE TOWN OF CHOCOWINITY'S EXTRATERRITORIAL JURISDICTION.** Representative Edwards was recognized to explain the bill. Mr. Wayland Sermons, Chocowinity's City Attorney, was also recognized and explained to the committee the requests that were made for the bill. Giles Perry was recognized to offer a committee substitute and Representative Buchanan moved for the adoption of the proposed committee substitute for committee discussion. Motion carried and the proposed committee substitute was properly before the Committee. Giles Perry explained the area that would be acquired by the town through the passage of the bill. Representative Buchanan moved for a favorable report on the committee substitute and an unfavorable report on the original bill. The motion carried.

There being no further business, the Chair adjourned the meeting at 11:14.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I
Tuesday, April 20, 1999
Room 415 LOB at 11:00 a.m.

OPENING REMARKS — **Representative Dedmon, Chair**

BILLS BEFORE THE COMMITTEE

HB 776	Roanoke Rapids Overgrown Lots Rep. Crawford
HB 795	Durham Contracts Rep. Luebke & Michaux
HB 832	Spruce Pine Annexations Rep. Thompson & Buchanan
HB 837	Chocowinity Extraterritorial Jurisdiction Rep. Edwards
HB 856	Durham License Tax Year Rep. Miller & Luebke
HB 872	Dare Courthouse Construction Flex Rep. Culpepper

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 832

Short Title: Spruce Pine Annexation. (Local)

Sponsors: Representatives Thompson and Buchanan.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT EXEMPTING THE TOWN OF SPRUCE PINE FROM THE CEILING ON SATELLITE ANNEXATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-58.1(b)(5) shall not apply to the Town of Spruce Pine.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 776 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 776:
Roanoke Rapids Overgrown Lots

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Rep. Crawford
Date:	April 20, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 776 authorizes the City of Roanoke Rapids to give notice and place a lien on property of chronic violators of the City's overgrown vegetation ordinance. The bill gives the City the authority to collect on the lien as they would on unpaid property taxes.

Effective date: When it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 776

Short Title: Roanoke Rapids Overgrown Lots. (Local)

Sponsors: Representative Crawford.

Referred to: Local Government I.

March 31, 1999

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. A municipality may notify a chronic violator of the municipality's overgrown vegetation ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality shall, without further notice in the calendar year in which notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the overgrown vegetation ordinance.

Section 2. This act applies to the City of Roanoke Rapids only.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Dedmon for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 837 A BILL TO BE ENTITLED AN ACT EXTENDING THE TOWN OF CHOCOWINITY'S EXTRATERRITORIAL JURISDICTION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☑ With a favorable report as to committee substitute bill (#), ☐ ~~which changes the title~~, unfavorable as to (original bill) (~~Committee Substitute Bill #); (and recommendation that the committee substitute bill #) be re-referred to the Committee on .~~)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 837
Committee Substitute Favorable 4/21/99

Short Title: Chocowinity ETJ. (Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

AN ACT EXTENDING THE TOWN OF CHOCOWINITY'S EXTRATERRITORIAL JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. In addition to any areas where the Town of Chocowinity exercises extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes, the Town shall have extraterritorial jurisdiction under that Article in the following described area, which includes the Cypress Landing Subdivision:

BEGINNING at the existing Extraterritorial Jurisdiction at the southeast corner of the Margaret Louise Barr property, otherwise known as Parcel number 5674-31-1415 on the Beaufort County Land Records; thence from said point in a southeasterly direction following the right-of-way of Norfolk Southern Railroad to the southeast corner of the Weyerhaeuser Real Estate Company property, otherwise known as Parcel number 5674-83-5374 on the Beaufort County Land Records; thence from said point in a north/northeasterly direction following the eastern property line of the Weyerhaeuser Real Estate Company property, otherwise known as Parcel number 5674-83-5374 on the Beaufort County Land Records, to the right-of-way of SR 1123; thence from said point in a southeasterly direction following the right-of-way of SR 1123 to the southeastern corner of the Curtis Earl Grist and Sharon Grist property, otherwise known as Parcel number 5683-18-6341 on the Beaufort County Land Records; thence from said point in a northeasterly direction following the eastern property line of the Curtis Earl Grist and Sharon Grist property, otherwise known as Parcel number 5683-18-6341 on the Beaufort County Land Records, to the northeast

corner of said Parcel; thence from said point in a northeasterly direction following the eastern property line of the Addie Grist property, otherwise known as Parcel number 5683-18-8615 on the Beaufort County Land Records, to the northeastern corner of said Parcel; thence from said point in a varying easterly and northeasterly direction following the northern property line of the Charlotte Stokes Garris property, otherwise known as Parcel number 5683-28-9280 on the Beaufort County Tax Records, to the property line of the James Bragg Robertson, Jr. property, otherwise known as Parcel number 5683-48-4138 on the Beaufort County Tax Records; thence from said point in a northeasterly direction following the western property line of the James Bragg Robertson, Jr. property, otherwise known as Parcel number 5683-48-4138, to the mouth of Rice Creek; thence from said point in a generally northwesterly direction following the southern bank of Chocowinity Bay to the existing Extraterritorial Jurisdiction at the intersection of the right-of-way of Norfolk Southern Railroad and the center of Crawford Creek.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 837
H837-PCSRW-001
20-APR-99 10:54:34

Short Title: Chocowinity ETJ. (Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

AN ACT EXTENDING THE TOWN OF CHOCOWINITY'S EXTRATERRITORIAL JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. In addition to any areas where the Town of Chocowinity exercises extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes, the Town shall have extraterritorial jurisdiction under that Article in the Cypress Landing Subdivision, which is described as follows:

Beginning at the existing Extraterritorial Jurisdiction at the southeast corner of the Margaret Louise Barr property, otherwise known as Parcel number 5674-31-1415 on the Beaufort County Land Records; thence from said point in a southeasterly direction following the right-of-way of Norfolk Southern Railroad to the southeast corner of the Weyerhaeuser Real Estate Company property, otherwise known as Parcel number 5674-83-5374 on the Beaufort County Land Records; thence from said point in a

north/northeasterly direction following the eastern property line of the Weyerhaeuser Real Estate Company property, otherwise known as Parcel number 5674-83-5374 on the Beaufort County Land Records, to the right-of-way of SR 1123; thence from said point in a southeasterly direction following the right-of-way of SR 1123 to the southeastern corner of the Curtis Earl Grist and Sharon Grist property, otherwise known as Parcel number 5683-18-6341 on the Beaufort County Land Records; thence from said point in a northeasterly direction following the eastern property line of the Curtis Earl Grist and Sharon Grist property, otherwise known as Parcel number 5683-18-6341 on the Beaufort County Land Records, to the northeast corner of said Parcel; thence from said point in a northeasterly direction following the eastern property line of the Addie Grist property, otherwise known as Parcel number 5683-18-8615 on the Beaufort County Land Records, to the northeastern corner of said Parcel; thence from said point in a varying easterly and northeasterly direction following the northern property line of the Charlotte Stokes Garris property, otherwise known as Parcel number 5683-28-9280 on the Beaufort County Tax Records, to the property line of the James Bragg Robertson, Jr. property, otherwise known as Parcel number 5683-48-4138 on the Beaufort County Tax Records; thence from said point in a northeasterly direction following the western property line of the James Bragg Robertson, Jr. property, otherwise known as Parcel number 5683-48-4138, to the mouth of Rice Creek; thence from said point in a generally northwesterly direction following the southern bank of Chocowinity Bay to the existing Extraterritorial Jurisdiction at the intersection of the right-of-way of Norfolk Southern Railroad and the center of Crawford Creek.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 837

Short Title: Chocowinity ETJ. (Local)

Sponsors: Representative Edwards.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT EXTENDING THE TOWN OF CHOCOWINITY'S EXTRATERRITORIAL JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. In addition to any areas where the Town of Chocowinity exercises extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes, the Town shall have extraterritorial jurisdiction under that Article in the Cypress Landing Subdivision, which is described as follows:

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

VISITOR REGISTRATION SHEET

Local Gov. I — 4-20-99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Tim KENT	American Institute of Architects
Andy Romanet	N.C.L.M.
Michelle Cook	Weyerhaeuser
Henry Jones	Attorney - Raleigh
Wayland J Sermons	Attorney - Town of Chocowinity

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

April 27, 1999

The House Committee on Local Government I met on Tuesday, April 27, 1999, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman Saunders, Representatives Barefoot, Buchanan, Decker, Ellis, Hill, Kiser, Rogers and Setzer. Giles Perry, Staff Counselor was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order. The following bills were then considered:

The first item on the agenda was **HB 872, A BILL TO BE ENTITLED AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.** Giles Perry was recognized to explain the bill. Representative Saunders moved for a favorable report. The motion carried.

The next order of business was **HB 787, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR CHARLOTTE/MECKLENBURG SCHOOLS.** Representative McMahan, the bill sponsor, was recognized to explain the bill. There were numerous questions from various committee members concerning the competitiveness and fairness of the bill. Mr. Wes Styers from Gastonia Plumbing and Heating spoke to the committee about the cons of the bill and it's effects on the small contractors. He circulated a handout concerning the Multi Prime system. (See Attachment #1.)The delegation members also spoke on the bill along with former Senator Richardson. After a long discussion and much debate, the bill was temporarily displaced.

The next order of business was **HB 791, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO PROVIDE FOR PARTISAN ELECTIONS.** Representative Gulley, bill sponsor, was recognized to explain the bill. After discussion and comments from the delegation members, Representative Decker moved for a roll call vote on an unfavorable report. The motion failed 6 to 6. (See Attachment #2.) Representative Ellis then moved for a roll call vote on a favorable report. The motion failed 5 to 7. (See Attachment #3.) The bill was then temporarily displaced.

The next order of business was **HB 800, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENT OF HEALTH TRUST FUND MONIES BY THE COUNTY OF DURHAM.** Representative Michaux, the bill sponsor, was recognized to explain the bill. Representative Ellis moved for a favorable report. The motion carried.

The next order of business was the **Proposed Committee Substitute for HB 605, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRAVEN COUNTY TO ACQUIRE REAL PROPERTY BY CONDEMNATION FOR CONVENTION**

CENTER PURPOSES AND TO ACQUIRE THE FEE OR ANY LESSER INTEREST. Representative Thomas, the bill sponsor, was recognized to explain the proposed committee substitute. Representative Cunningham moved for a favorable report to the committee substitute. The motion carried.

The next order of business was **HB 772, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE WATERS OF LEE'S CUT IN THE CITY OF WRIGHTSVILLE BEACH.** Representative Wright, the bill sponsor, was recognized to explain the bill and offered a proposed committee substitute. Representative Ellis moved for the adoption of the proposed committee substitute for committee discussion. The motion carried and the proposed committee substitute was properly before the committee. Representative Ellis moved for a favorable report to the committee substitute and an unfavorable report as to the original bill. The motion carried.

The next order of business was **HB 841, A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE GOVERNING BODY TO REQUIRE THAT RESIDENTIAL DEVELOPMENTS CONTAIN A SPECIFIED PERCENTAGE OF AFFORDABLE HOUSING UNITS.** Representative Hackney, the bill sponsor, was recognized and offered a proposed amendment with an explanation then moved for it to be rolled into a committee substitute and given a favorable report, unfavorable to the original bill. The motion carried.

The next order of business was **HB 868, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS AMENDMENTS CONCERNING THE TOWN OF CHAPEL HILL.** Representative Hackney, the bill sponsor, was again recognized to explain the bill and offered a proposed committee substitute with an explanation thereof. Representative Cunningham moved for a favorable report to the proposed committee substitute and an unfavorable report to the original bill. The motion carried.

There being no further business, the Chair adjourned the meeting at 12:00.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

April 27, 1999
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS:

HB 872 DARE COURTHOUSE CONSTRUCTION FLEX
REPRESENTATIVE CULPEPPER

HB 787 CHARLOTTE/MECKLENBURG SCHOOL CONSTRUCTION
REPRESENTATIVE McMAHAN

HB 605 CRAVEN COUNTY LOCAL ACT-2
REPRESENTATIVE THOMAS

HB 772 WRIGHTSVILLE BEACH NO-WAKE ZONE
REPRESENTATIVE WRIGHT

HB 791 MECKLENBURG SCHOOL ELECTION CHANGES
REPRESENTATIVE'S GULLEY & C. WILSON

HB 800 DURHAM COUNTY TRUST FUND INVESTMENTS
REPRESENTATIVES MICHAUX; MOSLEY & LUEBKE

HB 801 DURHAM CITY ANTIDISCRIMINATION
REPRESENTATIVES MICHAUX; ADAMS & LUEBKE

HB 841 CARRBORO AFFORDABLE HOUSING
REPRESENTATIVES INSKO & HACKNEY

HB 845 GREENVILLE UTILITIES COMMISSION
REPRESENTATIVE McLAWHORN

HB 868 CHAPEL HILL OMNIBUS ACT
REPRESENTATIVES INSKO & HACKNEY

ADJOURNMENT

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 872 A BILL TO BE ENTITLED AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 872

Short Title: Dare Courthouse Construction Flex. (Local)

Sponsors: Representative Culpepper.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. Dare County may contract for the design and construction of a courthouse facility without being subject to the requirements of G.S. 143-128, 143-129, 143-131, and 143-132. In contracting for the design and construction of a courthouse facility, if Dare County accepts bids under the single-prime contract system, it shall also seek bids under the separate-prime contract system. Notwithstanding any provision of law, Dare County may award each contract in its sole discretion.

Section 2. This act is effective when it becomes law and expires July 1, 2002.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 787
Committee Substitute Reported Without Prejudice 4/20/99

Short Title: Charlotte/Mecklenburg School Construction. (Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR CHARLOTTE/MECKLENBURG SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. Prequalified bidders; solicited bid list. -- Notwithstanding G.S. 143-129, the Charlotte/Mecklenburg Board of Education ("Board") may prequalify a limited number of contractors for a school facility construction, rebuilding, or renovation contract ("contract" and "project") and solicit bids from some or all of those prequalified contractors. The Board must attempt to prequalify and solicit sealed bids from at least five contractors and may not award a contract pursuant to this section unless it receives at least three bids from the group of prequalified contractors. The five-bid solicitation target and the three-proposal rule apply to each subdivision of work specified in G.S. 143-128(a) if the project is bid under the separate prime or dual bidding systems authorized under G.S. 143-128(b), (d), and (d1).

The Board shall award the contract or contracts to the lowest responsible bidder or bidders, taking into consideration quality, performance, and the time specified in the bids for the performance of the project. Notwithstanding the first paragraph of this section, if the Board does not receive three or more proposals, it may again seek proposals for the project pursuant to this section and may award the contract to the lowest responsible bidder, even if only one proposal is received.

In prequalifying a contractor for purposes of this section, the Board may consider the contractor's relevant experience on the type of project to be bid, ability

to meet the project schedule, financial strength, and the contractor's failure to perform satisfactorily on past projects or a current project. The Board's consideration of these factors shall be based upon objective information provided in the public record of the prequalification process. The Board must notify a disqualified bidder at least seven days prior to the opening of bids.

This section applies only to renovation, repair, and rebuilding projects.

Section 2. Construction management. -- Notwithstanding G.S. 143-128, 143-129, and 143-132, the Board may contract with a construction manager to manage and assume liability for the completion of a project. The construction manager shall be selected in the same manner that architects and engineers are selected pursuant to Article 3D of Chapter 143 of the General Statutes. If the Board receives bids under the separate-prime system and contracts with a construction manager who will be liable for the completion of the project, the Board may combine the lowest responsible bids in each subdivision of work into a single contract to be administered by the construction manager.

Section 3. Design-build. -- Notwithstanding G.S. 143-128, 143-129, and 143-132, the Board may use the design-build method of construction as follows:

(1) The Board must seek to prequalify and solicit at least five design-build teams to bid on the project and must receive sealed proposals from at least three of those teams. The request for proposals must contain a design criteria package that defines the project scope, including preliminary design and performance specifications, in a manner sufficient to allow the bidders to respond. This package should be developed by an architect.

(2) The Board shall interview at least three of the design-build teams that submit proposals. The Board shall award the contract to the best qualified team, taking into account the time of completion of the project and the cost of the project as the major factors.

Section 4. Other methods. -- Nothing in this act limits the Board's use of any method of contracting already authorized by law under Articles 3D and 8 of Chapter 143 of the General Statutes.

Section 5. Project bundling. -- The Board may award a single contract pursuant to this act covering multiple facilities and sites, except that all facilities for which such contract is awarded under this act for new construction must be in the same grade level (elementary school, middle school, or high school) unless the facilities are part of a single campus.

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

Attachment #1

POSSIBLE SAVINGS DUE TO MULTI PRIME SINCE NEW LAW ENACTED

NORTH CAROLINA PUBLIC SCHOOLS				
#	PROJECT NAME	SINGLE	MULTIPLE	SAVINGS
1	ALBEMARLE HIGH SCHOOL	$2,841,800.00	$2,367,866.00	$473,934.00
2	PINE CREST HIGH SCHOOL MOORE CO.	$1,248,000.00	$1,100,375.00	$147,625.00
3	DIXON HIGH SCHOOL ATHLETIC FIELD	$1,154,000.00	$1,073,154.00	$80,846.00
4	ROBBINS ELEMENTARY SCHOOL	$1,724,000.00	$1,727,289.00	($3,289.00)
5	NEW GREENLEE K-2 BAKERSVILLE	$6,765,000.00	$6,252,213.00	$512,787.00
6	BEAVER DAM ELEM CUMBERLAND CO.	$685,000.00	$435,507.00	$249,493.00
7	BROUGHTON HIGH RENOV WAKE	$987,000.00	$854,880.00	$132,120.00
8	DIXON ELEM ADDN HOLLY RIDGE NC	$1,321,000.00	$1,090,536.00	$230,464.00
9	SOUTHWEST H. S. A&R JACKSONVILLE	$2,948,500.00	$2,633,833.00	$314,667.00
10	ASHLEY ELEM SCH WINSTON SALEM	$1,193,000.00	$1,153,467.00	$39,533.00
12	MALLARD CREEK A&R CMS	$2,500,507.00	$2,374,065.00	$126,442.00
13	HARRISBURG ELEMENTARY	$9,070,000.00	$8,601,270.00	$468,730.00
14	GRAYS CRK. ELEM HOPE MILLS	$7,929,000.00	$7,839,358.00	$89,642.00
15	A&R ROANOKE RAPIDS HIGH	$7,004,956.00	$6,908,882.00	$96,074.00
16	NORTH & LAUREL MID SCHOOLS (SCOTLAND CO.)	$16,620,000.00	$16,440,887.00	$179,113.00
17	LELAND MS 8TH GRADE BRUNSWICK CO.	$786,500.00	$915,200.00	($128,700.00)
18	WEST CHARLOTTE HIGH BLDG G	$1,247,360.00	$1,194,450.00	$52,910.00
19	SHAMROCK GARDENS ELEM CMS	$2,239,000.00	$2,131,020.00	$107,980.00
20	SPRINGMORE ELEM. CLEVELAND CO.	$7,971,800.00	$7,845,676.00	$126,124.00
21	PINE FOREST MIDDLE CUMBERLAND CO.	$1,006,824.00	$1,013,725.00	($6,901.00)
22	NEW ELEM & MIDDLE ALAMANCE CO.	$19,628,500.00	$18,289,934.00	$1,338,566.00
23	TREXLER MIDDLE SCH ONSLOW CO.	$756,263.00	$661,269.00	$94,994.00
24	LOUISBURG ELEM FRANKLIN CO.	$8,698,000.00	$8,569,873.00	$128,127.00
25	ELISE MIDDLE SCH. CARTHAGE	$542,000.00	$544,544.00	($2,544.00)
26	PROSPECT ELEM ROBESON CO.	$3,808,948.00	$3,452,313.00	$356,635.00
27	PRINCEVILLE MONTESSORI EDGECOMBE CO.	$5,700,000.00	$4,841,719.00	$858,281.00
28	SOUTHWEST HIGH RANDOLPH CO.	$2,302,100.00	$2,211,429.00	$90,671.00
29	EARLY CHILDHOOD CTR. NASH ROCKY MOUNT SCHOOLS	$2,789,277.00	$2,757,277.00	$32,000.00
30	HOBBTON ELEMENTARY SAMPSON CO.	$2,321,000.00	$2,287,550.00	$33,450.00
31	SOUTHERN MIDDLE SCH. MOORE CO.	$8,601,000.00	$8,186,300.00	$414,700.00
32	CLASSROOM BLDG 3 SCHOOLS CLINTON NC	$2,803,900.00	$2,742,104.00	$61,796.00
33	HIGHLAND SCH. OF TECH GASTON CO.	$7,098,000.00	$6,809,012.00	$288,988.00
34	A&R CLEMENT ELEMENTARY SAMPSON CO.	$5,995,000.00	$5,359,100.00	$635,900.00
35	PLAINVIEW ELEM SAMPSON CO.	$5,932,831.00	$5,786,440.00	$146,391.00
36	SALEMBURG ELEM SAMPSON CO.	$5,895,000.00	$5,697,525.00	$197,475.00
37	CARVER ELEM WAKE COUNTY	$516,000.00	$420,695.00	$95,305.00
38	NEW PRIMARY SCHOOL RICHMOND CO	$6,616,657.00	$6,194,000.00	$422,657.00
39	NORTHSIDE ELEM & MS BEAUFORT CO.	$10,640,000.00	$10,091,640.00	$548,360.00
40	WEST CHARLOTTE HIGH MEDIA CTR	$937,732.00	$921,300.00	$16,432.00
41	MAYSVILLE ELEMENTARY SCHOOL	$1,252,184.00	$1,154,359.00	$97,825.00
42	HELENA & STORIES CREEK ELEM ROXBORO	$12,885,000.00	$12,979,062.00	($94,062.00)
43	NEW ELEMENTARY DAVIE CO.	$6,527,764.00	$6,364,220.00	$163,544.00
44	A&R COOK ELEM FORSYTH	$1,173,000.00	$1,172,700.00	$300.00
45	LINDLEY ELEM RENOV GUILFORD CO	$1,029,500.00	$916,032.00	$113,468.00
46	STADIUM GREEN HOPE HI WAKE CO.	$1,269,800.00	$1,287,594.00	($17,794.00)
47	COOPERS ELEM WILSON CO.	$5,553,000.00	$5,381,340.00	$171,660.00
48	RICHMOND CO. PRIMARY SCHOOL	$6,585,000.00	$6,381,000.00	$204,000.00
49	WESTER MID SCH. WILLIAMSTON	$6,942,000.00	$6,701,560.00	$240,440.00
50	A&R ASHBROOK NEW HOPE GASTON CO.	$409,538.00	$417,782.00	($8,244.00)
51	CROSSNORE ELEM AVERY COUNTY	$5,541,867.00	$5,548,341.00	($6,474.00)
52	CANE RIVER & EAST YANCEY MIDDLE	$3,113,000.00	$2,980,920.00	$132,080.00
53	PKG A ELEMENTARY SCHS. ROXBORO	$3,971,700.00	$4,037,395.00	($65,695.00)
54	CAFETERIA WINDOW AC 3 SCHOOLS GUILFORD CO.	$354,000.00	$426,094.00	($72,094.00)
55	ADDN ELEM SCHOOLS PKG B ROXBORO	$5,307,000.00	$5,322,986.00	($15,986.00)
56	BESSEMER ELEM RENOV GUILFORD CO	$763,773.00	$725,438.00	$38,335.00
57	COOPERS ELEM SCH NASH/ROCKYMT	$5,553,000.00	$5,385,830.00	$167,170.00
58	N. GARNER MIDDLE SCHOOL WAKE CO	$935,724.00	$874,943.00	$60,781.00
59	JACKSON MIDDLE SCH. GUILFORD CO	$1,842,800.00	$1,511,882.00	$330,918.00
60	PECK ELEM RENOV GUILFORD CO	$1,352,000.00	$1,161,577.00	$190,423.00
61	MONTIEU, STERBERGER & WILEY SCHS GUILFORD CO	$3,593,000.00	$2,829,746.00	$763,254.00
62	RAEFORD HIGH SCHOOL HOKE CO	$5,097,907.00	$4,808,820.00	$289,087.00
63	EAST GASTON HIGH RENOV GASTON CO	$1,431,000.00	$1,349,384.00	$81,616.00
64	EAST WAKE HIGH SCHOOL	$4,395,000.00	$4,208,525.00	$186,475.00
65	MURPHY & VANDALIA ELEM RENOV GUILFORD CO.	$1,771,900.00	$1,560,540.00	$211,360.00
66				$12,210,165.00

HOUSE BILL 791:
Mecklenburg School Election Changes

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Reps. Gulley ; and Wilson
Date:	April 27, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 791 would change election of the Charlotte-Mecklenburg School Board from the current non-partisan basis to a partisan basis.

This change would be subject to a referendum to be held November 2, 1999.

Effective date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 791

Short Title: Mecklenburg School Election Changes. (Local)

Sponsors: Representatives Gulley; and C. Wilson.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO PROVIDE FOR PARTISAN ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 167 of the 1993 Session Laws reads as rewritten:

"Section 1. (a) The Charlotte-Mecklenburg Board of Education shall be elected on a ~~nonpartisan plurality~~ partisan basis on the Tuesday after the first Monday in November in odd-numbered years, with the results determined as provided by ~~G.S. 163-292.~~ G.S. 163-291. Notwithstanding G.S. 163-279(a):

(1) Any municipality in the county which conducts its election on a nonpartisan primary basis shall have the nonpartisan primary on the sixth Tuesday before the election;

(2) Any municipality in the county which conducts its election on a nonpartisan election and runoff election basis shall have the election on the sixth Tuesday before the Tuesday after the first Monday in November.

(b) Except as otherwise provided by this act, the election shall be administered in accordance with Articles 23 and 24 of Chapter 163 of the General Statutes."

Section 2. The Mecklenburg County Board of Elections shall conduct an election on November 2, 1999, on the question of approval of Section 1 of this act. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Partisan election of the members of the Charlotte-Mecklenburg County Board of Education."

If a majority of the votes cast are FOR the question, then Section 1 of this act becomes effective beginning with the 2001 election. If less than a majority of the votes cast are FOR the question, then Section 1 of this act does not become effective.

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

Attachment #2

ROLL CALL VOTE

6 YES 6 NO = 12 (TOTAL)

HB# 791
SB# ____

HOUSE STANDING COMMITTEE ON LOCAL GOVERNMENT I

Motion for unfavorable report

YES	NO	MEMBER
✓		DEDMON, CHAIR
✓		SAUNDERS, VICE CHAIR
✓		BAREFOOT
	✓	BUCHANAN
	✓	DECKER
	✓	ELLIS
	✓	HILL
	✓	KISER
		McCRARY
✓		ROGERS
	✓	SETZER
		EX OFFICIO MEMBERS
		BADDOUR
✓		CUNNINGHAM
		EARLE
✓		HACKNEY

Attachment #3

ROLL CALL VOTE

5 YES 7 NO = 12 (TOTAL)

HB# 791
SB# ____

HOUSE STANDING COMMITTEE ON LOCAL GOVERNMENT I

Motion for favorable report

YES	NO	MEMBER
___	✓	DEDMON, CHAIR
___	✓	SAUNDERS, VICE CHAIR
___	✓	BAREFOOT
✓	___	BUCHANAN
✓	___	DECKER
✓	___	ELLIS
___	✓	HILL
✓	___	KISER
___	___	McCRARY
___	✓	ROGERS
✓	___	SETZER
		EX OFFICIO MEMBERS
___	___	BADDOUR
___	✓	CUNNINGHAM
___	___	EARLE
___	✓	HACKNEY

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 800 A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENT OF HEALTH TRUST FUND MONIES BY THE COUNTY OF DURHAM.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 800:
Durham County Trust Fund Investments

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Reps. Michaux; Mosley and Leubke
Date:	April 27, 1999		
Version:	First Edition	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY:

House Bill 800 authorizes Durham County or its designee to invest the funds of the Community Health Trust Fund in any investment authorized for the State Treasurer in G.S. 147-69.2.

Under current law, the funds of the Community Trust Fund can invested as authorized under G.S. 159-30.

Effective Date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 800

Short Title: Durham County Trust Fund Investments. (Local)

Sponsors: Representatives Michaux; Mosley and Luebke.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT RELATING TO INVESTMENT OF HEALTH TRUST FUND MONIES BY THE COUNTY OF DURHAM.

The General Assembly of North Carolina enacts:

Section 1. The County of Durham, or any governing body, agency, person, or other corporation that contracts with Durham County for the investment, care, or administration of monies held by the County in its Community Health Trust Fund may invest and reinvest monies constituting the Fund in one or more of the types of securities or other investments authorized by State law for the State Treasurer in G.S. 147-69.2.

Section 2. This act shall apply only to monies constituting the Community Health Trust Fund. Limitations on investment and reinvestment of Fund assets may be enacted by the Durham County Board of Commissioners.

Section 3. This act, insofar as it authorizes certain investments, amends G.S. 159-30 with regard to the investment of the Durham County Community Health Trust Fund only.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
H.B. 605 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRAVEN COUNTY TO ACQUIRE REAL PROPERTY BY CONDEMNATION FOR CONVENTION CENTER PURPOSES AND TO ACQUIRE THE FEE OR ANY LESSER INTEREST.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 605:
Craven Conv. Center Condemnation

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Rep. Thomas
Date:	April 27, 1999	**Summary by:**	Giles S. Perry
Version:	Second Edition		Committee Counsel

SUMMARY:

House Bill 605 grants an additional condemnation power to the Craven County – the power to condemn real property for the purpose of establishing, enlarging, or improving a publicly owned convention center.

Effective Date: When it becomes law, expiring November 16, 2002.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 605
Committee Substitute Reported Without Prejudice 4/20/99

Short Title: Craven Convention Ctr. Condemn. (Local)

Sponsors:

Referred to:

March 25, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CRAVEN COUNTY TO ACQUIRE REAL PROPERTY BY CONDEMNATION FOR CONVENTION CENTER PURPOSES AND TO ACQUIRE THE FEE OR ANY LESSER INTEREST.

The General Assembly of North Carolina enacts:

Section 1. G.S. 40A-3(b) reads as rewritten:

"(b) Local Public Condemnors. -- For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property, either inside or outside its boundaries, for the following purposes.

. . .

(10) Establishing, enlarging, or improving publicly owned convention center facilities. The fee or any lesser interest may be condemned for the purpose contained in this subdivision.

The board of education of any municipality or county or a combined board may exercise the power of eminent domain under this Chapter for purposes authorized by other statutes.

The power of eminent domain shall be exercised by local public condemnors under the procedures of Article 3 of this Chapter."

Section 2. This act applies to the County of Craven.

Section 3. This act expires November 16, 2002.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 605
Proposed Committee Substitute H605-PCS2293-LK

Short Title: Craven Convention Ctr. Condemn. (Local)

Sponsors:

Referred to:

March 25, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CRAVEN COUNTY TO ACQUIRE REAL PROPERTY BY CONDEMNATION FOR CONVENTION CENTER PURPOSES AND TO ACQUIRE THE FEE OR ANY LESSER INTEREST.

The General Assembly of North Carolina enacts:

Section 1. G.S. 40A-3(b) reads as rewritten:

"(b) Local Public Condemnors. -- For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property, either inside or outside its boundaries, for the following purposes.

. . .

(10) Establishing, enlarging, or improving publicly owned convention center facilities. The fee or any lesser interest may be condemned for the purpose contained in this subdivision.

The board of education of any municipality or county or a combined board may exercise the power of eminent domain under this Chapter for purposes authorized by other statutes.

The power of eminent domain shall be exercised by local public condemnors under the procedures of Article 3 of this Chapter."

Section 2. This act applies to the County of Craven.

Section 3. This act expires November 16, 2002.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
H.B. 772 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE WATERS OF LEE'S CUT IN THE CITY OF WRIGHTSVILLE BEACH.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill (# 2), ☒ which changes the title, unfavorable as to (Committee Substitute Bill # 1).

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 772:
Wrightsville Beach No-Wake Zone

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Rep. Wright
Date:	April 27, 1999	**Summary by:**	Giles S. Perry Committee Counsel
Version:	Second Edition		

SUMMARY: House Bill 772 establishes a "no-wake" zone in the waters of "Lee's Cut" in the Town of Wrightsville Beach.

The Town is authorized to place markers designating the no-wake zone.

Violation of the no-wake zone would enforceable under Chapter 75A, and would be punishable as a Class 3 misdemeanor, once markers are placed.

Effective Date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 3

HOUSE BILL 772
Committee Substitute Reported Without Prejudice 4/13/99
Committee Substitute #2 Favorable 4/28/99

Short Title: Lee's Cut No-Wake Zone. (Local)

Sponsors:

Referred to:

March 31, 1999

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE WATERS OF LEE'S CUT.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to operate a vessel at greater than no-wake speed in the waters of Lee's Cut in New Hanover County. No-wake speed is idle speed or a slow speed creating no appreciable wake.

Section 2. The municipality or county with jurisdiction over the area of Lee's Cut may place and maintain markers in accordance with the Uniform Waterway Marking System and any supplementary standards for that system adopted by the Wildlife Resources Commission. All markers of the no-wake speed zone shall be buoys or floating signs placed in the water and must be in sufficient number and size to give adequate warning of the no-wake speed zone to vessels approaching from various directions.

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

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

Section 5. This act is effective when it becomes law and is enforceable after markers complying with Section 2 of this act are placed in the water to mark the no-wake zone.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

H772-CSRW-001
PROPOSED COMMITTEE SUBSTITUTE
House 772
THIS IS A DRAFT 27-APR-99 10:21:48
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Lee's Cut No-Wake Zone. (Local)

Sponsors:

Referred to:

March 31, 1999

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE WATERS OF LEE'S CUT.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to operate a vessel at greater than no-wake speed in the waters of Lee's Cut in New Hanover County. No-wake speed is idle speed or a slow speed creating no appreciable wake.

Section 2. The municipality or county with jurisdiction over the area of Lee's Cut may place and maintain markers in accordance with the Uniform Waterway Marking System and any supplementary standards for that system adopted by the Wildlife Resources Commission. All markers of the no-wake speed zone shall be buoys or floating signs placed in the water and must be in sufficient number and size to give adequate warning of the no-wake speed zone to vessels approaching from various directions.

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

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

Section 5. This act is effective when it becomes law and is enforceable after markers complying with Section 2 of this act are placed in the water to mark the no-wake zone.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 772

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

H772-ARW-001

Date_____,1999

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

Representative

1 moves to amend the bill on page 1, line 3,
2 by deleting the word "CITY" and substituting the word "TOWN".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 772
Committee Substitute Reported Without Prejudice 4/13/99

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

Sponsors:

Referred to:

March 31, 1999

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE WATERS OF LEE'S CUT IN THE CITY OF WRIGHTSVILLE BEACH.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to operate a vessel at greater than no-wake speed in the waters of Lee's Cut in the Town of Wrightsville Beach in New Hanover County. No-wake speed is idle speed or a slow speed creating no appreciable wake.

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

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

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

Section 5. This act is effective when it becomes law and is enforceable after markers complying with Section 2 of this act are placed in the water to mark the no-wake zone.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 841 A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE GOVERNING BODY TO REQUIRE THAT RESIDENTIAL DEVELOPMENTS CONTAIN A SPECIFIED PERCENTAGE OF AFFORDABLE HOUSING UNITS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill (~~#_____~~), ☒ which changes the title, unfavorable as to original bill) (~~Committee Substitute Bill #_____), (and recommendation that the committee substitute bill #_____) be re-referred to the Committee on_____~~.)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 841:
Carrboro Affordable Housing

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Reps. Insko and Hackney
Date:	April 27, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 841 amends the Carrboro Town Chapter to authorize the Town to require that subdivided or unsubdivided residential developments contain a specified percentage of affordable housing units.

Effective Date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 841
Committee Substitute Favorable 4/28/99

Short Title: Carrboro Affordable Housing. (Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE GOVERNING BODY TO OFFER INCENTIVES TO ENCOURAGE MORE AFFORDABLE HOUSING UNITS.

The General Assembly of North Carolina enacts:

Section 1. Section 9-2 of the Carrboro Town Charter, being Chapter 476 of the 1987 Session Laws, reads as rewritten:

"Section 9-2. Unified Development Ordinance. The board of aldermen may combine into a single ordinance or unified land use code any of the ordinances that it is permitted to adopt pursuant to the authority granted in Article 19 of Chapter 160A of the General Statutes or any local act applicable to the Town of Carrboro that deals with the subject matters contained in Article 19 of Chapter 160A of the General Statutes. In a unified development ordinance the board may provide that subdivision preliminary plat approval be granted in the same manner as any other conditional use permit is issued, including the attachment of reasonable conditions to such approval. The Town may provide by ordinance for appropriate incentives to encourage that residential developments contain housing units that are affordable to low- or moderate-income persons."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 841

Short Title: Carrboro Affordable Housing. (Local)

Sponsors: Representatives Insko and Hackney.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE GOVERNING BODY TO REQUIRE THAT RESIDENTIAL DEVELOPMENTS CONTAIN A SPECIFIED PERCENTAGE OF AFFORDABLE HOUSING UNITS.

The General Assembly of North Carolina enacts:

Section 1. Section 9-2 of the Carrboro Town Charter, being Chapter 476 of the 1987 Session Laws, reads as rewritten:

"Section 9-2. Unified Development Ordinance. The board of aldermen may combine into a single ordinance or unified land use code any of the ordinances that it is permitted to adopt pursuant to the authority granted in Article 19 of Chapter 160A of the General Statutes or any local act applicable to the Town of Carrboro that deals with the subject matters contained in Article 19 of Chapter 160A of the General Statutes. In a unified development ordinance the board may provide that subdivision preliminary plat approval be granted in the same manner as any other conditional use permit is issued, including the attachment of reasonable conditions to such approval. The Town may require that subdivided or unsubdivided residential developments contain a specified percentage of housing units that are affordable to low or moderate income persons."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 868 A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS AMENDMENTS CONCERNING THE TOWN OF CHAPEL HILL.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#)~~, ☐ ~~which changes the title,~~ unfavorable as to (original bill) ~~(Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on).~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 868:
Chapel Hill Omnibus Act

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Reps. Insko and Hackney
Date:	April 27, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

Section 1 amends the Chapel Hill Charter to authorize the Town to enact campaign contribution limits and disclosure requirements.

Section 2 authorized the Town of Chapel Hill to require subdividers of land to provide low and moderate income housing

Section 3 amends the Town of Chapel Hill Charter to authorize the town to adopt ordinances to insure adequate public facilities accompany development; and to regulate open burning.

Section 4 authorized election judges in Orange County to serve half-day shifts.

Effective Date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 868*
Committee Substitute Favorable 4/28/99

Short Title: Chapel Hill Omnibus Act. (Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

AN ACT MAKING OMNIBUS AMENDMENTS CONCERNING THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina enacts:

Section 1. Chapter II of the Charter of the Town of Chapel Hill, being Chapter 473 of the 1975 Session Laws, as amended, is amended by adding the following new sections to read:

"Sec. 2.6. Disclosure of contributors.

(a) The Town Council may by ordinance require the disclosure by candidates (and their political committees) for elective Town office of the names of all contributors to their campaign. The ordinance may exempt from disclosure contributions below a monetary amount set in the ordinance.

(b) The ordinance shall apply regardless of the total amount of contributions, loans, or expenditures by the campaign.

(c) G.S. 163-278.10A does not apply to municipal elections in the Town of Chapel Hill.

"Sec. 2.7. Definitions. The definitions in Article 22A of Chapter 163 of the General Statutes apply to Section 2.6 of this Charter."

Section 2. Chapter V of the Charter of the Town of Chapel Hill, being Chapter 473 of the 1975 Session Laws, as amended, is amended by adding the following new Article to read:

"Article 9. Regulation of Open Burning.

"Sec. 5.50. After conducting a public hearing, the Town may adopt ordinances to regulate and prohibit the open burning of trees, limbs, stumps, and construction debris within the Town or the Town's extraterritorial jurisdiction.

The Town may, as a condition of approval for any permit for a subdivision, clearing and development of land, or construction of buildings within the Town or the Town's extraterritorial jurisdiction, regulate and prohibit the open burning of trees, limbs, stumps, and construction debris associated with the permitted activity."

Section 3.(a) G.S. 163-47(a) reads as rewritten:

"(a) The chief judges and judges of election shall conduct the primaries and elections within their respective precincts fairly and impartially, and they shall enforce peace and good order in and about the place of registration and voting. On the day of each primary and general and special election, the precinct chief judge and judges shall remain at the voting place from the time fixed by law for the commencement of their duties there until they have completed all those duties, and they shall not separate nor shall any one of them leave the voting place except for unavoidable necessity. Notwithstanding the requirement in the previous sentence, the county board of elections may allow judges of election to serve for half-day shifts."

Section 3.(b) This act applies to Orange County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 868*

Short Title: Chapel Hill Omnibus Act. (Local)

Sponsors: Representatives Insko and Hackney.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT MAKING OMNIBUS AMENDMENTS CONCERNING THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina enacts:

Section 1. Chapter II of the Charter of the Town of Chapel Hill, being Chapter 473 of the 1975 Session Laws, as amended, is amended by adding the following new sections to read:

"Sec. 2.6. Disclosure of contributors.

(a) The Town Council may by ordinance require the disclosure by candidates (and their political committees) for elective town office of the names of all contributors to their campaign. The ordinance may exempt from disclosure contributions below a monetary amount set in the ordinance.

(b) The ordinance shall apply regardless of the total amount of contributions, loans, or expenditures by the campaign.

(c) G.S. 163-278.10A does not apply to municipal elections in the Town of Chapel Hill.

"Sec. 2.7. Limitation on contributions.

Except as provided by G.S. 163-278.13(c), the Town Council may by ordinance limit the amount of contributions which any individual, person, or political committee may contribute to any candidate for town office or to any political committee of that candidate.

"Sec. 2.8. Definitions. The definitions in Article 22A of Chapter 163 of the General Statutes apply to Sections 2.6 and 2.7 of this Charter."

Section 2. Article 2 of Chapter V of the Charter of the Town of Chapel Hill, being Chapter 473 of the 1975 Session Laws, as amended, is amended by adding the following new section to read:

"Sec. 5.19. Ordinances requiring provision of housing for persons of low and moderate income.

(a) Subject to the provision of subsection (b) of this section, for the purpose of increasing the availability of housing for persons of low and moderate income and thereby promoting the public health, safety, and welfare, the Town of Chapel Hill may enact ordinances which may require that subdividers of residentially zoned land and developers of housing within the Town and its extraterritorial planning jurisdiction:

(1) Construct up to but no more than twenty-five percent (25%) of the total dwelling units of a housing development for persons of low or moderate income; or

(2) Construct up to but no more than ten percent (10%) of the total units of housing development for lower income persons; or

(3) Dedicate land in the immediate area of the subdivision or development for use by the Town for housing for persons of low and moderate income, or provide funds to the Town whereby the Town may acquire other lands or areas for the purpose of providing additional housing; or

(4) Provide housing opportunities for persons of low and moderate income. Any formula enacted to determine the amount of funds that are to be provided under this subsection shall be based on the value of the development or subdivision for property tax purposes.

(b) The authority of subsection (a) of this section may only be exercised when a proposed development or subdivision contains at least 10 dwelling units or is at least 10 acres in size, or both.

(c) The Town may exercise the authority granted in subsection (a) of this section only if the Town either grants a density bonus or provides other incentives of equivalent financial value to a developer required to provide low- or moderate-income housing."

Section 3. Chapter V of the Charter of the Town of Chapel Hill, being Chapter 473 of the 1975 Session Laws, as amended, is amended by adding the following new Articles to read:

"Article 9. Adequate Public Facilities.

"Sec. 5.50. Adequate public facilities ordinance authorized.

For the purpose of protecting against scattered or premature development of land that would threaten the public health, safety, and welfare due to lack of adequate water supply, sewerage, stormwater drainage, traffic circulation, mass transit, solid waste, open space, parks, schools, fire protection, or any other public facilities or services; for the purpose of preventing the excessive, inefficient, and uncoordinated expenditure of public funds for the supply of such facilities or services; and for the

purpose of promoting the health, safety, and general welfare of the community, the Town of Chapel Hill may exercise the following powers:

(1) To adopt ordinances to assure that public facilities or services (including, but not limited to, streets and roads, sidewalks, traffic control devices, water and sewer lines, and schools) are available at an adequate level of service to serve proposed development.

(2) To condition development application approvals upon the applicant's provision of transportation management programs which address the traffic and transportation impacts of the new development, which programs may include, but are not limited to, requirements for improvements to public transportation facilities impacted by the proposed development or payments in lieu of improvements.

(3) To adopt ordinances to require existing development to address the impact on the health, safety, and general welfare of the community, of traffic generated or promoted by that development, including the authority to require implementation of transportation management plans and other steps to ensure implementation of an appropriate transportation management program by existing development.

"Article 10. Regulation of Open Burning.

"Sec. 5.51. After conducting a public hearing, the Town may adopt ordinances to regulate and prohibit the open burning of trees, limbs, stumps, and construction debris within the Town or the Town's extraterritorial jurisdiction.

The Town may, as a condition of approval for any permit for a subdivision, clearing and development of land, or construction of buildings within the Town or the Town's extraterritorial jurisdiction, regulate and prohibit the open burning of trees, limbs, stumps, and construction debris associated with the permitted activity."

Section 4.(a) G.S. 163-47(a) reads as rewritten:

"(a) The chief judges and judges of election shall conduct the primaries and elections within their respective precincts fairly and impartially, and they shall enforce peace and good order in and about the place of registration and voting. On the day of each primary and general and special election, the precinct chief judge and judges shall remain at the voting place from the time fixed by law for the commencement of their duties there until they have completed all those duties, and they shall not separate nor shall any one of them leave the voting place except for unavoidable necessity. Notwithstanding the requirement in the previous sentence, the county board of elections may allow judges of election to serve for half-day shifts."

Section 4.(b) This act applies to Orange County only.

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

VISITOR REGISTRATION SHEET

LOCAL GOV I — 4/27/99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Malcolm A Queen	Greenville Utilities
David A. Holec	City of Greenville
JOHN BOYD	EXEC DIR. Elect. CONTRS. ASSN.
KLES STYERS	CPHCCA · PO BOX 12247 GASTONIA NC
MK Cullen	ENC PAC
Alice Bellamy	Electricities
John Phelps	NCLM
John Kirst	NCFPC
John Baldwin	NCHBA
Dayton Maynard	GMA INC.
Rep. Marian McLawhorn	
Carl Wilms	NCMBA
Mike Carnute	NC DOA
JOHN LEASTON	PBC DOA
Norman A. Mitchell Sr.	Meck County Commissioner
Jodi Brannon	General Assembly Intern
RON AKINS	CNANC
EDDIE TREADWAY	WATCO NCPWPC
Mark Mohamed	CP&L
Brenda Dougherty	Sprint
John Palisades	AT&T
	BellSouth

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT I
April 28, 1999

The House Committee on Local Government I met around the chamber desk of Representative Dedmon, committee chair, immediately after the 5:30 p.m. recess of the House session on Wednesday, April 28, 1999. The chair called the meeting to order and the following members were present: Vice Chairman Saunders, Representatives Barefoot, Ellis, Kiser and Setzer.

Representative Dedmon announced that the purpose of the meeting was to consider **Committee Substitute for HB 520, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF FLAT ROCK TO BUILD A FACILITY FOR A PUBLIC ENTERPRISE AND THEN CONVEY IT TO THE TOWN OF HENDERSONVILLE WITHOUT OPERATING IT.** Representative Justice is the bill sponsor. The chairman brought the bill before the committee. Representative Kiser moved for a favorable report. Motion carried.

There being no further business, the meeting adjourned.

Representative Andy Dedmon
Committee Chairman

Donna Abu Harb
Committee Assistant

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
H.B. 520 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF FLAT ROCK TO BUILD A FACILITY FOR A PUBLIC ENTERPRISE AND THEN CONVEY IT TO THE TOWN OF HENDERSONVILLE WITHOUT OPERATING IT.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 520
Committee Substitute Reported Without Prejudice 4/23/99

Short Title: Flat Rock/Hendersonville Prop. (Local)

Sponsors:

Referred to:

March 22, 1999

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF FLAT ROCK TO BUILD A FACILITY FOR A PUBLIC ENTERPRISE AND THEN CONVEY IT TO THE TOWN OF HENDERSONVILLE WITHOUT OPERATING IT.

The General Assembly of North Carolina enacts:

Section 1. The Village of Flat Rock may construct a facility for a public enterprise as defined by G.S. 160A-311 and convey it to the Town of Hendersonville without operating it.

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

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT I
April 29, 1999

The House Committee on Local Government I met around the chamber desk of Representative Dedmon, committee chair, immediately after the 2:15 p.m. recess of the House session on Thursday, April 29, 1999. The chair called the meeting to order and the following members were present: Vice Chairman Saunders, Representatives Barefoot, Buchanan, Ellis, Hill, Kiser, McCrary, Rogers and Setzer.

Representative Dedmon announced that the purpose of the meeting was to consider **HB 845, A BILL TO BE ENTITLED AN ACT EXPANDING THE PERMISSIBLE PURPOSES OF THE GREENVILLE UTILITIES COMMISSION.** Representative McLawhorn is the bill sponsor. The chairman brought the bill and proposed committee substitute before the committee. Representative Buchanan moved for the adoption of the committee substitute and the bill was properly brought before the committee for discussion. Representative Buchanan moved for a favorable report to the committee substitute and an unfavorable as to the original bill. The motion carried.

There being no further business, the meeting adjourned.

Representative Andy Dedmon
Committee Chairman

Donna Abu Harb
Committee Assistant

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 845 A BILL TO BE ENTITLED AN ACT EXPANDING THE PERMISSIBLE PURPOSES OF THE GREENVILLE UTILITIES COMMISSION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☑ With a favorable report as to committee substitute bill (#), ☒ which changes the title, unfavorable as to (original bill) ~~(Committee Substitute Bill #), (and recommendation that the committee substitute bill #)~~ be re-referred to the Committee on Finance

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 845
Committee Substitute Favorable 4/29/99

Short Title: Greenville Utilities Commission. (Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

AN ACT EXPANDING THE PERMISSIBLE PURPOSES OF THE GREENVILLE UTILITIES COMMISSION AND AUTHORIZING THE COMMISSION TO CHARGE APPROPRIATE FEES FOR EXPANDED SERVICES.

The General Assembly of North Carolina enacts:

Section 1. In addition to the allowable public enterprises that the City of Greenville and the Greenville Utilities Commission may undertake pursuant to the provisions of Chapter 861 of the 1991 Session Laws, the City of Greenville and the Greenville Utilities Commission shall have the authority, with the approval of the City Council of the City of Greenville, to acquire, construct, establish, enlarge, improve, maintain, own, operate, or contract for the operation of the following:

(1) Steam and chilled water supply and distribution systems, if the system is located within the Greenville Industrial Park, and is located entirely within the corporate limits of the City of Greenville or its extraterritorial jurisdiction area; or

(2) Public enterprises, as defined in G.S. 160A-311, of a public or private entity other than the City of Greenville, if approved by the governing body of the entity, and if the enterprise is located within Pitt County.

Section 2. The City of Greenville and the Commission may charge appropriate fees for any expanded services offered pursuant to this act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 845
Proposed Committee Substitute H845-PCS1263-RW

Short Title: Greenville Utilities Commission. (Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

AN ACT EXPANDING THE PERMISSIBLE PURPOSES OF THE GREENVILLE UTILITIES COMMISSION AND AUTHORIZING THE COMMISSION TO CHARGE APPROPRIATE FEES FOR EXPANDED SERVICES.

The General Assembly of North Carolina enacts:

Section 1. In addition to the allowable public enterprises that the City of Greenville and the Greenville Utilities Commission may undertake pursuant to the provisions of Chapter 861 of the 1991 Session Laws, the City of Greenville and the Greenville Utilities Commission shall have the authority, with the approval of the City Council of the City of Greenville, to acquire, construct, establish, enlarge, improve, maintain, own, operate, or contract for the operation of the following:

(1) Steam and chilled water supply and distribution systems, if the system is located within the Greenville Industrial Park, and is located entirely within the corporate limits of the City of Greenville or its extraterritorial jurisdiction area; or

(2) Public enterprises, as defined in G.S. 160A-311, of a public or private entity other than the City of Greenville, if approved by the governing body of the entity, and if the enterprise is located within Pitt County.

Section 2. The City of Greenville and the Commission may charge appropriate fees for any expanded services offered pursuant to this act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

H845-CSRW-002
PROPOSED COMMITTEE SUBSTITUTE
House Bill 845
THIS IS A DRAFT 26-APR-99 20:08:32
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Greenville Utilities Commission. (Local)

Sponsors:

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT EXPANDING THE PERMISSIBLE PURPOSES OF THE GREENVILLE UTILITIES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. In addition to the allowable public enterprises that the Greenville Utilities Commission may undertake pursuant to the provisions of Chapter 861 of the 1991 Session Laws, the Greenville Utilities Commission shall have the authority, with the approval of the City Council of the City of Greenville, to acquire, construct, establish, enlarge, improve, maintain, own, operate, or contract for the operation of the following:

(1) Steam and chilled water supply and distribution systems, if the system is located within the Greenville Industrial Park, and is located entirely within the corporate limits of the City of Greenville or its extraterritorial jurisdiction area; or

(2) Public enterprises, as defined in G.S. 160A-311, of a public or private entity other than the City

of Greenville, if approved by of the governing body of the entity, and if the enterprise is located within Pitt County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

HOUSE BILL 845

Short Title: Greenville Utilities Commission. (Local)

Sponsors: Representative McLawhorn.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT EXPANDING THE PERMISSIBLE PURPOSES OF THE GREENVILLE UTILITIES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. In addition to the allowable public enterprises that the Greenville Utilities Commission may undertake pursuant to the provisions of Chapter 861 of the 1991 Session Laws, the Greenville Utilities Commission shall have the authority, with the approval of the City Council of the City of Greenville, to acquire, construct, establish, enlarge, improve, maintain, own, operate, or contract for the operation of the following:

(1) Steam and chilled water supply and distribution systems.

(2) Public enterprises of a public or private entity other than the City of Greenville that may lawfully be operated by a municipality if the enterprise is located within Pitt County.

(3) Appliance warranty programs, security monitoring systems, and surge protection programs for customers of the Greenville Utilities Commission.

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

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

May 11, 1999

The House Committee on Local Government I met on Tuesday, May 11, 1999 in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Andy Dedmon, Vice Chairman Drew Saunders, Representatives Barefoot, Buchanan, Decker, Ellis, Hill, Kiser, McCrary, Rogers and Setzer. Giles Perry, Staff Counselor was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order to consider the following bills:

The first order of business was **SB 302, A BILL ENTITLED AN ACT TO REGULATE HUNTING IN LEE COUNTY.** Senator Kinnaird, bill sponsor, was recognized to explain the bill. After some discussion concerning rights-of-way, Representative Buchanan moved for a favorable report; the motion carried.

The next order of business was **SB 181, A BILL ENTITLED AN ACT AUTHORIZING THE TOWN OF DALLAS, THE TOWN OF TABOR CITY, AND THE CITY OF WHITEVILLE TO ENACT A PROPERTY MAINTENANCE ORDINANCE AND TO ASSESS CERTAIN COSTS OF ENFORCEMENT AS A LIEN AGAINST THE PROPERTY.** Senator Hoyle, bill sponsor, explained the bill. Representative Hill offered an amendment that would add the city of Whiteville to the bill. Chairman Dedmon moved that the committee substitute be adopted and properly brought before the committee. The motion carried. Representative Buchanan moved that the bill be rolled into a committee substitute and given a favorable report. An unfavorable report to the original bill. The motion carried.

The next order of business was **SB 271, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE EXISTING CITY LIMITS OF THE TOWN OF HUNTERSVILLE CERTAIN AREAS SURROUNDED BY EXISTING CITY LIMITS OF THE TOWN OF HUNTERSVILLE.** Vice-Chairman Saunders was recognized to explain the bill. Representative Buchanan moved that the bill be given a favorable report and re-referred to the House Committee on Finance. The motion carried.

The next order of business was **SB 296, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROVISIONS REGARDING SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CHARTER OF THE TOWN OF FOREST CITY.** Senator Dalton, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Buchanan moved for the committee substitute to be adopted. The motion carried and the committee substitute was properly brought before the committee. Representative Buchanan moved for a favorable report to the committee substitute; unfavorable to the original bill. The motion carried.

The final order of business was **SB 335, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING REDUCTION OR CONTINUATION OF A TEACHER'S BONUS. AS IT APPLIES TO THE CHARLOTTE-MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT.** Senator Dannelly, bill sponsor, was recognized to explain the bill. After questions and committee discussion, Representative Cunningham moved for a favorable report. The motion carried.

There being no further business, the Chair adjourned the meeting at 11:45.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

May 11, 1999
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS:

SB 181 DALLAS PROPERTY MAINTENANCE
Senator Hoyle

SB 271 HUNTERSVILLE ANNEXATION
Senator Odom

SB 296 REPEAL FOREST CITY FIRE PENSION
Senator Dalton

SB 302 LEE HUNTING REGULATION
Senator Kinnaird

SB 335 BONUS CLARIFIED/MECKLENBURG SCHOOLS
Senator Dannelly

ADJOURNMENT

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 302 A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN LEE COUNTY.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

BILL ANALYSIS

SENATE BILL 302:
Lee Hunting Regulation
(Second Edition)

Committee:	House Local Government I	**Introduced by:**	Senators Harris, Kinnaird
Date:	May 11, 1999	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY: Senate Bill 302 changes the law concerning hunting in Lee County.

Specifically, the bill:

--makes it unlawful to hunt on another's land without written permission, unless the person is a spouse, child or grandchild. The written permission must be carried on the hunter's person, and may be valid for no more than a year;

-- makes its unlawful to hunt across a right-of-way; and

--makes it unlawful to hunt from a right-of-way;

The bill also provides that:

--a violation constitutes a Class 3 misdemeanor, punishable by a fine of up to $300; and

--the act is enforceable by Wildlife Resources officers, sheriffs, and other peace officers with general subject matter jurisdiction.

Effective Date: October 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 302
State and Local Government Committee Substitute Adopted 4/5/99

Short Title: Lee Hunting Regulation. (Local)

Sponsors:

Referred to:

March 9, 1999

A BILL TO BE ENTITLED

AN ACT TO REGULATE HUNTING IN LEE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful for any person to hunt with a firearm, bow and arrow or crossbow, or other deadly weapon while on the land of another unless the person is a spouse, child, or grandchild of the landowner or has on his person a paper writing dated and signed by the owner or lessee of the land granting the person permission to hunt with a firearm, bow and arrow, crossbow, or other deadly weapon while on the land. If the land is owned by or leased to a club, the permission shall be signed by the club president or other chief executive. If the land is owned by or leased to a corporation, the permission shall be signed by the president or the vice-president of the corporation or the authorized designee of the president or vice-president. Permission shall not be valid for a period of more than one year, but may be valid for any shorter period stated in the permission. The written permission shall be displayed upon request to any law enforcement officer authorized to enforce this section.

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

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

section shall not apply to law enforcement officers who discharge their firearms in the lawful discharge of their duties.

Section 4. Violation of the provisions of Sections 1 through 3 of this act is punishable as a Class 3 misdemeanor. Notwithstanding the provisions of G.S. 15A-1340.23, violation of those sections is punishable by a fine of up to three hundred dollars ($300.00).

Section 5. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Section 6. This act applies only to Lee County.

Section 7. This act becomes effective October 1, 1999.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 181 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF DALLAS AND THE TOWN OF TABOR CITY TO ENACT A PROPERTY MAINTENANCE ORDINANCE AND TO ASSESS CERTAIN COSTS OF ENFORCEMENT AS A LIEN AGAINST THE PROPERTY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☑ With a favorable report as to committee substitute bill (#), ☑ which changes the title, unfavorable as to original bill. ~~(Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

BILL ANALYSIS

SENATE BILL 181:
Dallas/Tabor City Property Maintenance
(Second Edition)

Committee:	House Local Government I	**Introduced by:**	Sen. Hoyle
Date:	May 11, 1999	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY: Senate Bill 181 authorizes the Towns of Dallas and Tabor City to enact ordinances to require property owners to keep property free of trash and weeds.

If the property owner fails to keep the property clear, the Towns are authorized to do the work, with the cost constituting a lien against the property, collectable in the same manner as property taxes, subject to 8% annual interest if overdue.

Effective date: When it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 181
Second Edition Engrossed 4/1/99
Proposed House Committee Substitute S181-PCS1735-RW

Short Title: Dallas Property Maintenance. (Local)

Sponsors:

Referred to:

March 1, 1999

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF DALLAS, THE TOWN OF TABOR CITY, AND THE CITY OF WHITEVILLE TO ENACT A PROPERTY MAINTENANCE ORDINANCE AND TO ASSESS CERTAIN COSTS OF ENFORCEMENT AS A LIEN AGAINST THE PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Dallas, being Chapter 342 of the 1979 Session Laws, is amended by adding a new Article to read:

"ARTICLE V.

"Property Maintenance.

"Section 5.1. **Removal of Trash, Weeds; Lien.** The Town Board may require the owners of all premises, vacant or improved, to keep the same free from trash, obnoxious weeds, overgrowth, solid wastes, and stagnant water and may provide that if the owners fail to comply with any such requirement, an employee or contractor of the Town may go upon the owners' premises and perform any work that may be necessary to comply with such requirement, and the Town may charge the cost thereof against the premises upon which the work is performed.

The costs of any work performed under this section shall constitute a lien against the premises upon which the work is performed and may be collected in the same manner as taxes upon real property. The term 'cost' as used in this section shall include interest at the rate of eight percent (8%) per annum until the lien is paid. Interest does not accrue until a bill for the costs becomes overdue."

Section 2. The Town Council of the Town of Tabor City may require the owners of all premises, vacant or improved, to keep the same free from trash, obnoxious weeds, overgrowth, solid wastes, and stagnant water and may provide that if the owners fail to comply with any such requirement, an employee or contractor of the Town may go upon the owners' premises and perform any work that may be necessary to comply with such requirement, and the Town may charge the cost thereof against the premises upon which the work is performed. The costs of any work performed under this section shall constitute a lien against the premises upon which the work is performed and may be collected in the same manner as taxes upon real property. The term "cost" shall include interest at the rate of eight percent (8%) per annum until the lien is paid. Interest does not accrue until a bill for the costs becomes overdue.

Section 3. The City Council of the City of Whiteville may require the owners of all premises, vacant or improved, to keep the same free from trash, obnoxious weeds, overgrowth, solid wastes, and stagnant water and may provide that if the owners fail to comply with any such requirement, an employee or contractor of the City may go upon the owners' premises and perform any work that may be necessary to comply with such requirement, and the Town may charge the cost thereof against the premises upon which the work is performed. The costs of any work performed under this section shall constitute a lien against the premises upon which the work is performed and may be collected in the same manner as taxes upon real property. The term "cost" shall include interest at the rate of eight percent (8%) per annum until the lien is paid. Interest does not accrue until a bill for the costs becomes overdue.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 181
Second Edition Engrossed 4/1/99

Short Title: Dallas Property Maintenance. (Local)

Sponsors: Senator Hoyle.

Referred to: Finance.

March 1, 1999

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF DALLAS AND THE TOWN OF TABOR CITY TO ENACT A PROPERTY MAINTENANCE ORDINANCE AND TO ASSESS CERTAIN COSTS OF ENFORCEMENT AS A LIEN AGAINST THE PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Dallas, being Chapter 342 of the 1979 Session Laws, is amended by adding a new Article to read:

"ARTICLE V.

"Property Maintenance.

"Section 5.1. **Removal of Trash, Weeds; Lien.** The Town Board may require the owners of all premises, vacant or improved, to keep the same free from trash, obnoxious weeds, overgrowth, solid wastes, and stagnant water and may provide that if the owners fail to comply with any such requirement, an employee or contractor of the Town may go upon the owners' premises and perform any work that may be necessary to comply with such requirement, and the Town may charge the cost thereof against the premises upon which the work is performed.

The costs of any work performed under this section shall constitute a lien against the premises upon which the work is performed and may be collected in the same manner as taxes upon real property. The term 'cost' as used in this section shall include interest at the rate of eight percent (8%) per annum until the lien is paid. Interest does not accrue until a bill for the costs becomes overdue."

Section 2. The Town Council of the Town of Tabor City may require the owners of all premises, vacant or improved, to keep the same free from trash, obnoxious weeds, overgrowth, solid wastes, and stagnant water and may provide that if the owners fail to comply with any such requirement, an employee or contractor of the town may go upon the owners' premises and perform any work that may be necessary to comply with such requirement, and the town may charge the cost thereof against the premises upon which the work is performed. The costs of any work performed under this section shall constitute a lien against the premises upon which the work is performed and may be collected in the same manner as taxes upon real property. The term "cost" shall include interest at the rate of eight percent (8%) per annum until the lien is paid. Interest does not accrue until a bill for the costs becomes overdue.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 271 A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE EXISTING CITY LIMITS OF THE TOWN OF HUNTERSVILLE CERTAIN AREAS SURROUNDED BY EXISTING CITY LIMITS OF THE TOWN OF HUNTERSVILLE.

☐ With a favorable report.

☑ With a favorable report and recommendation that the bill be re-referred to the Committee on ~~Appropriations~~ ☐ Finance ☑ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

BILL ANALYSIS

SENATE BILL 271:
Huntersville Annexation
(Second Edition)

Committee:	House Local Government I	**Introduced by:**	Sen. Odom
Date:	May 11, 1999	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY: Senate Bill 271 annexes five described areas to the Town of Huntersville in Mecklenburg County.

Effective Date: June 30, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 271
Finance Committee Substitute Adopted 3/11/99

Short Title: Huntersville Annexation. (Local)

Sponsors:

Referred to:

March 8, 1999

A BILL TO BE ENTITLED

AN ACT TO ANNEX TO THE EXISTING CITY LIMITS OF THE TOWN OF HUNTERSVILLE CERTAIN AREAS SURROUNDED BY EXISTING CITY LIMITS OF THE TOWN OF HUNTERSVILLE.

Whereas, there are areas and tracts of land not presently part of the Town of Huntersville but which are completely surrounded by the existing town limits of the Town of Huntersville; and

Whereas, the Town of Huntersville cannot provide police protection and other services to such areas, and any entity providing such services must travel through the Town of Huntersville to reach the areas in question; and

Whereas, in order to provide for the safety and welfare of the owners and residents of the affected areas, such areas should be and become part of the Town of Huntersville and be entitled to all of the services as are provided by the Town of Huntersville to other residents and property; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The corporate limits of the Town of Huntersville are extended to include the following described area:

TRACT I

All courses and distances hereafter given are contiguous with existing town limits:

BEGINNING on the existing town limits lines at the intersection of the northerly right-of-way of Gilead Road (SR 2136) and easterly right-of-way line of Commerce Center Drive, thence, with the easterly right-of-way line of Commerce Center Drive (1) with the arc of a circular curve to the right having a radius of 20 feet, an arc distance of 31.41 feet (and with a chord of N. 49-10-50W. 28.28 feet); (2) N. 04-10-50 W. 37 feet; (3) N. 07-02-34 W. 110.14 feet, a corner of lot bearing Mecklenburg Tax Code 017-121-33; thence with southerly line of said lot in an easterly direction 353.57 feet to a point on the line of Tax Parcel Number 017-121-03; thence with said lot N. 04-14-10 E. approximately 35.13 feet; thence N. 85-39-45 E. approximately 99 feet; thence in a southerly direction with the existing town limit line approximately 546.97 feet to the northerly right-of-way margin of Gilead Road; thence with said right-of-way in a westerly direction approximately 100 feet; thence along the new right-of-way margin in a northerly direction 20 feet; thence with said margin S. 85-49-10 W. 330 feet to the beginning, said property comprising Mecklenburg tax parcels 017-121-27 and portions of 017-121-03 and 04.

TRACT II

All courses and distances hereafter given are contiguous with existing town limits:

BEGINNING on the existing town limits line at the point of intersection of the southerly right-of-way margin of Huntersville-Concord Road and the centerline, as projected, of Glendale Drive; thence, with the centerline of Glendale Drive in a northerly direction to the point of intersection of the easterly right-of-way margin of Hunters Ridge Road, as projected; thence in a northerly direction with said easterly right-of-way margin and the front lot lines of lots 1 through 5 as shown on map in Map Book 21, page 960, Mecklenburg Registry, for a distance of approximately 807.07 feet, a course of the aforesaid lot 5; thence with line of lot 5 in an easterly direction 197.97 feet; thence with the rear lot lines of lots 5 through 1, approximately 841 feet; thence in a northerly direction 23.6 feet; thence in a southeasterly direction 206.14 feet to a point on the southerly right-of-way margin of Huntersville-Concord Road; thence with said right-of-way margin in a westerly direction 150 feet, more or less, the point of BEGINNING, said property comprising Mecklenburg Tax Parcel Numbers 019-282-03, 04, 05, 06, 07 and 019-262-14.

TRACT III

All courses and distances hereafter given are contiguous with existing town limits:

BEGINNING at a point on the northerly right-of-way margin of Glendale Road, the southwest corner of Lot 1, Map Book 21, Page 881, Mecklenburg Registry; thence N. 03-14-39 W. 278.28 feet; thence S. 86-27-16 W. 70.11 feet; thence S. 67-46-26 W. 159.56 feet; thence S. 10-32-46 W. 106.19 feet to a point on Glendale Drive; thence with Glendale Drive S. 66-11-89 E. 39.07 feet; thence S. 73-08-59 E.

99.86 feet; thence S. 67-09-09 E. 99.94 feet; thence S. 52-02-03 E. 37.81 feet to BEGINNING, said property consisting of Mecklenburg tax parcel 019-281-12.

TRACT IV

All courses and distances hereafter given are contiguous with existing town limits:

BEGINNING at a point on the existing town limits line on the northerly margin of Ramah Church Road (SR #2439), a common corner of tax parcels 011-013-37 and 011-181-01, thence northerly with said tax parcel 136.66 feet; thence northwesterly with said parcels 381.35 feet; thence with the line of tax parcel # 011-013-38 northeasterly 327.51 feet, thence continuing northeasterly 211.08 feet; then continuing with said tax parcel and parcel number 011-181-12 1238.74 feet; then continuing with tax parcel number 011-181-12 approximately 200 feet to tax parcel 011-181-04; thence with said tax parcel number southeasterly 610.14 feet; thence northeasterly 265.74 feet; thence continuing with said tax parcel number 480.09 feet to the northerly margin of Ramah Church Road; thence with the said northerly margin of Ramah Church Road in a westerly direction approximately 2,123.97 feet to the BEGINNING, comprising all of Mecklenburg tax parcel numbers 011-181-01; 011-181-03, 011-181-10, 011-181-11, and 011-181-13.

TRACT V

All courses and distances hereafter given are contiguous with existing town limits:

BEGINNING on the existing town limits line on the southerly margin of Hagers Road (SR 2438), the common line between tax parcel numbers 011-011-40 and 011-011-08; thence in a southerly direction with tax parcels 011-011-08 and 011-011-17, approximately 663.48 feet; thence in an easterly direction with tax parcel numbers 011-011-17 and 011-011-05, 1258.83 feet to SR 2438 at its terminus; then continuing easterly with tax parcel number 011-091-13, 546.56 feet; then continuing easterly with tax parcel number 011-171-03, 464.72 feet to a point, then southerly with tax parcel number 011-191-98, 616.92 feet; then westerly with tax parcel number 011-191-98, 520.14 feet and continuing 1225.28 feet; thence southerly with said tax parcel 1,056 feet, thence westerly on the line of tax parcel number 011-013-38 approximately 1068.80 feet; then continuing with tax parcel number 011-013-38 (1) southerly 350.77 feet, (2) easterly 193.54 feet, (3) southerly 117.46 feet, (4) southeasterly 291.67 feet, (5) southeasterly 131.97 feet, (6) westerly 309.31 feet, then continuing southerly with tax parcel number 011-013-38 and tax parcel number 011-013-85, 324.9 feet; thence southwesterly approximately 400 feet to the northeast corner of tax parcel number 011-013-24; then with tax parcel number 011-013-24 westerly, 143 feet, then southerly approximately 300 feet, then continuing with the existing town limits line in a westerly direction to a point at the northeast corner of tax parcel number 011-013-20; thence with the existing town limits in a northerly line generally along the purported

right-of-way of the Norfolk Southern Railroad approximately 1489.69 feet, thence easterly to the centerline of said railroad approximately 35 feet; thence continuing northerly with said centerline approximately 2,713 feet to the southwest corner of tax parcel number 011-012-34; thence easterly with said tax parcel 1028.28 feet; thence northerly approximately 945.57 feet to the southerly margin of Hagers Road, then with said southerly margin in a generally easterly direction approximately 700 feet to the BEGINNING point, comprising all or part of tax parcel numbers:

011-011-02	011-012-29	011-013-47
011-011-03	011-012-30	011-191-28
011-011-04	011-012-31	011-191-29
011-011-10	011-012-32	011-191-31
011-011-11	011-012-35	011-191-32
011-011-14	011-013-02	011-191-35
011-011-19	011-013-26	011-191-36
011-011-39	011-013-28	011-191-37
011-011-40	011-013-39	011-191-34
011-012-01	011-013-40	
011-012-02	011-013-41	
011-012-03	011-013-42	
011-012-04	011-013-43	
011-012-05	011-013-44	
011-012-27	011-013-45	
011-012-28	011-013-46	

Section 2. From and after the effective date of this act, the subject areas shall be entitled to those services in the same manner that the Town of Huntersville provides to its residents and property lying therein, and the residents of such areas shall be entitled to all of the privileges, rights, and obligations of other residents of the Town of Huntersville.

Section 3. This act becomes effective at midnight, June 30, 1999.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 296 A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROVISIONS REGARDING SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CHARTER OF THE TOWN OF FOREST CITY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☑ With a favorable report as to House committee substitute bill (#), ~~☐ which changes the title,~~ unfavorable as to original bill. ~~(Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

BILL ANALYSIS

SENATE BILL 296:
Repeal Forest City Fire Pension
(Second Edition)

Committee:	House Local Government I	**Introduced by:**	Senator Dalton
Date:	May 11, 1999	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY: Senate Bill 296 repeals the local rules for distribution of the income of the Fireman's Relief Fund of Forest City. General law (G.S. 58-84-35) will apply to the distribution of these funds upon the effective date of the act.

Effective date: July 1, 1999.

whatsoever or for the purpose of ascertaining the wishes of the inhabitants of said Town upon any other question of public interest. The said Board shall advertise said election so ordered for a period of 30 days in some newspaper published in Rutherford County and no special act shall be necessary to authorize the said Commissioners to order any such election. The said Board shall also have the authority to call as many elections under the provisions of this section as they may be petitioned to call in the manner hereinbefore set out, and may call more than one election to be held for the purpose of voting upon the same question if a petition be filed, as herein provided, requesting said Commissioners to call such election, notwithstanding the fact that other elections may have been held for the purpose of ascertaining the wishes of the citizens of the Town upon the same question theretofore.

"Sec. 6.3. *Supplemental retirement funds for firemen.*—(a) Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the Town of Forest City shall as soon as practical after January 15th and July 15th, but in no event later than March 1st or September 1st, divide the income earned in the preceding calendar six months, upon investment of funds belonging to the Local Firemen's Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with subsection (b) of this section.

(b) Supplemental Retirement Benefits.

(1) Each fireman of the Town who has 20 years' service or more and who has attained the age of 55 years and retires after June 25, 1980, shall be entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a fireman of the Town; provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of six hundred dollars ($600.00).

(2) Any former or present fireman of the Town who has five years' service and who is not otherwise entitled under the supplemental retirement benefits under subsection (1) of this section shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

a. that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

b. that, within 30 days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

c. that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the Town a position of employment, the normal duties of which he was capable of performing; and

d. that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in any subsequent calendar

year unless there is valid reason to believe that he is able to return to normal duty.

(c) Intention. It is the intention of subsections (a) and (b) of this section to authorize the disbursement as supplemental retirement benefits only the income derived in any calendar year from the investments of funds belonging to the Local Firemen's Relief Fund. Any of these funds not disbursed shall revert to the Local Firemen's Relief Fund.

(d) Investment of Idle Funds. The Board of Trustees is hereby authorized and directed to invest all funds of the Local Firemen's Relief Fund in one or more of the investments named in G.S. 159-30.

(e) Bond of Treasurer. The Board of Trustees shall bond the treasurer of the Local Firemen's Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees shall pay from the Local Firemen's Relief Fund the premiums on the bond of the treasurer."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Forest City and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(1) Any acts concerning the property, affairs, or government of public schools in the Town of Forest City.

(2) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act are hereby repealed:

Public Laws 1876-77, Chapter 136
Public Laws 1887, Chapter 244
Private Laws 1897, Chapter 116
Public Laws 1897, Chapter 347
Private Laws 1909, Chapter 136
Private Laws 1915, Chapter 235
Private Laws 1921, Chapter 116
Private Laws 1925, Chapter 2
Private Laws 1925, Chapter 49
Private Laws 1925, Chapter 129
Private Laws 1935, Chapter 17
Public-Local Laws 1937, Chapter 87
Public-Local Laws 1937, Chapter 88
Public-Local Laws 1941, Chapter 153
Session Laws 1943, Chapter 494
Session Laws 1945, Chapter 230

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The fire district shall
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and qualification, for the use
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d for, to be used by it for the
907, c. 831, s. 5; C.S., s. 6067;
014, s. 168; 1989, c. 485, s. 63;

ffect of Amendments. — The 1995
. Sess., 1996) amendment, effective
uary 1, 1997, rewrote this section.

ed; organization.

ocal Modification. — For addi-
al local modifications see the main
phlet.

funds by trustees.

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tracted or injury received by
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tion, to a destitute member
orably for at least five years.
85, c. 666, s. 61.
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of trustees finds as a fact that
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benefits to firemen and their
qualify for benefits from the
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Notwithstanding any other provisions of law, no expenditures shall be made pursuant to subsections (5) and (6) of this section unless the State Firemen's Association has certified that such expenditures will not render the Fund actuarially unsound for the purposes of providing the benefits set forth in subsections (1), (2), and (4) of this section. If, for any reason, funds made available for subsections (5) and (6) of this section shall be insufficient to pay in full any benefits, the benefits pursuant to subsections (5) and (6) shall be reduced pro rata for as long as the amount of insufficient funds exists. No claim shall accrue with respect to any amount by which a benefit under subsections (5) and (6) shall have been reduced. (1907, c. 831, s. 6; 1919, c. 180; C.S., s. 6069; Ex. Sess. 1921, c. 55; 1923, c. 22; 1925, c. 41; 1945, c. 74, s. 2; 1985, c. 666, s. 61; 1987, c. 174, ss. 2, 3; 1997-456, s. 27.)

Editor's Note. — Subdivision (2.1) of this section was renumbered as subdivision (2a) pursuant to S.L. 1997-456, s. 27, which authorized the Revisor of Statutes to renumber or reletter section and parts of sections having a number or letter designation that is incompatible with the General Assembly's computer database.

Local Modification. — By virtue of Session Laws 1995, c. 302, s. 1, town of Kernersville: 1979, 2nd Sess., c. 1106 should be stricken from the main volume.

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

ARTICLE 85A.

State Fire Protection Grant Fund.

§ 58-85A-1. Creation of Fund; allocation to local fire districts and political subdivisions of the State.

(a) There is created in the Office of State Budget and Management the State Fire Protection Grant Fund. The purpose of the Fund is to compensate local fire districts and political subdivisions of the State for providing local fire protection to State-owned buildings and their contents.

(b) The Office of State Budget and Management shall develop and implement an equitable and uniform statewide method for distributing any funds to the State's local fire districts and political subdivisions.

Upon the request of the Director of the Budget, the Department of Insurance shall provide the Office of State Budget and Management all information necessary to develop and implement the formula.

(c) It is the intent of the General Assembly to appropriate annually to the State Fire Protection Grant Fund at least three million eighty thousand dollars ($3,080,000) from the General Fund, one hundred fifty thousand dollars ($150,000) from the Highway Fund, and nine hundred seventy thousand dollars ($970,000) from University of North Carolina receipts. Funds received from the General Fund shall be allocated only for providing local fire protection for State-owned property supported by the General Fund; funds received from the Highway Fund shall be allocated only for providing local fire protection for State-owned property supported by the Highway Fund; and funds received from University of North Caro-

The Insurance Commissioner shall pay the remaining tax proceeds to the treasurer of each fire district in proportion to the amount of business done in the fire district. These funds shall be held by the treasurer as a separate and distinct fund. The fire district shall immediately pay the funds to the treasurer of the local board of trustees upon the treasurer's election and qualification, for the use of the board of trustees of the firemen's local relief fund in each fire district, which board shall be composed of five members, residents of the fire district as hereinafter provided for, to be used by it for the purposes provided in G.S. 58-84-35. (1907, c. 831, s. 5; C.S., s. 6067; 1925, c. 41; 1985 (Reg. Sess., 1986), c. 1014, s. 168; 1989, c. 485, s. 63; 1995 (Reg. Sess., 1996), c. 747, s. 7.)

Editor's Note. — Session Laws 1995 (Reg. Sess., 1996), c. 747, s. 16, provides: "This act does not obligate the General Assembly to appropriate funds."

Effect of Amendments. — The 1995 (Reg. Sess., 1996) amendment, effective January 1, 1997, rewrote this section.

§ 58-84-30. Trustees appointed; organization.

Local Supplemental Firemen's Retirement Fund. — City of Lumberton: 1995 (Reg. Sess., 1996), c. 699.

Local Modification. — For additional local modifications see the main pamphlet.

§ 58-84-35. Disbursement of funds by trustees.

The board of trustees shall have entire control of the funds derived from the provisions of this Article, and shall disburse the funds only for the following purposes:

(1) To safeguard any fireman in active service from financial loss, occasioned by sickness contracted or injury received while in the performance of his duties as a fireman.

(2) To provide a reasonable support for those actually dependent upon the services of any fireman who may lose his life in the fire service of his town, city, or State, either by accident or from disease contracted or injury received by reason of such service. The amount is to be determined according to the earning capacity of the deceased.

(2a) To provide assistance, upon approval by the Secretary of the State Firemen's Association, to a destitute member fireman who has served honorably for at least five years.

(3) Repealed by Session Laws 1985, c. 666, s. 61.

(4) To provide for the payment of any fireman's assessment in the Firemen's Fraternal Insurance Fund of the State of North Carolina if the board of trustees finds as a fact that said fireman is unable to pay the said assessment by reason of disability.

(5) To provide for benefits of supplemental retirement, workers compensation, and other insurance and pension protection for firemen otherwise qualifying for benefits from the Firemen's Relief Fund as set forth in Article 85 of this Chapter.

(6) To provide for educational benefits to firemen and their dependents who otherwise qualify for benefits from the Firemen's Relief Fund as set forth in Article 85 of this Chapter.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 3

SENATE BILL 296
Second Edition Engrossed 4/14/99
House Committee Substitute Favorable 5/12/99

Short Title: Repeal Forest City Fire Pension. (Local)

Sponsors:

Referred to:

March 8, 1999

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE PROVISIONS REGARDING SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CHARTER OF THE TOWN OF FOREST CITY.

The General Assembly of North Carolina enacts:

Section 1. Section 6.3 of the Charter of the Town of Forest City, as revised and consolidated by Section 1 of Chapter 209 of the 1981 Session Laws, is repealed.

Section 2. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 296
Second Edition Engrossed 4/14/99
Proposed House Committee Substitute S296-PCS3815-RW

Short Title: Repeal Forest City Fire Pension. (Local)

Sponsors:

Referred to:

March 8, 1999

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE PROVISIONS REGARDING SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CHARTER OF THE TOWN OF FOREST CITY.

The General Assembly of North Carolina enacts:

Section 1. Section 6.3 of the Charter of the Town of Forest City, as revised and consolidated by Section 1 of Chapter 209 of the 1981 Session Laws, is repealed.

Section 2. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

S296-CSRW-001
PROPOSED HOUSE COMMITTEE SUBSTITUTE
Senate Bill 296
THIS IS A DRAFT 11-MAY-99 10:23:56
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Repeal Forest City Fire Pension. (Local)

Sponsors:

Referred to: Pensions & Retirement and Aging.

March 8, 1999

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE PROVISIONS REGARDING SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CHARTER OF THE TOWN OF FOREST CITY.

The General Assembly of North Carolina enacts:

Section 1. Section 6.3 of the Charter of the Town of Forest City, as revised and consolidated by Section 1 of Chapter 209 of the 1981 Session Laws, is repealed.

Section 2. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 296
Second Edition Engrossed 4/14/99

Short Title: Repeal Forest City Fire Pension. (Local)

Sponsors: Senator Dalton.

Referred to: Pensions & Retirement and Aging.

March 8, 1999

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE PROVISIONS REGARDING SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CHARTER OF THE TOWN OF FOREST CITY.

The General Assembly of North Carolina enacts:

Section 1. Section 6.3 of the Charter of the ~~City~~ Town of Forest City, as revised and consolidated by Section 1 of Chapter 209 of the 1981 Session Laws, is repealed.

Section 2. This act becomes effective July 1, 1999.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 335 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING REDUCTION OR CONTINUATION OF A TEACHER'S BONUS, AS IT APPLIES TO THE CHARLOTTE-MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

SENATE BILL 335:
Bonus Clarified/Mecklenburg Schools

BILL ANALYSIS

Committee: House Local Government I
Date: May 11, 1999
Version: Second Edition

Introduced by: Senator Dannelly
Summary by: Giles S. Perry and Kory Goldsmith
Committee Counsel

SUMMARY: ***SB 335 provides that if a local school administrative unit gives bonuses or other salary increments to teachers who teach at targeted schools or to teachers who are certified in shortage areas, and the administrative unit later reduces or eliminates the bonus, that shall not constitute a demotion for purposes of115C-325. This is a local bill that applies only to the Charlotte-Mecklenburg County School Administrative Unit.***

CURRENT LAW: G.S. 115C-325(a)(4) defines "demotion" as a reduction in the salary of a person who is classified or paid by the State Board of Education as a classroom teacher or as a school administrator. However, the "elimination or reduction of bonus payments, including merit-based supplements, or a systemwide modification in the amount of any applicable local supplement" is not a demotion. The statute does not define "bonus payments" or "merit-based supplements". The same procedures that apply for a teacher dismissal apply for a demotion.

G.S. 115C-302.1(h) provides that local boards may adopt salary schedules for teachers paid from local funds. It also provides that no teacher shall be paid a salary that is higher than what is provided in the salary schedule, unless there is a board action that allows a higher salary for "special fitness, special duties, or under extraordinary circumstances." The law also provides that the local board may authorize the superintendent to supplement the salaries of all teachers and the minutes shall reflect what increase is allowed each teacher.

It appears, but is not entirely clear, that a local board may use local funds to provide differentiated bonuses, salary supplements, or salary increments based upon the special characteristics of certain teachers or under special circumstances. It also appears that a local board could eliminate or reduce that bonus or supplement without having to go through a demotion procedure.

BILL ANALYSIS: The bill provides that if a local school administrative unit provides a bonus or other salary increment to a teacher because the teacher works at a targeted school with high proportions of at-risk students, then if the board later reassigns the teacher to a school where the bonus is not available, or if the board discontinues or reduces the bonus, that shall not constitute a demotion for purposes of 115C-325. It also would not constitute a demotion if the board provides a bonus for a teacher who is certified in an area in which there is a teacher shortage and the board later reduces or discontinues the bonus. These provisions apply only to the Charlotte-Mecklenburg Local School Administrative Unit.

The bill has the primary effect of eliminating any doubt that if the Charlotte-Mecklenburg school board provides bonuses or salary increments to certain teachers and later reduces or discontinues those bonuses or salary increments, that action shall not constitute a demotion. As stated earlier, a local board may already have this authority under G.S. 115C-325(a)(4)(ii). The bill, by expressly clarifying this issue with

regard to only one local school administrative unit, may have the effect of casting doubt as to the meaning and application of the general law as it applies to all school administrative units.

The act would become effective when it becomes law and applies beginning with the 1999-2000 school year.

S335-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 335
Education/Higher Education Committee Substitute Adopted 4/1/99

Short Title: Bonus Clarified/Mecklenburg Schools. (Local)

Sponsors:

Referred to:

March 11, 1999

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE LAW REGARDING REDUCTION OR CONTINUATION OF A TEACHER'S BONUS, AS IT APPLIES TO THE CHARLOTTE-MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina enacts:

Section 1. In accordance with G.S. 115C-325 and by way of clarification, if a local school administrative unit provides a bonus or other salary increment to a teacher because the teacher teaches at a targeted school with high proportions of at-risk students, neither reassignment of that teacher to a school at which there is no such bonus or other salary increment nor discontinuance or reduction of the bonus or other salary increment at that school shall constitute a demotion as that term is defined in G.S. 115C-325(a)(4).

In accordance with G.S. 115C-325 and by way of clarification, if a local school administrative unit provides a bonus or other salary increment to a teacher because the teacher is certified to teach in an area in which there is a shortage of teachers, neither discontinuance nor reduction of the bonus or other salary increment for teachers certified to teach in that area shall constitute a demotion as that term is defined in G.S. 115C-325(a)(4).

Section 2. This act applies only to the Charlotte-Mecklenburg County School Administrative Unit.

Section 3. This act is effective when it becomes law and applies beginning with the 1999-2000 school year.

VISITOR REGISTRATION SHEET

Loc Gov I — 5-11-99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dania Roberts	Intern Sen Odom
ELLIS HANKINS	NCLM
Amy VAN OOSTRUM	PENC

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

May 18, 1999

The House Committee on Local Government I met on Tuesday, May 18, 1999, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman Saunders, Representatives Barefoot, Buchanan, Decker, Hill, Kiser, McCrary, Rogers and Setzer. Giles Perry, Staff Counselor was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order. The following bills were then considered:

The first item on the agenda was **SB 702, A BILL TO BE ENTITLED AN ACT TO ALLOW RESTORATION OF ZONING AUTHORITY OF THE TOWN OF MATTHEWS AS TO CERTAIN PROPERTY BURG COUNTY DISPOSES OF IT.** Representative Gulley explained the bill. Representative Saunders moved for a favorable report. The motion carried.

The next order of business was **HB 781, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CATAWBA TO ANNEX PROPERTY ENCLOSED BY THE CORPORATE BOUNDARIES OF THE TOWN.** Representative Setzer, bill sponsor, was recognized to explain the bill and handed out two maps showing the parcels for annexation (Attachments 1 & 2). Representative Buchanan moved for a favorable report. The motion carried.

The next order of business was **SB 350, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE WITH RESPECT TO EXECUTION OF DEEDS AND THE DISPOSITION OF REAL PROPERTY BY PRIVATE SALE OR SUBJECT TO RESTRICTIONS OR BOTH.** Senator Clodfelter was recognized to explain the bill. After committee discussion, Representative Saunders moved for a favorable report. The motion carried.

The next order of business was **SB 543, A BILL TO BE ENTITLED AN ACT RELATING TO ZONING BY FORSYTH COUNTY, THE TOWNS OF KERNERSVILLE AND LEWISVILLE, AND THE VILLAGE OF CLEMMONS.** Senator Horton was recognized to explain the bill. Giles Perry brought forth a committee substitute. Representative Buchanan moved to adopt the committee substitute. The motion carried and the committee substitute was properly before the committee. After questions and discussion, Representative Buchanan moved for a favorable report to the committee substitute and an unfavorable report the original bill. The motion carried.

There being no further business, the Chair adjourned the meeting at 11:30.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

May 18, 1999
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS:

HB 781 CATAWBA ANNEXATIONS
Representative Setzer

SB 350 CHARLOTTE PRIVATE PROP. DISPOSITION
Senator Odom

SB 474 HENDERSONVILLE ABC PROFITS
Senator Robinson

SB 543 FORSYTH AREA ZONING CHANGES
Senator Horton

SB 702 MATTHEWS ETJ
Senator Rucho

ADJOURNMENT

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 702 A BILL TO BE ENTITLED AN ACT TO ALLOW RESTORATION OF ZONING AUTHORITY OF THE TOWN OF MATTHEWS AS TO CERTAIN PROPERTY IF MECKLENBURG COUNTY DISPOSES OF IT.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

SENATE BILL 702:
Matthews ETJ

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Senator Rucho
Date:	May 18, 1999	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY:

In 1991, the Town of Matthews was granted planning and zoning authority in its ETJ, except for certain described County owned parcels.

Senate Bill 702 authorizes the Town of Matthews to exercise zoning powers on those parcels, if they are sold by Mecklenburg County.

Effective Date: When it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 702

Short Title: Matthews ETJ. (Local)

Sponsors: Senator Rucho.

Referred to: State and Local Government.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO ALLOW RESTORATION OF ZONING AUTHORITY OF THE TOWN OF MATTHEWS AS TO CERTAIN PROPERTY IF MECKLENBURG COUNTY DISPOSES OF IT.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 161 of the 1991 Session Laws reads as rewritten:

"Sec. 4. The authority granted by this act shall not be exercised with respect to the property acquired by Mecklenburg County from Hazeline Massey, tax parcel number 215-062-02; the property acquired by Mecklenburg County from National Facilities Corporation, tax parcel number 215-081-15; or the property acquired by Mecklenburg County from Lester H. Yandle Jr., tax parcel numbers 215-062-01 and 215-061-06. As owner and user of the property exempted in this section, Mecklenburg County shall not cause the elevation of the property to be increased more than 25 feet above the highest point existing on the property on the date of ratification of this act, unless the increase is approved in a resolution adopted by the Board of Commissioners of the Town of Matthews. This section does not apply to any property when it is sold or otherwise disposed of by Mecklenburg County. The Town of Matthews may adopt, in accordance with law, a zoning classification for the property at any time, but such classification shall not become effective until the property is sold or disposed of by Mecklenburg County."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 781 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CATAWBA TO ANNEX PROPERTY ENCLOSED BY THE CORPORATE BOUNDARIES OF THE TOWN.

☐ With a favorable report.

☑ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☑ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 781:
Catawba Annexations

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Rep. Setzer
Date:	May 18, 1999	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY:

House Bill 781 authorizes the Town of Catawba to annex any property completely surrounded by the Town as of January 1, 1999.

The Town must adopt any annexation ordinance authorized by this act by December 31, 1999.

Effective Date: when it becomes law.

Attachment 1

Catawba County, North Carolina

This map product was prepared from the Catawba County, NC, Geographic Information System. Catawba County has made substantial efforts to ensure the accuracy of location and labeling information contained on this map. Catawba County promotes and recommends the independent verification of any data contained on this map product by the user. The County of Catawba, its employees, agents, and personnel, disclaim, and shall not be held liable for any and all damages, loss or liability, whether direct, indirect or consequential which arises or may arise from this map product or the use thereof by any person or entity.

NORTH

Number parcels selected => 374

Scale: 1 inch = 250 feet

Prepared For: Mitchell Setzer



THIS IS NOT A LEGAL DOCUMENT

05 Apr 1999 09:54 AM Monday

Attachment 2

Catawba County, North Carolina

This map product was prepared from the Catawba County, NC, Geographic Information System. Catawba County has made substantial efforts to ensure the accuracy of location and labeling information contained on this map. Catawba County promotes and recommends the independent verification of any data contained on this map product by the user. The County of Catawba, its employees, agents, and personnel, disclaim, and shall not be held liable for any and all damages, loss or liability, whether direct, indirect or consequential which arises or may arise from this map product or the use thereof by any person or entity.

NORTH

Number parcels selected => 126

Scale: 1 inch = 960 feet

Prepared For: Mitchell Setzer



THIS IS NOT A LEGAL DOCUMENT

05 Apr 1999 09:42 AM Monday

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 781

Short Title: Catawba Annexations. (Local)

Sponsors: Representative Setzer.

Referred to: Local Government I.

March 31, 1999

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF CATAWBA TO ANNEX PROPERTY ENCLOSED BY THE CORPORATE BOUNDARIES OF THE TOWN.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S. 160A-36, the Town of Catawba may adopt ordinances annexing property that, on January 1, 1999, was completely enclosed by the corporate limits of the Town, if the Town does the following:

(1) Fixes a date for a public hearing on the annexation and publishes notice of the public hearing at least 10 days before the date of the hearing.

(2) Makes a finding based upon circumstances and evidence satisfactory to the Town Council that the annexation is necessary for the orderly growth and development of the Town.

Section 2. The procedure for recording any annexation under this act shall be as provided in G.S. 160A-39.

Section 3. Any annexation ordinance adopted by the Town Council under this act shall be adopted before December 31, 1999.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 350 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE WITH RESPECT TO EXECUTION OF DEEDS AND THE DISPOSITION OF REAL PROPERTY BY PRIVATE SALE OR SUBJECT TO RESTRICTIONS OR BOTH.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

SENATE BILL 350:
Charlotte Property Disposition.

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Sen. Odom and others
Date:	May 18, 1999	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY:

Senate Bill 350 amends the provisions of the Charlotte Charter governing real property.

The bill authorizes the mayor todesignate a person to execute a deed, and the Deputy City Clerk (in addition to the City Clerk) to attest to the execution of the deed

In addition, the bill authorizes the city to convey property by public or private sale, subject to convenants, conditions or restrictions, with or without consideration, if the sale is to advance or further an adopted council policy.

Effective Date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 350
State and Local Government Committee Substitute Adopted 4/15/99

Short Title: Charlotte Property Disposition. (Local)

Sponsors:

Referred to:

March 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE WITH RESPECT TO EXECUTION OF DEEDS AND THE DISPOSITION OF REAL PROPERTY BY PRIVATE SALE OR SUBJECT TO RESTRICTIONS OR BOTH.

The General Assembly of North Carolina enacts:

Section 1. Section 9.22 of the Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws as amended by Chapter 216, Session Laws of 1967, Chapter 92 of the Session Laws of 1983, and Chapter 343 of the Session Laws of 1985, and as rewritten by Chapter 170 of the 1995 Session Laws, reads as rewritten:

"Section 9.22. Real Property. (a) The City Council shall have the power at all times to sell any real property belonging to the city after having advertised the same once a week for four (4) consecutive weeks in a newspaper published in Mecklenburg County following the procedure prescribed by the general laws of the State of North Carolina in the foreclosure of mortgages or deeds of trust under the power of sale therein contained; provided, that before any bid shall be deemed accepted or any sale made, or any title passed by virtue of said sale, such sale shall be confirmed by the City Council and said Council may, in its discretion, refuse confirmation, and when so authorized, a deed for said real estate may be executed by the Mayor or the Mayor's designee and attested by the City ~~Clerk,~~ Clerk or Deputy City Clerk, with the corporate seal of the city attached; provided, however, this Section shall not apply to plots in the cemetery except as to the manner of execution of the deed. In the sale

of real estate, the city is authorized to execute deeds in the usual form and containing full covenants of warranty.

(b) The City Council is hereby authorized to sell, convey, transfer, or assign any or all right, title and interest in or to real property owned by the City of Charlotte to other governmental units at private sale, when in the judgment of the City, such real property is no longer needed or suitable for the purposes of the City, or when such sale is deemed to be in the public interest.

(c) The City may convey interests in real property owned by it by private negotiation or sale, with respect to parcels of property having a fair market value of ten thousand dollars ($10,000) or less, and Article 12 of Chapter 160A of the General Statutes shall not apply to such dispositions. The City Manager is authorized and empowered to approve such dispositions.

(d) The City may, in addition to other authorized means, convey real property owned by it to persons of low or moderate income for residential purposes using the negotiated offer, advertisement, and upset bid process and requirements established by G.S. 160A-269, provided, however, the City may lower the bid deposit requirement to an amount not less than one percent (1%) of an offeror's bid.

(e) When the City Council determines that a sale or disposition of property will advance or further any Council adopted economic development, transportation, urban revitalization, community development, or land-use plan or policy, the City may, in addition to other authorized means, sell, exchange, or transfer the fee or any lesser interest in real property, either by public sale or by negotiated private sale. The City may attach to the transfer and to the interest conveyed such covenants, conditions, or restrictions (or a combination of them) the City deems necessary to further such adopted policies or plans. The consideration received by the City, if any, for such conveyance may reflect the restricted use of the property resulting from such covenants, conditions, or restrictions. An interest in property pursuant to this subsection may be conveyed only pursuant to resolution of the City Council authorizing the conveyance. Notice of the proposed transaction shall be given at least 10 days prior to adoption of the resolution by publication in a newspaper of general circulation, generally describing:

(1) The property involved;

(2) The nature of the interest to be conveyed; and

(3) All of the material terms of the proposed transaction,including any covenants, conditions, or restrictions which may be applicable.

The notice shall give the time and place of the Council meeting where the proposed transaction will be considered and shall announce the Council's intention to authorize the proposed transaction. Notwithstanding the foregoing, the city may not sell the land or buildings located at 100 Paul Buck Boulevard by private sale."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 543 A BILL TO BE ENTITLED AN ACT RELATING TO ZONING BY FORSYTH COUNTY, THE TOWNS OF KERNERSVILLE AND LEWISVILLE, AND THE VILLAGE OF CLEMMONS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 3

SENATE BILL 543
State and Local Government Committee Substitute Adopted 4/29/99
House Committee Substitute Favorable 5/19/99

Short Title: Forsyth Area Zoning Changes. (Local)

Sponsors:

Referred to:

March 29, 1999

A BILL TO BE ENTITLED

AN ACT RELATING TO ZONING BY FORSYTH COUNTY, THE TOWNS OF KERNERSVILLE AND LEWISVILLE, AND THE VILLAGE OF CLEMMONS.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 381 of the 1973 Session Laws reads as rewritten:

"Section 1. Section 23 of Chapter 677 of the Session Laws of 1947, as amended, is hereby amended as follows: by inserting between the first and second paragraphs thereof the eight following paragraphs:

'The Board of Aldermen of the City of Winston-Salem is hereby empowered, in accordance with the conditions and procedure specified in this act, by ordinance to regulate in any portion or portions of the City of Winston-Salem the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservations, soil conservation, forestry or other purposes.

For any or all these purposes, the City may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this section; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in

other districts; provided, however, that the City may provide for the creation of special use districts in addition to general use districts.

It is the purpose and intent of this section to permit Winston-Salem to create general use districts in which a variety of uses are permitted, and to also create special use districts in which a single use is permitted upon the issuance by the Board of Aldermen of a special use permit prescribing the conditions under which such use will be permitted.

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If he elects to petition for general use district zoning, he may not refer, either in his petition or at any hearings related to the petition, to the use intended for the property upon rezoning. The Board of Aldermen may not consider the intended use in determining whether to approve or disapprove the petition, but shall consider the full range of uses permitted within the requested general use district. If the petition is approved, the re-zoned property may be used for any of the uses permitted in the applicable general use district.

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The conditions contained in a special use permit issued by the Board of Aldermen may include: location of the proposed use on the property; the number of dwelling units; the location and extent of support facilities such as parking lots, driveways, and access streets; location and extent of buffer areas and other special purpose areas; the timing of development; and such other matters as the petitioner may propose and the Board of Aldermen may find ~~appropriate, but not to include architectural review or controls.~~ appropriate.

It is the further intent of this section to permit the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety and welfare, and insure that substantial justice be done.'"

Section 2. Section 2 of Chapter 381 of the 1973 Session Laws reads as rewritten:

"Sec. 2. Section 25 of Chapter 677 of the Session Laws of 1947, as amended, is hereby amended by inserting the seven following paragraphs after the first paragraph therein:

'For any or all these purposes, the County may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this section; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts; provided, however, that the County may provide for the creation of special use districts in addition to general use districts.

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Section 3. The Charter of the Town of Kernersville, being Chapter 381 of the 1989 Session Laws, is amended by adding a new section to read:

"Sec. 27.1. **Zoning.** The Board of Aldermen of the Town of Kernersville is hereby empowered by ordinance to regulate in any portion or portions of the Town the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry, or other purposes.

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Section 4. The Charter of the Town of Lewisville, being Chapter 116 of the 1991 Session Laws, is amended by adding a new section to read:

"Section 5-3. **Zoning.** The Town Council of the Town of Lewisville is hereby empowered by ordinance to regulate in any portion or portions of the Town the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry, or other purposes.

For any or all of these purposes, the Town may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this section; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts; provided, however, that the Town may provide for the creation of special use districts in addition to general use districts.

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Section 5. The Charter of the Village of Clemmons, being Section 7 of Chapter 437 of the 1985 Session Laws, is amended by adding a new Article to read:

"ARTICLE VII. ADMINISTRATION.

"Sec. 7.1. **Zoning.** The Village Council of the Village of Clemmons is hereby empowered by ordinance to regulate in any portion or portions of the Village the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry, or other purposes.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 543
State and Local Government Committee Substitute Adopted 4/29/99
Proposed House Committee Substitute S543-PCS1742-SK

Short Title: Forsyth Area Zoning Changes. (Local)

Sponsors:

Referred to:

March 29, 1999

A BILL TO BE ENTITLED

AN ACT RELATING TO ZONING BY FORSYTH COUNTY, THE TOWNS OF KERNERSVILLE AND LEWISVILLE, AND THE VILLAGE OF CLEMMONS.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 381 of the 1973 Session Laws reads as rewritten:

"Section 1. Section 23 of Chapter 677 of the Session Laws of 1947, as amended, is hereby amended as follows: by inserting between the first and second paragraphs thereof the eight following paragraphs:

'The Board of Aldermen of the City of Winston-Salem is hereby empowered, in accordance with the conditions and procedure specified in this act, by ordinance to regulate in any portion or portions of the City of Winston-Salem the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservations, soil conservation, forestry or other purposes.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 543
State and Local Government Committee Substitute Adopted 4/29/99
Proposed Committee Substitute: S543-PCSSK-002
Attention: line numbers may change after adoption.

Short Title: Forsyth Area Zoning Changes. (Local)

Sponsors:

Referred to:

March 29, 1999

A BILL TO BE ENTITLED

AN ACT RELATING TO ZONING BY FORSYTH COUNTY, THE TOWNS OF KERNERSVILLE AND LEWISVILLE, AND THE VILLAGE OF CLEMMONS.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 381 of the 1973 Session Laws reads as rewritten:

"Section 1. Section 23 of Chapter 677 of the Session Laws of 1947, as amended, is hereby amended as follows: by inserting between the first and second paragraphs thereof the eight following paragraphs:

'The Board of Aldermen of the City of Winston-Salem is hereby empowered, in accordance with the conditions and procedure specified in this act, by ordinance to regulate in any portion or portions of the City of Winston-Salem the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservations, soil conservation, forestry or other purposes.

For any or all these purposes, the City may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this section; and within those districts it may regulate and

restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts; provided, however, that the City may provide for the creation of special use districts in addition to general use districts.

It is the purpose and intent of this section to permit Winston-Salem to create general use districts in which a variety of uses are permitted, and to also create special use districts in which a single use is permitted upon the issuance by the Board of Aldermen of a special use permit prescribing the conditions under which such use will be permitted.

A person petitioning for rezoning of a tract of land, where special use districts are authorized by ordinance, may elect to request general use district zoning for said tract, or he may elect to request special use district zoning for said tract.

If he elects to petition for general use district zoning, he may not refer, either in his petition or at any hearings related to the petition, to the use intended for the property upon rezoning. The Board of Aldermen may not consider the intended use in determining whether to approve or disapprove the petition, but shall consider the full range of uses permitted within the requested general use district. If the petition is approved, the re-zoned property may be used for any of the uses permitted in the applicable general use district.

If the petitioner elects to petition for special use district zoning, the petition must specify the actual use intended for the property specified in the petition, and the intended use must be one permitted in the corresponding general use district. If the petition is for special use district zoning, the Board of Aldermen is to approve or disapprove the petition on the basis of the specific use requested. If the petition is approved, the Board of Aldermen shall issue a special use <u>district</u> permit authorizing the requested use with such reasonable conditions as the Board of Aldermen determines to be desirable in promoting public health, safety and general welfare. <u>The act of issuing a special use district permit shall be deemed to be a legislative act of the Board of Aldermen, and the procedural standards applicable to the legislative acts shall apply to the consideration and issuance of a special use permit.</u>

The conditions contained in a special use permit issued by the Board of Aldermen may include: location of the proposed use on the property; the number of dwelling units; the location and

extent of support facilities such as parking lots, driveways, and access streets; location and extent of buffer areas and other special purpose areas; the timing of development; and such other matters as the petitioner may propose and the Board of Aldermen may find ~~appropriate, but not to include architectural review or controls.~~ appropriate.

It is the further intent of this section to permit the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety and welfare, and insure that substantial justice be done.'"

Section 2. Section 2 of Chapter 381 of the 1973 Session Laws reads as rewritten:

"Sec. 2. Section 25 of Chapter 677 of the Session Laws of 1947, as amended, is hereby amended by inserting the seven following paragraphs after the first paragraph therein:

'For any or all these purposes, the County may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this section; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts; provided, however, that the County may provide for the creation of special use districts in addition to general use districts.

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within the requested general use district. If the petition is approved, the re-zoned property may be used for any of the uses permitted in the applicable general use district.

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Section 3. The Charter of the Town of Kernersville, being Chapter 381 of the 1989 Session Laws, is amended by adding a new section to read:

"**Sec. 27.1. Zoning.** The Board of Aldermen of the Town of Kernersville is hereby empowered by ordinance to regulate in any portion or portions of the Town the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservations, soil conservation, forestry or other purposes.

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Section 4. The Charter of the Town of Lewisville, being Chapter 116 of the 1991 Session Laws, is amended by adding a new section to read:

"**Section 5-3. Zoning.** The Town Council of the Town of Lewisville is hereby empowered by ordinance to regulate in any portion or portions of the Town the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservations, soil conservation, forestry or other purposes.

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"ARTICLE VII. ADMINISTRATION.

"Sec. 7.1. Zoning. The Village Council of the Village of Clemmons is hereby empowered by ordinance to regulate in any portion or portions of the Village the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservations, soil conservation, forestry or other purposes.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 543
State and Local Government Committee Substitute Adopted 4/29/99

Short Title: Forsyth Area Zoning Changes. (Local)

Sponsors:

Referred to:

March 29, 1999

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

VISITOR REGISTRATION SHEET

Local Government — 5/18/99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Andy Romanet	N.C.L.M.

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

May 25, 1999

The House Committee on Local Government I met on Tuesday, May 25, 1999, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman Saunders, Representatives Barefoot, Buchanan, Decker, Ellis, Hill, Kiser, McCrary, Rogers and Setzer. Giles Perry, Staff Counselor was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order. The following bills were then considered:

SB 474, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTION OF THE PROFITS FROM THE HENDERSONVILLE LOCAL ALCOHOLIC BEVERAGE CONTROL SYSTEM. Senator Robinson, bill sponsor, was recognized to explained the bill and told the committee that Representative Buchanan had an amendment for introduction. Representative Buchanan sent forth an amendment and the chair recognized him to explain the amendment. After committee questions and discussion, the committee voted to adopt the amendment. Representative Buchanan moved for the amendment to be rolled into a House committee substitute and given a favorable report and an unfavorable report to the original bill. The motion carried.

The next order of business was **SB 573, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ENGAGE IN PUBLIC-PRIVATE PROJECTS OUTSIDE THE DOWNTOWN AREA.** Senator Clodfelter, bill sponsor, was recocognized to explain the bill. Representative Saunders moved for a favorable report. Motion carried.

The next order of business was **SB 395, A BILL TO BE ENTITLED AN ACT RELATING TO THE CABARRUS COUNTY TOURISM AUTHORITY.** Senator Hartzell, bill sponsor, was recognized to explain the bill. Representative Ellis moved for a favorable report. The motion carried.

The next order of business was **SB 653, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENT OF HEALTH TRUST FUND MONIES BY THE COUNTY OF DURHAM.** Senator Gulley, bill sponsor, was recognized to explain the bill. After committee discussion, Representative Ellis moved for a favorable report. The motion carried.

The next order of business was **SB 701, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, AND HOUSING BASED ON CRITERIA IN ADDITION TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, AND AGE, AND TO PRESCRIBE THE PROCEDURE FOR THE ADOPTION OF ANY SUCH ORDINANCE.** Senator

Lucas was recognized to explain the bill. After much committee discussion on the bill, the Chair indicated that he felt the bill needed to be looked at further and stated the bill would be put in sub-committee for further study. A sub-committee was appointed. The addendum is attached and hereto made part of these minutes.

The last order of business was **SB 705, A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH EXPEDITING OF PUBLIC SCHOOL FACILITIES.** Senator Wellons, bill sponsor, was recognized to explain the bill. Mr. Henry Jones, a Raleigh Attorney, spoke on the bill to explain the multi-prime system as it relates to contracts. Mr. Jim Collins, Superintendent of Johnston County Schools, also spoke on the bill. Representative Kiser moved for a favorable report. The motion carried.

There being no further business, the Chair adjourned the meeting at 11:50.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

ADDENDUM

Appointed members for sub-committee for SB 701

CHAIR:
Representative Drew Saunders
MEMBERS:
Representative's Michael Decker and Jaybird McCrary

A committee to study **SB 701, A BILL ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO PROHIBIT DISCRIMINATION IN EMPLOYMENT. PUBLIC ACCOMMODATIONS, AND HOUSING BASED ON CRITERIA IN ADDITION TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, AND AGE, AND TO PRESCRIBE THE PROCEDURE FOR THE ADOPTION OF ANY SUCH ORDINANCE.**

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

May 25, 1999
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS:

SB 395 CABARRUS COUNTY TOURISM
SENATOR HARTZELL

SB 474 HENDERSONVILLE ABC PROFITS
SENATORS ROBINSON & CARPENTER

SB 573 CHARLOTTE DEVELOPMENT
SENATOR CLODFELTER

SB 653 DURHAM CO. HEALTH FUND INVEST.
SENATOR GULLEY

SB 701 DURHAM CITY ANTIDISCRIMINATION
SENATORS LUCAS & GULLEY

SB 705 EXPEDITE JOHNSON SCH. CONSTRUCTION
SENATOR WELLONS

ADJOURNMENT

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 474 A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTION OF THE PROFITS FROM THE HENDERSONVILLE LOCAL ALCOHOLIC BEVERAGE CONTROL SYSTEM.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☑ With a favorable report as to HOUSE committee substitute bill ~~(#), ☐ which changes the title~~, unfavorable as to (original bill), ~~(Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

SENATE BILL 474:
Hendersonville ABC Profits

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Sen. Robinson; and Carpenter
Date:	May 18, 1999	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY:

Senate Bill 474 changes the act governing the distribution of proceeds of the Hendersonville ABC Board to authorize deduction of 7% of the funds for treatment of alcoholism or substance abuse, or for research and education on alcoholism or substance abuse.

Effective date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 474
House Committee Substitute Favorable 5/26/99

Short Title: Hendersonville ABC Profits. (Local)

Sponsors:

Referred to:

March 23, 1999

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DISTRIBUTION OF THE PROFITS FROM THE HENDERSONVILLE LOCAL ALCOHOLIC BEVERAGE CONTROL SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Section 6 of Chapter 954 of the 1955 Session Laws as amended by Section 1 of Chapter 105 of the 1995 Session Laws reads as rewritten:

"Sec. 6. The net profits derived from the operation of a liquor control store in the City of Hendersonville, after deducting the necessary funds for law enforcement as provided in ~~G.S. 18B-805(c)(2),~~ G.S. 18B-805(c)(2) and after deducting the necessary funds for treatment of alcoholism or substance abuse or for research or education on alcoholism or substance abuse as provided in G.S. 18B-805(c)(3) (but not to exceed twelve percent (12%)), shall be divided as follows: Fifty per cent (50%) for municipality of Hendersonville. Twenty-five per cent (25%) to Governing Body of the County of Henderson. One per cent (1%) to the City Library. Twenty-four per cent (24%) to the Henderson County Public Schools. Such funds shall be subject to appropriation by the Governing Bodies of the City of Hendersonville and the County of Henderson for any lawful purpose."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 474
Proposed House Committee Substitute S474-PCS3823-RW

Short Title: Hendersonville ABC Profits. (Local)

Sponsors:

Referred to:

March 23, 1999

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DISTRIBUTION OF THE PROFITS FROM THE HENDERSONVILLE LOCAL ALCOHOLIC BEVERAGE CONTROL SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Section 6 of Chapter 954 of the 1955 Session Laws as amended by Section 1 of Chapter 105 of the 1995 Session Laws reads as rewritten:

"Sec. 6. The net profits derived from the operation of a liquor control store in the City of Hendersonville, after deducting the necessary funds for law enforcement as provided in ~~G.S. 18B-805(c)(2),~~ G.S. 18B-805(c)(2) and after deducting the necessary funds for treatment of alcoholism or substance abuse or for research or education on alcoholism or substance abuse as provided in G.S. 18B-805(c)(3) (but not to exceed twelve percent (12%)), shall be divided as follows: Fifty per cent (50%) for municipality of Hendersonville. Twenty-five per cent (25%) to Governing Body of the County of Henderson. One per cent (1%) to the City Library. Twenty-four per cent (24%) to the Henderson County Public Schools. Such funds shall be subject to appropriation by the Governing Bodies of the City of Hendersonville and the County of Henderson for any lawful purpose."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 474

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

S474-ALK-1

Date 5-25-99 ,1999

Comm. Sub. [ ]
Amends Title [ ]

_____
moves to amend the bill on page 1, line 12,
by rewriting that line to read:
"alcoholism or substance abuse as provided in G.S. 18B-805(c)(3)
(but not to exceed twelve percent (12%)) shall be divided as"

SIGNED Charles Buchanan
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 474

Short Title: Hendersonville ABC Profits. (Local)

Sponsors: Senators Robinson; and Carpenter.

Referred to: State and Local Government.

March 23, 1999

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DISTRIBUTION OF THE PROFITS FROM THE HENDERSONVILLE LOCAL ALCOHOLIC BEVERAGE CONTROL SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Section 6 of Chapter 954 of the 1955 Session Laws as amended by Section 1 of Chapter 105 of the 1995 Session Laws reads as rewritten:

"Sec. 6. The net profits derived from the operation of a liquor control store in the City of Hendersonville, after deducting the necessary funds for law enforcement as provided in ~~G.S. 18B-805(c)(2),~~ G.S. 18B-805(c)(2) and after deducting the necessary funds for treatment of alcoholism or substance abuse or for research or education on alcoholism or substance abuse as provided in G.S. 18B-805(c)(3), shall be divided as follows: Fifty per cent (50%) for municipality of Hendersonville. Twenty-five per cent (25%) to Governing Body of the County of Henderson. One per cent (1%) to the City Library. Twenty-four per cent (24%) to the Henderson County Public Schools. Such funds shall be subject to appropriation by the Governing Bodies of the City of Hendersonville and the County of Henderson for any lawful purpose."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 573 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ENGAGE IN PUBLIC-PRIVATE PROJECTS OUTSIDE THE DOWNTOWN AREA.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

SENATE BILL 573:
Charlotte Development

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Senator Clodfelter
Date:	May 25, 1999 First Edition	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY:

Current law authorizes the City of Charlotte to engage in public –private development projects in the "uptown" area of the City.

Senate Bill 573 expands this authority to authorize public private –development projects in two additoinal areas:

--in or along major transprtation coridors, and

--in "development zones" (Article 3A of Chapter 105 tax incentives for new and expanding businesses).

Current law exempts public-private development projects From the Article 8 of Chapter 143 (public contracting procedures).

Senate Bill 573 limits this exemption to projects that involve not more than 50% city funds.

Effective Date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 573

Short Title: Charlotte Development. (Local)

Sponsors: Senator Clodfelter.

Referred to: State and Local Government.

March 29, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ENGAGE IN PUBLIC-PRIVATE PROJECTS OUTSIDE THE DOWNTOWN AREA.

The General Assembly of North Carolina enacts:

Section 1. Section 7.109 of the Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws, as added by Chapter 55 of the 1981 Session Laws, reads as rewritten:

"Sec. 7.109. ~~Uptown~~ Public-private development projects.

(a) Definition. In this Article, '~~uptown~~ public-private development projects' means a capital project located: (i) in the city's central business district, as defined by the city ~~council,~~ council; (ii) in or along a major transportation corridor; or (iii) in a development zone designated pursuant to G.S. 105-129.3A; comprising one or more buildings or other improvements and including both public and private facilities. By way of illustration but not limitation, such a project might include a single building comprising a publicly owned parking structure and publicly owned convention center and a privately owned hotel or office building.

(b) Authorization. If the city council finds that it is likely to ~~have a significant effect on the revitalization of the central business district,~~ be of significant economic benefit to the area of the city in which the project is located, the city may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of ~~an uptown~~ a public-private development project or of specific facilities within such a project. The city may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating such a project. Such a contract shall among other provisions, specify the following:

(1) The property interest of both the city and the developer or developers in the project.
(2) The responsibilities of the city and the developer or developers for construction of the project.
(3) The responsibilities of the city and the developer or developers with respect to financing the project.
(4) The responsibilities of the city and the developer or developers with respect to the operation of the project.

Such a contract may be entered into before the acquisition of any real property necessary to the project.

(c) Property acquisition. ~~An uptown~~ A public-private development project may be constructed on property acquired by the developer or developers or on property directly acquired by the city by purchase.

(d) Property disposition. In connection with ~~an uptown~~ a public-private development project, the city may lease or convey interests in property owned by it, including air rights over public facilities, by private negotiation or sale, and Article 12 of Chapter 160A of the General Statutes does not apply to such dispositions.

(e) Construction of the project. The contract between the city and the developer or developers may provide that the developer or developers shall be responsible for construction of the entire ~~uptown~~ public-private development project. If so, the contract shall include such provisions as the city council deems sufficient to assure that the public facility or facilities included in the project meet the needs of the city and are constructed at a reasonable price. A project constructed pursuant to this paragraph is not subject to Article 8 of Chapter 143 of the General ~~Statutes.~~ Statutes as long as city funds constitute not more than fifty percent (50%) of the total costs of the project.

(f) Operation. The city may contract for the operation of any public facility or facilities included in ~~an uptown~~ a public-private development project by a person, partnership, firm, or corporation, public or private. Such a contract shall include provisions sufficient to assure that any such facility or facilities are operated for the benefit of the citizens of the city.

(g) Grant funds. To assist in the financing of its share of ~~an uptown~~ a public-private development project, the city may apply for, accept and expend grant funds from the federal or State governments."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 395 A BILL TO BE ENTITLED AN ACT RELATING TO THE CABARRUS COUNTY TOURISM AUTHORITY.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

SENATE BILL 395:
Cabarrus County Tourism

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Senator Hartsell
Date:	May 25, 1999 Second Edition	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY:

Senate Bill 395 changes the names of the groups that submit nominations to the County Commissioners for appointment to the Cabarrus County Tourism Authority.

Names for three seats shall be submitted by the Cabarrus County Tourism Authority, and three by the Cabarrus Regional Chamber of Commerce.

Effective Date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 395
State and Local Government Committee Substitute Adopted 4/29/99

Short Title: Cabarrus County Tourism. (Local)

Sponsors:

Referred to:

March 17, 1999

A BILL TO BE ENTITLED

AN ACT RELATING TO THE CABARRUS COUNTY TOURISM AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. Section 2(a) of Chapter 658 of the 1989 Session Laws reads as rewritten:

"Sec. 2. **Establishment, Appointment, and Duties of Cabarrus County Tourism Authority.** (a) Establishment and Membership. When the Cabarrus County Board of Commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall establish and create the Cabarrus County Tourism Authority composed of nine members, with seats on the Authority numbered one through nine, all of whom shall be appointed by the board, selected as follows:

(1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager;

(2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the ~~Concord-Cabarrus Chamber of Commerce;~~ Cabarrus County Tourism Authority; and

(3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the ~~Kannapolis~~ Cabarrus Regional Chamber of Commerce."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 653 A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENT OF HEALTH TRUST FUND MONIES BY THE COUNTY OF DURHAM.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

SENATE BILL 653:
Durham County Trust Fund Investments

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Sen. Gulley
Date:	May 25, 1999	**Summary by:**	Giles S. Perry
Version:	Second Edition		Committee Counsel

SUMMARY:

Senate Bill 653 authorizes Durham County or its designee to invest the funds of the Community Health Trust Fund in any investment authorized for the State Treasurer in G.S. 147-69.2.

Under current law, the funds of the Community Trust Fund can invested as authorized under G.S. 159-30.

Effective Date: when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 653
Finance Committee Substitute Adopted 4/28/99

Short Title: Durham Co. Health Fund Invest. (Local)

Sponsors:

Referred to:

March 30, 1999

A BILL TO BE ENTITLED

AN ACT RELATING TO INVESTMENT OF HEALTH TRUST FUND MONIES BY THE COUNTY OF DURHAM.

The General Assembly of North Carolina enacts:

Section 1. The County of Durham, or any governing body, agency, person, or other corporation that contracts with Durham County for the investment, care, or administration of monies held by the County in its Community Health Trust Fund, may invest and reinvest monies constituting the Fund in one or more of the types of securities or other investments, and subject to the same restrictions, as authorized by State law for the State Treasurer in G.S. 147-69.2.

Section 2. This act shall apply only to monies constituting the Community Health Trust Fund. Limitations on investment and reinvestment of Fund assets may be enacted by the Durham County Board of Commissioners.

Section 3. This act, insofar as it authorizes certain investments, amends G.S. 159-30 with regard to the investment of the Durham County Community Health Trust Fund only.

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

SEANTE BILL 701:
Durham City Antidiscrimination

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Sen. Lucus; and Gulley
Date:	May 25, 1999	**Summary by:**	Esther Manheimer
Version:	First Edition		Committee Counsel

BILL ANALYSIS:

The City of Durham may prohibit discrimination in employment and public accommodations based on additional criteria.

Under current law the City of Durham may adopt ordinances to prohibit discrimination **in employment and public accommodations** on the basis of race, color, national origin, religion, sex, disability, or having attained the age of 40 or more years. In addition, Durham may create an agency ("The Agency") to enforce the anti-discrimination ordinances regarding employment and public accommodations. Under Senate Bill 701, Durham may prohibit discrimination in employment and public accommodation based **on any additional criteria** so long as the following procedure is followed:

1. The Agency must compile a report documenting facts and events indicating the need for additional criteria.
2. The report must be made available to the public and at least one public hearing for comment on the report must be held.
3. The report must be given to the Durham City Council
4. The Durham City Council may propose an ordinance that prohibits discrimination based on the specific criteria in the report.
5. The report and proposed ordinance must be made available to the public.
6. The Durham City Council must hold at least one public hearing regarding the proposed ordinance and must give public notice of the hearing.
7. The Durham City Council may adopt the proposed ordinance if it finds it is in the public interest.
8. The ordinance must expire after five years. However, the Durham City Council may elect to extend the ordinance at a later date.

The City of Durham may prohibit discrimination in real estate transactions based on additional criteria.

Under current law the City of Durham may adopt ordinances to prohibit discrimination in **real estate transactions** on the basis of race, color, sex, religion, national origin, age, familial status, or handicap. In addition, Durham may create a committee ("The Committee") to enforce the anti-discrimination ordinances regarding real estate transactions. Under Senate Bill 701, Durham may, in addition to the already listed criteria, prohibit discrimination in real estate transactions based on **any additional criteria** so long as the above eight requirements are followed by The Committee and the Durham City Council.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 701

Short Title: Durham City Antidiscrimination. (Local)

Sponsors: Senators Lucas; and Gulley.

Referred to: State and Local Government.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, AND HOUSING BASED ON CRITERIA IN ADDITION TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, AND AGE, AND TO PRESCRIBE THE PROCEDURE FOR THE ADOPTION OF ANY SUCH ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. The full title of Chapter 227 of the 1993 Session Laws reads as rewritten:

"AN ACT TO AUTHORIZE THE CITY OF DURHAM AND DURHAM COUNTY TO PROHIBIT ACTS OF DISCRIMINATION IN EMPLOYMENT AND PUBLIC ACCOMMODATIONS BASED ON RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, OR ~~AGE.~~ AGE AND TO AUTHORIZE THE CITY OF DURHAM TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, AND HOUSING BASED ON CRITERIA IN ADDITION TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, AND AGE, AND TO PRESCRIBE THE PROCEDURE FOR THE ADOPTION OF ANY SUCH ORDINANCE."

Section 2. Section 2 of Chapter 227 of the 1993 Session Laws, as amended by Chapter 537 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. Authority to adopt ordinances. -- A city or county may adopt ordinances to prohibit discrimination in employment and public accommodations based on race, color, national origin, religion, sex, disability, ~~or~~ having attained the age of 40 or

more ~~years.~~ years, or any other criteria prescribed in an ordinance pursuant to Section 2.2 of this act. To assist in the enforcement of these ordinances, a city or county may create an agency or commission of the city or county ('the Agency') to take any actions and to have any powers as are appropriate and necessary to implement these ordinances including, but not limited to, the powers to: receive; initiate; investigate; seek to conciliate; hold hearings on and pass upon complaints; mediate alleged violations of these ordinances; issue orders against persons it finds, after notice and hearing, to have violated these ordinances; and to seek enforcement of the orders by a court.

The General Assembly does not intend to expand the authority or powers of the Agency beyond those prescribed by federal laws or regulations with respect to a specific employer or public accommodation. The Agency may, as part of an enforcing order, require any person to cease and desist from unlawful practices and to engage in additional remedial action as may be appropriate, including, but not limited to, require the person:

(1) To hire, reinstate, or upgrade aggrieved individuals, with or without back pay;

(2) To admit aggrieved individuals or to allow aggrieved individuals to participate in guidance programs, apprenticeship training programs, on-the-job training programs, or other occupational training or retraining programs; and to use objective criteria in the admission of any individual to these programs;

(3) To submit to the Agency, for approval or disapproval, plans to eliminate or reduce imbalance with respect to race, color, national origin, religion, sex, disability, or age;

(4) To provide technical assistance to aggrieved individuals;

(5) To report as to the manner of compliance with this act;

(6) To post notices in conspicuous places in the form prescribed by the Agency;

(7) To admit or restore an aggrieved individual to a place of public accommodation.

When the Commission determines that a respondent has engaged in unlawful intentional discrimination in an employment practice (not an employment practice that is unlawful because of its disparate impact), the Commission may enforce an ordinance adopted pursuant to this act by applying to the superior court of the county in which the city is predominantly located for any appropriate legal and equitable remedies, including, but not limited to, mandatory and prohibitory injunctions and orders of abatement, attorneys' fees, compensatory and punitive damages, and the court may grant such remedies. A complainant shall not recover punitive damages against a respondent unless the complainant demonstrates that the respondent engaged in a discriminatory practice with malice or with reckless indifference to the protected rights of an aggrieved individual under an ordinance adopted pursuant to this act.

No compensatory damages shall be awarded for back pay, interest on back pay, or any other type of relief authorized under section 706(g) of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(g), as amended.

If a complainant seeks compensatory or punitive damages in an action brought under an ordinance adopted pursuant to this act, any party may demand a trial by jury."

Section 3. Chapter 227 of the 1993 Session Laws, as amended by Chapter 537 of the 1995 Session Laws, is further amended by adding a new section to read:

"Sec. 2.2. An ordinance adopted pursuant to Section 2 of this act may prohibit discrimination in employment and public accommodations based on any criteria in addition to race, color, national origin, religion, sex, disability, or having attained the age of 40 or more years, provided the following procedure is followed with respect to each additional criteria:

(1) The Agency, created pursuant to Section 2 of this act, shall compile a report in which the Agency documents the facts, events, or occurrences that, in the opinion of the Agency, indicate the need for the additional criteria upon which prohibition of discrimination shall be based.

(2) The Agency shall make the report available for public inspection and shall hold at least one public hearing at which persons who wish to comment on the report may do so.

(3) The report, together with any amendments to the report that the Agency may make based upon comments received at the public hearing, shall be transmitted to the city council of the city.

(4) The city council may consider the report and may cause a proposed ordinance to be prepared that prohibits discrimination based on the criteria specified in the report.

(5) The city council shall cause the report and the proposed ordinance to be made available for public inspection in the office of the city clerk at least 10 days prior to the date of the public hearing specified in subdivision (6) of this section.

(6) The city council shall hold at least one public hearing on the proposed ordinance. The public hearing shall be held no sooner than 10 days after the proposed ordinance is made available for public inspection pursuant to subdivision (5) of this section. A notice of the public hearing shall be given at least once in a newspaper having general circulation in the city. The notice shall be published no fewer than five and no more than 10 days before the date of the public hearing.

(7) If after considering the Agency's report, the proposed ordinance, and the comments made at the public hearing, the city council finds that it is in the public interest to adopt the proposed ordinance, or the proposed ordinance with such amendments as

the city council may deem advisable, then the city council may adopt the ordinance or the amended ordinance.

(8) An ordinance adopted pursuant to this section shall provide that the ordinance will terminate at a time no later than five years after adoption unless extended by further action of the city council. A termination of the ordinance pursuant to this subdivision shall not terminate any action or proceeding under the ordinance that was pending at the time the ordinance terminated. An ordinance extending the effectiveness of the first ordinance need not contain a further termination date and may be adopted without the necessity of following the procedure prescribed in this section."

Section 4. Section 121 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, added by Chapter 373 of the 1983 Session Laws, and as rewritten by Section 1 of Chapter 379 of the 1991 Session Laws, reads as rewritten:

"Sec. 121. Equal Housing. The City Council may adopt ordinances prohibiting discrimination in real estate transactions on the basis of race, color, sex, religion, national origin, age, familial status, ~~or handicap in real estate transactions.~~ handicap, or any other criteria prescribed in an ordinance pursuant to Section 121.1 of this Charter. Such ordinances may regulate or prohibit any act, practice, activity or procedure related, directly or indirectly to the sale or rental of public or private housing, which affects or may tend to affect the availability or desirability of housing on an equal basis to all persons; may provide that violations constitute a misdemeanor, and shall be punishable under G.S. 14-4; may subject the offender to civil penalties; and may provide that the City may enforce the ordinances by application to the General Court of Justice, Superior Court Division, for appropriate legal and equitable remedies, including but not limited to, mandatory and prohibitory injunctions and orders of abatement, attorney's fees and not more than one thousand dollars ($1,000) punitive damages, and the court shall have jurisdiction to grant such remedies."

Section 5. The Charter of the City of Durham, enacted as Chapter 671 of the 1975 Session Laws, as amended, is further amended by adding a new section to read:

"Sec. 121.1. An ordinance adopted pursuant to Section 121 of this Charter may prohibit discrimination in real estate transactions based on any criteria in addition to race, color, sex, religion, familial status, or handicap, provided the following procedure is followed with respect to each additional criteria:

(1) The Committee, created pursuant to Section 123 of this Charter, shall compile a report in which the Committee documents the facts, events, or occurrences that, in the opinion of the Committee, indicate the need for the additional criteria upon which prohibition of discrimination shall be heard.

(2) The Committee shall make the report available for public inspection and shall hold at least one public hearing at which persons who wish to comment on the report may do so.

(3) The report, together with any amendments to the report that the Committee may make based upon comments received at the public hearing, shall be transmitted to the city council.

(4) The city council may consider the report and may cause a proposed ordinance to be prepared that prohibits discrimination based on the criteria specified in the report.

(5) The city council shall cause the report and the proposed ordinance to be made available for public inspection in the office of the city clerk at least 10 days prior to the date of the public hearing specified in subdivision (6) of this section.

(6) The city council shall hold at least one public hearing on the proposed ordinance. The public hearing shall be held no fewer than 10 days after the proposed ordinance is made available for public inspection pursuant to subdivision (5) of this section. A notice of the public hearing shall be given at least once in a newspaper having general circulation in the city. The notice shall be published no fewer than five and no more than 10 days before the date of the public hearing.

(7) If after considering the Committee's report, the proposed ordinance, and the comments made at the public hearing, the city council finds that it is in the public interest to adopt the proposed ordinance, or the proposed ordinance with such amendments as the city council may deem advisable, then the city council may adopt the ordinance.

(8) An ordinance adopted pursuant to this section shall provide that the ordinance will terminate at a time no later than five years after adoption unless extended by further action of the council. A termination of the ordinance pursuant to this subdivision shall not terminate any action or proceeding under the ordinance that was pending at the time the ordinance terminated. An ordinance extending the effectiveness of the initial ordinance need not contain a further termination date and may be adopted without the necessity of following the procedure prescribed in this section."

Section 6. This act applies to the City of Durham only.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 705 A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

SENATE BILL 705:
Expedite Johnston School Construction

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Sen. Wellons
Date:	May 25, 1999 Second Edition	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY:

Senate Bill 705 exempts two school construction projects in Johnston County from the bidding requirements of Article 8 of Chapter 143 of the General Statutes. The bill authorizes the two projects to be built under "single-prime contracts".

In addition, the bill requires the Johnston County School Board to report the per square foot cost of each project to the General Assembly at the completion of construction.

Effective Date: when it becomes law, expires June 30, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 705
State and Local Government Committee Substitute Adopted 4/21/99

Short Title: Expedite Johnston Sch. Construction. (Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Article 8 of Chapter 143 of the General Statutes, the Johnston County Board of Education may select and negotiate with separate-prime contractors to build the Unitary System Approach (USA) model school plan if the Johnston County Board of Education determines that using the selection and negotiations processes instead of competitive bidding will expedite the project, create an effective construction team, and control costs, quality, and schedule.

Section 2. This act shall apply to the construction of only two of the following schools: Riverwood Elementary School in the Clayton area, Riverwood Middle School in the Clayton area, West Johnston Elementary School, North East Elementary School, Four Oaks Middle School, and Smithfield Elementary School. The Johnston County Board of Education shall report to the General Assembly the net price per square foot for each project at the completion of each project.

Section 3. This act is effective when it becomes law and shall expire on June 30, 2003.

VISITOR REGISTRATION SHEET

Local Government I — 5/25/99
Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amy Hobbs	NCHMA
Gwen Markham	EGHS
Jim Causby	Johnston Co. Schools
John Phelps	NCLM
John Kuster	NCFPC
Henry Jones	Attorney - Raleigh
Sarah Levin-Richardson	Equality NC PAC
MK Cullen	ENC PAC
Jim KENT	Am. Institute of Architects
Dr Wilson	NCAHF
Ed Rogers	N.C.A.C.C.
Bernard Keller	SOS
	Senate

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

June 22, 1999

The House Committee on Local Government I met on Tuesday, June 22, 1999, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman Saunders, Representatives Buchanan, Decker, Ellis, Hill, Kiser, McCrary, and Setzer. Giles Perry, Staff Counselor was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order. The following bill was then considered:

SB 710, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HUNTERSVILLE TO ESTABLISH A VOLUNTARY TRANSFER OF DEVELOPMENT RIGHTS PILOT PROGRAM FOR THE PROTECTION OF FARMLAND, ENVIRONMENTALLY SENSITIVE LAND, AND OTHER LAND WITHIN THE TOWN'S EXTRATERRITORIAL JURISDICTION. Senator Odom, bill sponsor, was recognized to explain the bill. After the explanation, there were questions and debate about the extended ETJ that now exists in Huntersville. Representative McMahan was recognized to speak and stated that the delegation did not know last year when they voted on the extended ETJ in Huntersville that it was more than the customary mile. The Chair then recognized Mark Cramer of the Real Estate and Building Industry Coalition to speak on the bill. Mr. Cramer spoke in opposition of the bill. Representative Saunders then motioned to have the bill temporarily displaced. The motion carried.

There being no further business, the Chair adjourned the meeting at 11:40.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

June 22, 1999
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS:

SB 710 HUNTERSVILLE DEVELOPMENT
SENATOR ODOM

ADJOURNMENT

SENATE BILL 710:
Huntersville Development Rights

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Senator Odom
Date:	June 22, 1999	**Summary by:**	Giles S. Perry
Version:	First Edition		Staff Attorney

SUMMARY:

Senate Bill 710 authorizes the Town of Huntersville to adopt an ordinance establishing a voluntary transfer of development rights program.

The ordinance would authorize owners of property in the town's open space zoning district to transfer "development rights accruing ...under Article 19 of Chapter 160A" from no more than 1,000 acres to other qualified property in the same zoning district.

The bill provides for the establishment of an implementation task force prior to implementation of the pilot program.

The pilot program would expire five years after adoption of an ordinance establishing districts to accommodate transferable development rights, or after the transfer cap of 1,000 acres was exhausted, whichever occurs first.

Effective date of Senate Bill 710 – when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 710

Short Title: Huntersville Development Rights. (Local)

Sponsors: Senator Odom.

Referred to: State and Local Government.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF HUNTERSVILLE TO ESTABLISH A VOLUNTARY TRANSFER OF DEVELOPMENT RIGHTS PILOT PROGRAM FOR THE PROTECTION OF FARMLAND, ENVIRONMENTALLY SENSITIVE LAND, AND OTHER OPEN LAND WITHIN THE TOWN'S EXTRATERRITORIAL JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. In order to protect and sustain the natural resources of the community and provide for orderly planned growth, the Town of Huntersville may establish a voluntary transfer of development rights pilot program to facilitate the protection of farmland, environmentally sensitive land, and other open land in the municipality and its extraterritorial jurisdiction. The Town may adopt ordinances that it deems necessary or appropriate to implement the pilot program, and these ordinances may provide that the owner of property described herein may voluntarily transfer the development rights accruing to his or her property under Article 19 of Chapter 160A of the General Statutes from no more than 1,000 acres located in the open space zoning district to other qualified property located in the open space zoning district. Development rights shall be computed on a per acre basis. The pilot program may authorize the Town to purchase, hold, and convey such rights or to facilitate the direct voluntary transfer of rights between properties. The transfer of rights from or to property shall not be deemed a rezoning of the property requiring compliance with Article 19 of Chapter 160A of the General Statutes.

Section 2. Prior to adopting the pilot program authorized under Section 1 of this act, the Mayor shall appoint an Implementation Task Force to advise the

Mayor and Board of Commissioners on minimum standards for participation of transferring properties, criteria for establishing receiving zones responsive to market conditions, and administrative and other structural and operational issues of pilot program implementation. The Implementation Task Force shall include, but not be limited to, property owners, development and building industry representatives, and representatives from the Huntersville Board of Commissioners. The Town shall convene no fewer than four meetings of the Implementation Task Force during a period of not less than 90 days and not more than 120 days. The Task Force shall report its recommendations to the Mayor, Board of Commissioners, Huntersville Planning Board, and to the community.

Section 3. Upon receipt of the Implementation Task Force's report, but prior to the adoption of the pilot program, the Town shall sponsor a public workshop and the Town's governing body shall hold a public hearing. Notice of the public hearing shall be given in accordance with G.S. 160A-364 and given after the Town has complied with the requirements for the adoption of amendments to the Town's zoning ordinance.

Section 4. Authorization to implement the pilot program under this act shall expire five years after the adoption of zoning ordinance amendments establishing districts to accommodate transferable development rights or after the transfer cap of 1,000 acres has been exhausted, whichever occurs first. Development rights transactions in process on the date the authorization expires may be completed.

Section 5. This act shall apply only to the Town of Huntersville.

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

VISITOR REGISTRATION SHEET

Local Government I — 6/22/99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mike Carpenter	NCHBA
Mark Cramer	Keep Eastern Builders Industry Coalition
Stephanie Mansour	NC Assoc. of Realtors
Carl Williams	NCMBA
Anna Griffin	Charlotte Observer
Rep ED McMahan	State House
David Knight	NC Wildlife Fed, NC Sierra Club
Sara Robertson	
Beau Mills	Governor's Office
Stephen Trexler	aide to Senator Kinnaird
[illegible]	Charlotte Regional Realtor Assoc.
Ann Hammond	Town of Huntersville
Andy Romont	NCLM
LE Hartsell	NC Bar Association
[illegible]	MPOs
Paul Johnson	Hickory City
[illegible]	Governor's Office

2000

HOUSE
LOCAL GOVERNMENT I
COMMITTEE

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT I
2000 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
Dedmon, Andy, Chairman	Donna Abu Harb, Committee Assistant	733-5732	2213	112
Saunders, Drew, Vice Chair	Ruth Fish	733-5776	1219	82
Barefoot, Dan	Jackie Pittman	715-3021	416A	72
Buchanan, Charles	Glenda Jones	733-5825	536	41
Decker, Michael	Barbara Hocutt	733-5904	1021	40
Ellis, Sam	Alice Falcone	733-5755	607	113
Hill, Dewey	Ginny McCann	733-5830	1309	21
Kiser, Joe	Marilyn Holder	733-5782	1317	100
McCrary, Jaybird	Barbara Berry	733-5878	611	55
Rogers, Gene	Sally Gillis	733-3023	416A	35
Setzer, Mitchell	Joanna Mills	733-5886	1015	117

Giles Perry
Erika Churchill,
Committee Counsel
Kristen Crosson,
Research Assistant

EX OFFICIO MEMBERS:

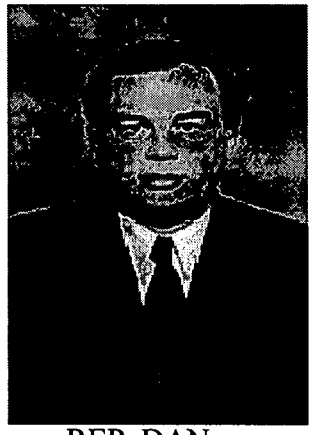
Baddour, Phil
Cunningham, Pete
Earle, Beverly
Hackney, Joe



REP. ANDY DEDMON, CHAIR



REP. DREW SAUNDERS, VICE CHAIR



REP. DAN BAREFOOT



REP. CHARLES BUCHANAN



REP. MICHAEL DECKER



REP. SAM ELLIS



REP. DEWEY HILL



REP. JOE KISER



REP. JAYBIRD McCRARY



REP. GENE ROGERS



REP. MITCHELL SETZER

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1999-2000 Biennium | HOUSE: LOCAL GOVERNMENT I | Valid Through 18-JUL-2000

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 37	BADDOUR	LENOIR/WAYNE CONDEMNATION CONSENT	R -CH. SL 99-0006	02-16-99	03-02-99
H 66	HILL	COLUMBUS COUNTY LOCAL ACT-1	HF-POSTPONED INDEFINITELY	02-11-99	04-20-99
H 67	HILL	COLUMBUS COUNTY LOCAL ACT-2	*H -RE-REF COM ON FINANCE	02-11-99	04-13-99
H 81	GOODWIN	MUNICIPAL. IN 32ND HOUSE DISTRICT-1	HF-POSTPONED INDEFINITELY	02-16-99	04-20-99
H 82	GOODWIN	MUNICIPAL. IN 32ND HOUSE DISTRICT-2	HF-POSTPONED INDEFINITELY	02-16-99	04-20-99
H 83	GOODWIN	MUNICIPAL. IN 32ND HOUSE DISTRICT-3	HF-POSTPONED INDEFINITELY	02-16-99	04-20-99
H 84	GOODWIN	MONTGOMERY LOCAL ACT	HF-POSTPONED INDEFINITELY	02-16-99	04-20-99
H 129=	WALEND	BREVARD PROPERTY CONVEYANCE	R -CH. SL 99-0008	02-23-99	03-02-99
H 145=	TOLSON	EDGECOMBE SCHOOL VACANCIES	R -CH. SL 99-0012	02-25-99	03-02-99
H 149=	WARREN EDITH	REDUCE PITT CO. PISTOL PERMIT FEE	R -CH. SL 99-0285	02-25-99	03-09-99
H 178=	BROWN	JONESVILLE ACCIDENT REPORTS/WEEDS	R -CH. SL 99-0129	03-01-99	03-09-99
H 251	THOMPSON	BAKERSVILLE DELINQUENT TAXES	*R -CH. SL 99-0326	03-04-99	03-09-99
H 353	SETZER	COUNTY BIRD SANCTUARIES	HF-POSTPONED INDEFINITELY	03-08-99	
H 371	CARPENTER J	REMOVAL OF ELECTRONIC COLLARS	*R -CH. SL 99-0051	03-09-99	03-24-99
H 377=	SAUNDERS	HUNTERSVILLE SATELLITE ANNEXATION	*H -RE-REF COM ON FINANCE	03-10-99	03-24-99
H 410=	REDWINE	TOWN OF CALABASH	HF-POSTPONED INDEFINITELY	03-11-99	
H 437	TUCKER	JONES SUBDIVISION DEFINITION	R -CH. SL 99-0125	03-15-99	03-23-99
H 447=	NESBITT	ASHEVILLE ANTIDISCRIMINATION ACT	R -CH. SL 99-0206	03-15-99	03-23-99
H 462=	HILL	LOCAL UTILITY BILLS/DARE UTILITIES	R -CH. SL 99-0127	03-16-99	03-23-99
H 469=	MCMAHAN	BONUS CLARIFIED/MECKLENBURG SCHOOLS	HF-POSTPONED INDEFINITELY	04-12-99	
H 492	MCMAHAN	MECKLENBURG TOWNS ETJ	HF-POSTPONED INDEFINITELY	03-18-99	
H 501	THOMAS	HOSPITAL AUTHORITY/CRAVEN	R -CH. SL 99-0015	03-18-99	03-23-99
H 520	JUSTUS	FLAT ROCK/HENDERSONVILLE PROP.	*R -CH. SL 99-0173	04-23-99	04-28-99
H 570	REDWINE	CAROLINA SHORES 201	R -CH. SL 99-0240	03-23-99	04-06-99
H 574=	GULLEY J	MECKLENBURG SCHO. ELECTION CHANGES 1	HF-REPTD UNFAV	03-24-99	03-30-99
H 575=	GULLEY J	MECKLENBURG SCH. ELECTION CHANGES 2	HF-REPTD UNFAV	03-24-99	03-30-99
H 597=	ALEXANDER	MECKLENBURG STORMWATER FEES	H -RE-REF COM ON FINANCE	03-25-99	04-06-99
H 605	THOMAS	CRAVEN CONVENTION CTR. CONDEMN.	*H -RE-REF COM ON FINANCE	04-20-99	04-27-99
H 649	REDWINE	HOLDEN BEACH NO-WAKE ZONE	R -CH. SL 99-0092	03-29-99	04-06-99
H 728	TOLSON	GREENVILLE FRATERNITY HOUSES	R -CH. SL 99-0156	03-30-99	04-06-99

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.
BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1999-2000 Biennium HOUSE: LOCAL GOVERNMENT I Valid Through 18-JUL-2000

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 729	TOLSON	GREENVILLE AUTO TAX	HF-POSTPONED INDEFINITELY	03-30-99	
H 738	ROGERS	GREENVILLE/CATAWBA ANNEXATIONS	R -CH. SL 99-0283	03-30-99	04-06-99
H 765=	MELTON	WESLEY CHAPEL BOUNDARIES	R -CH. SL 99-0041	03-31-99	04-13-99
H 772	WRIGHT	LEE'S CUT NO-WAKE ZONE	*R -CH. SL 99-0095	04-13-99	04-28-99
H 776	CRAWFORD	ROANOKE RAPIDS OVERGROWN LOTS	R -CH. SL 99-0058	03-31-99	04-20-99
H 781	SETZER	CATAWBA ANNEXATIONS	S -REF TO COM ON FINANCE	03-31-99	05-18-99
H 787	MCMAHAN	CHARLOTTE/MECK. SCHOOL CONSTRUCTION	*HF-POSTPONED INDEFINITELY	04-20-99	
H 791	GULLEY J	MECKLENBURG SCHOOL ELECTION CHANGES	HF-POSTPONED INDEFINITELY	04-01-99	
H 795	LUEBKE	DURHAM CONTRACTS	HF-POSTPONED INDEFINITELY	04-01-99	
H 800	MICHAUX	DURHAM COUNTY TRUST FUND INVESTMENTS	S -REF TO COM ON STLOCGVT	04-01-99	04-27-99
H 801=	MICHAUX	DURHAM CITY ANTIDISCRIMINATION	HF-POSTPONED INDEFINITELY	04-01-99	
H 811	THOMAS	HAVELOCK CHARTER REVISION	R -CH. SL 99-0126	04-01-99	04-13-99
H 812	THOMAS	REMOVE SUNSET/CRAVEN PROCEEDS USE	*R -CH. SL 99-0286	04-01-99	04-20-99
H 832	THOMPSON	SPRUCE PINE ANNEXATION	HF-POSTPONED INDEFINITELY	04-01-99	
H 837	EDWARDS	CHOCOWINITY ETJ	*R -CH. SL 99-0042	04-01-99	04-21-99
H 841	INSKO	CARRBORO/CHAPEL HILL LOCAL ACT	*R -CH. SL 99-0255	04-01-99	04-28-99
H 845	MCLAWHORN	GREENVILLE UTILITIES COMMISSION	*R -CH. SL 99-0233	04-01-99	04-29-99
H 856	MILLER G	DURHAM LICENSE TAX YEAR	HF-POSTPONED INDEFINITELY	04-01-99	
H 868=	INSKO	CHAPEL HILL OMNIBUS ACT	*S -REF TO COM ON STLOCGVT	04-01-99	04-28-99
H 872	CULPEPPER	DARE COURTHOUSE CONSTRUCTION FLEX	R -CH. SL 99-0040	04-01-99	04-27-99
H1492	BUCHANAN	ELECTION SUPERVISOR SALARY STUDY	HF-POSTPONED INDEFINITELY	00-05-09	00-06-21
H1497=	GOODWIN	RICHMOND COUNTY SUBDIVISIONS	R -CH. SL 00-0011	00-05-10	00-05-23
H1504	CHURCH	VALDESE MAYORAL TERMS	R -CH. SL 00-0028	00-05-11	00-05-23
H1546=	HOLMES	LAND FOR CORR. FACILITY	*R -CH. SL 00-0031	00-05-16	00-05-31
H1555	BAREFOOT	GASTONIA OVERGROWN LOTS	R -CH. SL 00-0038	00-05-17	00-05-30
H1585	GIBSON	LAND FOR CORR. FACILITIES/ANSON	HF-POSTPONED INDEFINITELY	00-05-18	
H1598	REDWINE	BRUNSWICK/ALAM./OAK ISLAND LOCAL BIL	*R -CH. SL 00-0060	00-05-18	00-05-30
H1605	SETZER	CATAWBA TOWN LAND ENTRY	HF-POSTPONED INDEFINITELY	00-05-18	
H1615	COLE	YANCEYVILLE CHARTER AMENDMENTS	HF-POSTPONED INDEFINITELY	00-05-18	
H1641=	GULLEY J	CHARLOTTE WHEEL LOCKS ALLOWED	HF-POSTPONED INDEFINITELY	00-05-22	

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.
BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1999-2000 Biennium | HOUSE: LOCAL GOVERNMENT I | Valid Through 18-JUL-2000

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H1647=	MCMAHAN	CHARLOTTE ECON. DEVEL. QUICKTAKE	*R -CH. SL 00-0089	00-05-22	00-06-07
H1648=	MCMAHAN	CHARLOTTE TRANSIT PROCUREMENTS	*R -CH. SL 00-0061	00-05-22	00-06-06
H1653=	COX	BROADWAY MAYORAL TERMS	R -CH. SL 00-0039	00-05-23	00-06-06
H1656	KISER	LINCOLN COUNTY E&R BOARD	*R -CH. SL 00-0040	00-05-23	00-06-07
H1666	MILLER G	DURHAM STATUTE OF LIMITATIONS	*H -RE-REF COM ON JUDICIV	00-05-23	00-06-07
H1668=	HILL	EXTEND WHITEVILLE ETJ	H -RE-REF COM ON FINANCE	00-05-24	00-06-06
H1670	MELTON	MARSHVILLE CHARTER AMENDMENT	*R -CH. SL 00-0062	00-05-24	00-06-06
H1690=	HIATT	BIDDING LAW EXEMPTION/SURRY COUNTY	HF-POSTPONED INDEFINITELY	00-05-24	
H1695	WAINWRIGHT	NEW BERN MAYOR	R -CH. SL 00-0042	00-05-25	00-06-06
H1723=	INSKO	CHAPEL HILL OMNIBUS	HF-POSTPONED INDEFINITELY	00-05-25	
H1732	REDWINE	OCEAN ISLE BEACH EROSION CONTROL	R -CH. SL 00-0043	00-05-25	00-06-20
H1747	THOMPSON	BEECH MTN/BANNER ELK OCCUP. TAX	H -RE-REF COM ON FINANCE	00-06-21	00-06-26
H1748	FOX	GRANVILLE/BANNER ELK TAX USE	*R -CH. SL 00-0103	00-05-25	00-06-20
H1753	ROGERS	MARTIN COUNTY PISTOL PERMIT FEE	R -CH. SL 00-0064	00-05-25	00-06-06
H1760	POPE	EXPEDITE WAKE SCHOOL CONSTRUCTION	HF-POSTPONED INDEFINITELY	00-05-30	
H1767	WILSON C	MECKLENBURG PROPERTY DISPOSITION	R -CH. SL 00-0065	00-05-25	00-06-27
H1768	INSKO	CARTERET/PENDER/ORANGE OMNIBUS ACT	*R -CH. SL 00-0107	00-05-25	00-06-27
H1779	LUEBKE	DURHAM ANTI-SWEATSHOP REQUIREMENTS	*R -CH. SL 00-0047	00-05-25	00-06-21
H1783	REDWINE	OCEAN ISLE/KINSTON PROPERTY	*R -CH. SL 00-0048	00-05-25	00-06-20
H1784	ELLIS	SWIFT CREEK BOUNDARIES	R -CH. SL 00-0066	00-05-25	00-06-27
H1802	GARDNER	SALISBURY PROPERTY SALES	R -CH. SL 00-0049	00-05-25	00-06-20
S 181	HOYLE	DALLAS/WHITEVILLE PROP. MAINTENANCE	*R -CH. SL 99-0062	04-06-99	05-12-99
S 271=	ODOM	HUNTERSVILLE ANNEXATION	R -CH. SL 99-0236	04-19-99	05-11-99
S 296	DALTON	REPEAL FOREST CITY FIRE PENSION	*R -CH. SL 99-0063	04-20-99	05-12-99
S 300=	SOLES	TOWN OF CALABASH	R -CH. SL 99-0016	03-23-99	03-30-99
S 302=	KINNAIRD	LOCAL HUNTING	*R -CH. SL 99-0301	04-08-99	05-11-99
S 335=	DANNELLY	BONUS CLARIFIED/MECKLENBURG SCHOOLS	*R -CH. SL 99-0047	04-07-99	05-11-99
S 350	ODOM	CHARLOTTE PRIVATE PROP. DISPOSITION	*R -CH. SL 99-0088	04-22-99	05-19-99
S 395	HARTSELL	CABARRUS COUNTY TOURISM	R -CH. SL 99-0097	05-03-99	05-25-99
S 474	ROBINSON	HENDERSONVILLE ABC PROFITS	*R -CH. SL 99-0177	04-08-99	05-26-99

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BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1999-2000 Biennium HOUSE: LOCAL GOVERNMENT I Valid Through 18-JUL-2000

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S 543	HORTON	FORSYTH AREA ZONING CHANGES	R -CH. SL 99-0098	05-03-99	05-19-99
S 573	CLODFELTER	CHARLOTTE DEVELOPMENT	R -CH. SL 99-0099	04-20-99	05-25-99
S 653	GULLEY W	DURHAM CO. HEALTH FUND INVEST.	R -CH. SL 99-0101	04-29-99	05-25-99
S 701=	LUCAS	DURHAM CITY ANTIDISCRIMINATION	HF-POSTPONED INDEFINITELY	04-27-99	
S 702	RUCHO	MATTHEWS ETJ	R -CH. SL 99-0069	04-27-99	05-18-99
S 705	WELLONS	EXPEDITE JOHNSTON SCH. CONSTRUCTION	R -CH. SL 99-0102	04-27-99	05-25-99
S 710	ODOM	HUNTERSVILLE DEVELOPMENT	HF-POSTPONED INDEFINITELY	05-19-99	
S1190	BALLANTINE	CAROLINA BEACH ANNEXATION/STREETS	R -CH. SL 00-0027	00-06-01	00-06-15
S1214=	PLYLER	RICHMOND COUNTY SUBDIVISIONS	HF-POSTPONED INDEFINITELY	00-05-23	
S1263=	DANNELLY	CHARLOTTE WHEEL LOCKS ALLOWED	R -CH. SL 00-0059	00-06-01	00-06-20
S1288	CLODFELTER	MECKLENBURG MUNICIPAL ZONING	*R -CH. SL 00-0084	00-06-14	00-06-27
S1289	CLODFELTER	MECKLENBURG COUNTY ZONING	*R -CH. SL 00-0077	00-06-14	00-06-27
S1302	HARTSELL	CABARRUS SCHOOL BIDS	R -CH. SL 00-0085	00-06-06	00-06-28
S1354	ODOM	INDEP. LIVING FUNDS/COUNTY MATCH	R -CH. SL 00-0095	00-06-14	00-06-27
S1362	FORRESTER	GASTON COUNTY PROPERTY SALES	R -CH. SL 00-0096	00-06-28	00-07-05
S1363=	SOLES	EXTEND WHITEVILLE ETJ	R -CH. SL 00-0078	00-06-06	00-06-27
S1382=	EAST	BIDDING LAW EXEMPTION/SURRY COUNTY	R -CH. SL 00-0079	00-06-14	00-06-27
S1443	HARTSELL	CABARRUS SCHOOL BID PROCEDURES	R -CH. SL 00-0087	00-06-20	00-06-28
S1444	HARTSELL	CABARRUS CONVENTION CENTER	*R -CH. SL 00-0088	00-06-20	00-06-28
S1447=	KINNAIRD	CHAPEL HILL OMNIBUS NEWPORT PURCHASE	R -CH. SL 00-0097	00-06-22	00-06-27
S1474	METCALF	LEASE LAW EXEMPTION/BUNCOMBE TCC	*R -CH. SL 00-0099	00-06-28	00-07-05

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* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.
BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

ATTENDANCE

HOUSE COMMITTEE ON LOCAL GOVERNMENT

2000 SESSION

DATES	5/23	5/30	6/6	6/20	6/27	6/28	7/5	7/6							
DEDMON, Andy **CHAIR**	✓	✓	✓	✓	✓	✓	✓	✓							
SAUNDERS, Drew **VICE CHAIR**	✓	✓	✓	✓	✓	✓	✓								
BAREFOOT, Dan	✓	✓	✓	✓	✓		✓	✓							
BUCHANAN, Charles	✓	✓	✓	✓	✓		✓	✓							
DECKER, Michael	✓	✓	✓	✓	✓	✓	✓								
ELLIS, Sam	✓		✓	✓	✓	✓									
HILL, Dewey	✓	✓	✓	✓	✓	✓									
KISER, Joe	✓	✓	✓	✓	✓			✓							
McCRARY, Jaybird	✓	✓		✓		✓		✓							
ROGERS, Gene		✓	✓			✓	✓	✓							
SETZER, Mitchell	✓			✓	✓	✓	✓								
EX OFFICIO MEMBERS:															
BADDOUR, Phil															
CUNNINGHAM, Pete						✓		✓							
EARLE, Beverly															
HACKNEY, Joe															

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

May 23, 2000

The House Committee on Local Government I met on Tuesday, May 23, 2000, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Andy Dedmon, Vice Chairman Drew Saunders, Representatives Barefoot, Buchanan, Decker, Ellis, Hill, Kiser, McCrary, and Setzer. Giles Perry, Staff Counsel and Kristen Crosson, Research Assistant was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order to consider the following bills:

The first order of business was **HB 1497, A BILL TO BE ENTITLED AN ACT AMENDING THE STATUTORY DEFINITION OF "SUBDIVISION" FOR THE PURPOSE OF SUBDIVISION REGULATION IN RICHMOND COUNTY.** Representative Goodwin, bill sponsor, was recognized to explain the bill. After some committee discussion, Representative Buchanan moved for a favorable report; the motion carried.

The next order of business was **HB 1504, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF VALDESE TO INCREASE THE MAYOR'S TERM OF OFFICE FROM TWO TO FOUR YEARS.** Representative Church, bill sponsor, explained the bill. Representative Buchanan moved that the bill be given a favorable report; the motion carried.

There being no further business, the Chair adjourned the meeting at 11:14.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

May 23, 2000
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS:

HB 1497 RICHMOND COUNTY SUBDIVISIONS
REPRESENTATIVE GOODWIN

HB 1504 VALDESE MAYORAL TERMS
REPRESENTATIVE CHURCH

ADJOURNMENT

VISITOR REGISTRATION SHEET

LOCAL & REG. GOVT. I — Name of Committee

5/23/00 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Representative Andy Dedmon** for the Committee on **Local Government I.**

☐ Committee Substitute for
H.B. 1497 A BILL TO BE ENTITLED AN ACT AMENDING THE STATUTORY DEFINITION OF "SUBDIVISION"FOR THE PURPOSE OF SUBDIVISION REGULATION IN RICHMOND COUNTY.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 1497:
Richmond County Subdivisions

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Representative Goodwin
Date:	May 23, 2000	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

General law authorizes counties to enact ordinances regulating the subdivision of land. (Part 2, Article 18, Chapter 153A).

House Bill 1497, applicable only to Richmond County, amends the definition of "subdivision" to exclude from regulation division of land into parcels greater than five acres, if no street right-of-way dedication is involved. General law excludes divisions of land greater than ten acres, if no street right-of-way dedication is involved.

House Bill 1497 becomes effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1497

Short Title: Richmond County Subdivisions. (Local)

Sponsors: Representative Goodwin.

Referred to: Local Government I.

May 10, 2000

A BILL TO BE ENTITLED

AN ACT AMENDING THE STATUTORY DEFINITION OF "SUBDIVISION" FOR THE PURPOSE OF SUBDIVISION REGULATION IN RICHMOND COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-335 reads as rewritten:

"**§ 153A-335. "Subdivision" defined.**

For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;

(2) The division of land into parcels greater than ~~10~~ five acres if no street right-of-way dedication is involved;

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

(4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots

are equal to or exceed the standards of the county as shown by its subdivision regulations."

Section 2. This act applies to Richmond County only.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Andy Dedmon** for the Committee on **Local Government I.**

☐ Committee Substitute for
H.B. 1504 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF VALDESE TO INCREASE THE MAYOR'S TERM OF OFFICE FROM TWO TO FOUR YEARS.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 1504:
Valdese Mayoral Terms

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Rep. Church
Date:	May 23, 2000	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 1504 amends the Chapter of the Town of Valdese to change the term of the mayor from two to four years, beginning with the 2001 election.

House Bill 1504 becomes effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1504

Short Title: Valdese Mayoral Terms. (Local)

Sponsors: Representative Church.

Referred to: Local Government I.

May 11, 2000

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF VALDESE TO INCREASE THE MAYOR'S TERM OF OFFICE FROM TWO TO FOUR YEARS.

The General Assembly of North Carolina enacts:

Section 1. Section 2.3 of the Charter of the Town of Valdese, being Chapter 847 of the 1977 Session Laws, reads as rewritten:

"Sec. 2.3. Mayor; term of office; duties. The mayor shall be elected in the manner provided by Article III of this charter to serve for a term of ~~two~~ four years, or until his successor is elected and qualified. The mayor shall be the official head of the town government and shall preside at all meetings of the council. He shall have the right to vote only when there is an equal number of votes in the affirmative and the negative on any motion before the council. The mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred upon him by the General Statutes of North Carolina, by this charter, and by the ordinances of the town."

Section 2. Section 3.4 of the Charter of the Town of Valdese, being Chapter 847 of the 1977 Session Laws, reads as rewritten:

"Sec. 3.4. Election of the mayor. At the regular municipal election in ~~1977,~~ 2001, and ~~biennially~~ quadrennially thereafter, there shall be elected a mayor to serve a term of ~~two~~ four years. The mayor shall be elected by the voters of the town voting at large."

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

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

May 30, 2000

The House Committee on Local Government I met on Tuesday, May 30, 2000, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Andy Dedmon, Vice Chairman Drew Saunders, Representatives Barefoot, Buchanan, Decker, Hill, Kiser, and McCrary. Giles Perry and Erika Churchill, Staff Counsel and Kristen Crosson, Research Assistant were in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order and stated that HB 1605 and HB 1615 were deleted from today's agenda at the sponsors' requests. The following bills were then considered:

The first order of business was **HB 1546, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALEXANDER COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.** Representative Holmes, bill sponsor, was recognized to explain the bill. Representative Hill was recognized to make a motion for an amendment that would combine **HB 1546 and HB 1585, AN ACT TO PROVIDE THAT ANSON COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.** Representative Buchanan moved for the adoption of the amendment and motioned for it to be rolled into a committee substitute; a favorable report to the committee substitute; unfavorable to the original bill. The motion carried.

The next order of business was **HB 1555, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GASTONIA TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.** Representative Barefoot, bill co-sponsor, explained the bill. Representative Buchanan moved that the bill be given a favorable report; the motion carried.

The next order of business was **HB 1598, A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPER REPRESENTATION FROM THE TOWN OF OAK ISLAND ON THE BRUNSWICK COUNTY AIRPORT COMMISSION.** Representative Redwine was recognized to explain the bill. After some committee discussion, Representative Hill made a motion for the bill to be given a favorable report; the motion carried.

There being no further business, the Chair adjourned the meeting at 11:12.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

VISITOR REGISTRATION SHEET

LOC & REG. GOV I — 5/30/00

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Phelps	NCLM
Sarah Measamer	INTERN

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

May 30, 2000
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS:

HB 1546 ALEXANDER/LAND FOR CORRECTIONAL FACILITIES
REPRESENTATIVE HOLMES

HB 1555 GASTONIA OVERGROWN LOTS
REPRESENTATIVE'S BAREFOOT & BRIDGEMAN

HB 1585 LAND FOR CORRECTIONAL FACILITIES/ANSON
REPRESENTATIVE GIBSON

HB 1598 BRUNSWICK AIRPORT COMMISSION
REPRESENTATIVE REDWINE

HB 1605 CATAWBA TOWN LAND ENTRY
REPRESENTATIVE SETZER

HB 1615 YANCEYVILLE CHARTER AMENDMENTS
REPRESENTATIVE COLE

ADJOURNMENT

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
H.B. 1546 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALEXANDER COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#_____),~~ ☒ which changes the title, unfavorable as to (original bill) ~~(Committee Substitute Bill #_____), (and recommendation that the committee substitute bill #_____) be re-referred to the Committee on_____.)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1546
Proposed Committee Substitute H1546-PCS8195-ST001

Short Title: Land for Corr. Facilities. (Local)

Sponsors:

Referred to:

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ALEXANDER AND ANSON COUNTIES MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 600 of the 1995 Session Laws reads as rewritten:

"Section 1. The ~~County~~ Counties of Alexander, Anson, and Stanly ~~has~~ have power under general law to acquire real and personal property and convey it to the State under G.S. 160A-274 or other applicable law for use as ~~a~~ correctional ~~facility.~~ facilities."

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

HB 1546:
Alexander - Land for Correctional Facilities

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representatives Holmes and Brown
Date:	May 30, 2000		
Version:	1	**Summary by:**	Erika Churchill Committee Counsel

SUMMARY: The bill clarifies that Alexander County has the authority to purchase real and personal property for the purpose of conveying it to the State, and specifically authorizes the county to transfer real and personal property to the State for the purpose of a correctional facility.

CURRENT LAW: Counties have the explicit authority to acquire real and personal property for use by the municipal corporation. Counties also have explicit authority to exchange with, lease to, lease from, sell to, purchase from, or enter into agreements regarding the joint use by any other governmental unit (including the State) any interest in real or personal property that the county owns.

BILL ANALYSIS: The bill clarifies and grants specific authority to Alexander County to purchase real or personal property to be conveyed to the State for use as a correctional facility.

BACKGROUND: A similar act was passed during the 1995 session applicable to Stanly County.

EFFECTIVE DATE: Effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1546

Short Title: Alexander/Land for Corr. Facilities. (Local)

Sponsors: Representatives Holmes; and Brown.

Referred to: Local Government I.

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ALEXANDER COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 600 of the 1995 Session Laws reads as rewritten:

"Section 1. The ~~County~~ counties of Alexander and Stanly ~~has~~ have power under general law to acquire real and personal property and convey it to the State under G.S. 160A-274 or other applicable law for use as ~~a~~ correctional ~~facility.~~ facilities."

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

HB 1585:
Anson - Land for Correctional Facilities

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representatives Gibson and Goodwin
Date:	May 30, 2000		
Version:	1	**Summary by:**	Erika Churchill Committee Counsel

SUMMARY: ***The bill clarifies that Anson County has the authority to purchase real and personal property for the purpose of conveying it to the State, and specifically authorizes the county to transfer real and personal property to the State for the purpose of a correctional facility.***

CURRENT LAW: Counties have explicit authority to acquire real and personal property for use by the municipal corporation. Counties have explicit authority to exchange with, lease to, lease from, sell to, purchase from, or enter into agreements regarding the joint use by any other governmental unit (including the State) any interest in real or personal property that the county owns.

BILL ANALYSIS: The bill clarifies and grants specific authority to Anson County to purchase real or personal property to be conveyed to the State for use as a correctional facility.

BACKGROUND: A similar act was passed during the 1995 session applicable to Stanly County.

EFFECTIVE DATE: Effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1585

Short Title: Anson/Land for Corr. Facilities. (Local)

Sponsors: Representatives Gibson; and Goodwin.

Referred to: Local Government I.

May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ANSON COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 600 of the 1995 Session Laws reads as rewritten:

"Section 1. The ~~County~~ counties of Anson and Stanly ~~has~~ have power under general law to acquire real and personal property and convey it to the State under G.S. 160A-274 or other applicable law for use as ~~a~~ correctional ~~facility.~~ facilities."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1555 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GASTONIA TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 1555:
Gastonia Overgrown Lots

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Rep. Barefoot and Bridgeman
Date:	May 30, 2000	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 1555 authorizes the City of Gastonia to notify chronic violators of the City's overgrown vegetation ordinance that if remedial action is not taken by the owner, the City will do so and place a lien on the property for any costs incurred.

Similar local legislation has been enacted for the Towns of Denton, Farmville, Jonesville, and the Cites of Roanoke Rapids and Greenville.

House Bill 1555 becomes effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1555

Short Title: Gastonia Overgrown Lots. (Local)

Sponsors: Representatives Barefoot and Bridgeman.

Referred to: Local Government I.

May 17, 2000

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF GASTONIA TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of S.L. 1999-58 reads as rewritten:

"Section 2. This act applies to the ~~City~~ Cities of Gastonia and Roanoke Rapids only."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ANDY DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1598 A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPER REPRESENTATION FROM THE TOWN OF OAK ISLAND ON THE BRUNSWICK COUNTY AIRPORT COMMISSION.

☑ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

HOUSE BILL 1598:
Brunswick Airport Commission

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Rep. Redwine; and Hill
Date:	May 30, 2000	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 1598 changes the appointment system for the Brunswick Airport Commission to take into account the merger of the Towns of Yaupon Beach and Long Beach into one Town, Oak Island.

The bill deletes the requirement for the Towns of Yaupon Beach and Long Beach to appoint one member each o the Commission, and adds a provision for the Town of Oak Island to appoint two members to the Commission.

House Bill 1598 becomes effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1598

Short Title: Brunswick Airport Commission. (Local)

Sponsors: Representatives Redwine; and Hill.

Referred to: Local Government I.

May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PROPER REPRESENTATION FROM THE TOWN OF OAK ISLAND ON THE BRUNSWICK COUNTY AIRPORT COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 411 of the 1961 Session Laws, as rewritten by Chapter 385 of the 1991 Session Laws, reads as rewritten:

"Section 1. There is hereby created a board to be known as the Brunswick County Airport Commission whose membership shall consist of Southport, ~~Yaupon Beach, Long Beach,~~ Oak Island, and Brunswick County and which board is hereby constituted a body politic and corporate. The said board shall be comprised of seven members, four of whom shall be appointed by the Board of County Commissioners of Brunswick ~~County and one of whom shall be appointed by each member town,~~ County, two of whom shall be appointed by Oak Island, and one of whom shall be appointed by Southport, all of whom shall be experienced businessmen with no qualifications as to residence. The membership of said board shall be named as provided for in Chapter 63 of the General Statutes of North Carolina. The members of said board shall receive no compensation per diem or otherwise, but shall be allowed and paid actual expenses incurred in the transaction of business and at the instance of the said Commission. In the event that either the Aldermen of the City of Southport, ~~the Commissioners of the Town of Yaupon Beach, the Commissioners of the Town of Long Beach,~~ the Town Council of the Town of Oak Island, or the Brunswick County Commissioners do not deem it advisable or any one or two of said municipal bodies do not enter into an agreement to set up said Airport Commission as provided for under Chapter 63 of the General Statutes of North Carolina, then in

such event the municipality or county desiring to create such a commission may do so having all powers herein conferred with the right and privilege of calling such commission in the name of the particular municipality and/or county government."

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

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

June 6, 2000

The House Committee on Local Government I met on Tuesday, June 6, 2000, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Andy Dedmon, Vice Chairman Drew Saunders, Representatives Barefoot, Buchanan, Decker, Ellis, Hill, Kiser, and Rogers. Giles Perry and Erika Churchill, Staff Counsel and Kristen Crosson, Research Assistant were in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order to consider the following bills:

The first order of business was **HB 1695, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM.** Representative Wainwright, bill sponsor, was recognized to explain the bill. Representative Buchanan moved to give the bill a favorable report; the motion carried.

The next order of business was **HB 1647, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO USE THE PROCEDURES OF CHAPTER 136 OF THE GENERAL STATUTES FOR CONDEMNATION FOR ECONOMIC DEVELOPMENT PURPOSES WITHIN A DEFINED AREA.** Representative McMahan, bill sponsor, was recognized to explain the bill and stated that there was a committee substitute. Representative Buchanan moved for adoption of the committee substitute. The motion carried and the bill was properly before the committee. After committee discussion, questions to Mr. Jerry Cohen, Bill Drafting, and to Mr. Lawrence Toliver, Chairman for the Charlotte/Mecklenburg Development Corp., Representative Saunders moved that the original bill be given an unfavorable report and the committee substitute a favorable report; the motion carried.

The next order of business was **HB 1648, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO PURCHASE PUBLIC TRANSIT EQUIPMENT USING THE COMPETITIVE PROPOSAL METHOD OF PROCUREMENT.** Representative McMahan, bill sponsor, was recognized to explain the bill. After some committee discussion, Representative Ellis made a motion for the bill to be given a favorable report; the motion carried.

The next order of business was **HB 1653, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF BROADWAY TO ALLOW THE MAYOR TO BE ELECTED IN THE SAME YEARS AS TWO TOWN COMMISSIONERS.** Representative Cox, bill sponsor, explained the bill. Representative Buchanan moved for the bill to be given a favorable report; the motion carried.

The next order of business was **HB 1656, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR LINCOLN COUNTY.** Representative Kiser, bill sponsor, was recognized to explain the bill and told the committee there was a committee substitute. Representative Buchanan motioned for the committee substitute to be adopted; the motion carried and the committee substitute was properly brought before the committee for discussion. Representative Buchanan moved that the original bill be given an unfavorable report and the committee substitute be given a favorable report and re-referred to the committee on Finance. The motion carried.

The next order of business was **HB 1666, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A THREE-YEAR STATUTE OF LIMITATIONS FOR ACTIONS AGAINST THE CITY OF DURHAM NOT OTHERWISE COVERED BY GENERAL OR SPECIAL LAW.** Representative Miller, bill sponsor, was recognized to explain the bill and told the committee there was a committee substitute. Representative Buchanan moved for adoption of the committee substitute; the motion carried and the bill was properly brought before the committee for discussion. Erika Churchill, Research explained the committee substitute and answered questions from the committee. Representative Buchanan moved to give the original bill an unfavorable report and the committee substitute a favorable report and re-referred to the committee substitute to be re-referred to Judiciary IV. The motion carried.

The next order of business was **HB 1668, A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF WHITEVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.** Representative Hill, bill sponsor, was recognized to explain the bill. After some committee discussion, Representative Buchanan moved for the bill to be given a favorable report and re-referred to the committee on Finance; the motion carried.

The next order of business was **HB 1670, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF MARSHVILLE AND OTHER LAWS RELATING TO THE CITY BY DELETING THROUGHOUT THE WORDS "BOARD OF ALDERMEN", "BOARD", AND "ALDERMAN" AND SUBSTITUTING, AS APPROPRIATE, THE WORDS "CITY COUNCIL" AND "COUNCIL MEMBER".** Representative Melton, bill sponsor, explained the bill. Representative Buchanan moved for the bill to be given a favorable report; the motion carried.

The last order of business was **HB 1753, A BILL TO BE ENTITLED AN ACT TO REDUCE THE PISTOL PERMIT FEE IN MARTIN COUNTY FROM TWENTY DOLLARS TO FIVE DOLLARS.** Representative Rogers, bill sponsor, explained the bill. Representative Decker motioned for a favorable report and the bill be re-referred to the committee on Finance. The motion carried.

There being no further business, the Chair adjourned the meeting at 11:50 a.m.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

VISITOR REGISTRATION SHEET

LOCAL & REG. GOV. I — Name of Committee

6/6/2000 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Boyd Cauble	City of Charlotte
ROBERT SWEENEY	C.M.D.C
Natalie English	Charlotte Chamber
Lawrence Toliver	Charlotte Chamber/Chas. Meck. Dev. Corp.
Lisa Martin	
John Phelps	NCLM
Bill Connelly	N.C. Dept of Revenue
Helen Kyma	Meck Co DSS
Tim KENT	American Inst. of Architects
JIM EVERHART	Concerned BIKERS ASSOCIATION/ABATE NC
Joy Barbour	Concerned Biker's Assoc./ABATE of N.C.
Karen Pegram WOLF	Concerned Bikers Assoc./ABATE of N.C.
BRUCE THOMPSON	PARKER POE ADAMS & BERNSTEIN
Sarah Mossamer	SENTRY
Martin Eaddy	LINCOLN COUNTY

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

June 6, 2000
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS:

HB 1647 CHARLOTTE ECON. DEVEL. QUICKTAKE
REPRESENTATIVE MCMAHAN

HB 1648 CHARLOTTE TRANSIT PROCUREMENT
REPRESENTATIVE MCMAHAN

HB 1653 BROADWAY MAYORAL TERMS
REPRESENTATIVE COX

HB 1656 LINCOLN COUNTY E & R BOARD
REPRESENTATIVE KISER

HB 1666 DURHAM STATUTE OF LIMITATIONS
REPRESENTATIVE MILLER

HB 1668 EXTEND WHITEVILLE ETJ
REPRESENTATIVE HILL

HB 1670 MARSHVILLE CHARTER AMENDMENT
REPRESENTATIVE MELTON

HB 1695 NEW BERN MAYOR
REPRESENTATIVE WAINWRIGHT

HB 1753 MARTIN COUNTY PISTOL PERMIT FEE
REPRESENTATIVE ROGERS

ADJOURNMENT

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1695 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HB 1695:
New Bern Mayor

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative Wainwright
Date:	June 6, 2000	**Summary by:**	Erika Churchill
Version:	1		Committee Counsel

SUMMARY: ***The bill amends the charter of the city of New Bern with respect to some of the powers, duties and qualifications of the mayor and mayor pro tem.***

CURRENT LAW: Currently, the mayor pro tem is chosen in July by the Board of Aldermen from one of its membership, and there is no period of time specified for the term to be served. The mayor has the right to vote on any question before the Board of Aldermen as if the mayor were a member of that Board. The mayor may not serve for more than two consecutive terms.

BILL ANALYSIS: The bill changes the election of the mayor pro tem to the month of December, and specifies that the mayor pro tem serves for one year.

The bill changes the ability of the mayor to vote as a board member. The mayor would be allowed to vote only in the case of a tie among the Board of Aldermen. The provision restricting the service of the mayor to two consecutive terms is eliminated, and the residency requirement of a candidate is clarified. A candidate must have been a resident of New Bern for 30 days immediately preceding his election.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1695

Short Title: New Bern Mayor. (Local)

Sponsors: Representatives Wainwright, Thomas, and Edwards.

Referred to: Local Government I.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES IN THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM.

The General Assembly of North Carolina enacts:

Section 1. Section 6 of the Charter of the City of New Bern, being Chapter 1281 of the 1957 Session Laws, as amended by Chapter 266 of the 1983 Session Laws and Section 4 of Chapter 64 of the 1985 Session Laws, reads as rewritten:

"Sec. 6. Mayor and Mayor Pro Tem. At its first meeting in the month of ~~July following a regular municipal election~~ December the board of aldermen shall choose one of its members as mayor pro ~~tem.~~ tem to serve for a term of one year. The mayor pro tem shall act as mayor whenever the mayor shall be absent from the city or be prevented by sickness or other cause from attending to the duties of his office and he shall possess all the rights and powers of the mayor during the continuance of such vacancy, absence or disability. The mayor shall preside at meetings of the board of aldermen and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this Charter and the ordinances of the city. The Mayor shall have the right to vote on ~~any~~ a question before the board of ~~aldermen, and shall do so as if he were a member of the board.~~ aldermen only in the case of a tie. He shall be recognized as the head of the city government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. ~~For the purposes of Sections 8, 9, and 10 of this act, the mayor shall be considered to be an elected member of the board of aldermen.~~"

Section 2. Section 19 of the Charter of the City of New Bern, being Chapter 1281 of the 1957 Session Laws, as amended by Section 10 of Chapter 1111 of the 1961 Session Laws, reads as rewritten:

"Sec. 19. Eligibility of Candidates for Mayor; ~~One Year~~ Residence and Certain Other Qualifications ~~Required; No Third Term in Succession.~~ Required. That no person shall be eligible as mayor unless he shall be a qualified voter for a member of the General Assembly of this State, and shall have been a resident of the City of New Bern for thirty (30) days immediately preceding his ~~election, and no person who has been elected mayor for two full terms shall be eligible as his own immediate successor.~~ election."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1647 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO USE THE PROCEDURES OF CHAPTER 136 OF THE GENERAL STATUTES FOR CONDEMNATION FOR ECONOMIC DEVELOPMENT PURPOSES WITHIN A DEFINED AREA.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill (#), ~~☐ which changes the title~~, unfavorable as to (original bill) (Committee Substitute Bill #), ~~(and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1647*
Proposed Committee Substitute H1647-PCS8196-LB

Short Title: Charlotte Economic Development Quicktake. (Local)

Sponsors:

Referred to:

May 22, 2000

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CHARLOTTE TO USE THE PROCEDURES OF CHAPTER 136 OF THE GENERAL STATUTES FOR CONDEMNATION FOR ECONOMIC DEVELOPMENT PURPOSES WITHIN A DEFINED AREA.

The General Assembly of North Carolina enacts:

Section 1. Section 7.81 of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, as amended by Chapter 216, Session Laws of 1967, Chapter 384, Session Laws of 1969, and Chapters 432 and 1046, Session Laws of 1973, as rewritten by Chapter 437, Session Laws of 1983, and as amended by Chapter 31 of the 1989 Session Laws, reads as rewritten:

"Sec. 7.81. (a) The City of Charlotte shall have the power of eminent domain and may acquire, either by purchase, gift or condemnation, any land, right of access, right-of-way, water right, privilege, easement, or any other interest in or relating to land, water or improvements, either within or without the city limits, for any lawful public use or purpose. In the exercise of the power of eminent domain, the city is hereby vested with all power and authority now or hereafter granted by the laws of North Carolina applicable to the City of Charlotte, and the city shall follow the procedures now or hereafter prescribed by said laws; provided that, notwithstanding the provisions of G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of property to be used for streets and highways, water supply and distribution systems, sewage collection and disposal systems, economic development purposes authorized by law within the territory described in subsection (b) of this

section, and airports, the City of Charlotte is hereby authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided further, that whenever therein the words 'Secretary' or 'Secretary of Transportation' appear, they shall be deemed to include the 'City Manager'; provided further that nothing herein shall be construed to enlarge the power of the City of Charlotte to condemn property already devoted to public use. The City of Charlotte is also vested with the authority to condemn for public library purposes, property, rights, privileges, easements and restrictive covenants and conditions, including any restrictive covenants and conditions applicable to real estate now or hereafter owned, restricting the use of same in any manner whatsoever.

The City of Charlotte shall have the power of eminent domain to acquire property to provide housing for low- and moderate-income persons, but only to acquire: (i) vacant structures boarded up as a result of housing code violations; (ii) structures that have been found to contain housing code violations that the property owner has failed or refused to correct within a reasonable time; and (iii) vacant properties rendered vacant as a result of a housing code enforcement demolition order. Provided, that in the exercise of its authority of eminent domain to acquire property to provide housing for low- and moderate-income persons, the city shall follow the procedures prescribed in Chapter 40A of the General Statutes. Vesting of title to the property taken under this paragraph and right to possession shall occur pursuant to the provisions of G.S. 40A-42(b). The City may not file an eminent domain action to acquire property described in clauses (i) or (ii) of this paragraph until the property owner has had 150 days from the date of the order finding violations of the City Housing Code to correct the violations. The city council must adopt a plan to use condemned property for low or moderate income housing prior to exercising the powers under this paragraph.

(b) The area within which the City of Charlotte is authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes for economic development purposes by subsection (a) of this section is as follows: an area bounded on the east by Berryhill and West Morehead at Wilkinson Boulevard, on the south by the Norfolk Southern Railroad from Berryhill to the Billy Graham Parkway, on the north by Greenland Avenue, Ashley Road, Dublin Road, Cartwright, Carlyle Drive, Denver, Mulberry Church and Withrow, and on the west by Billy Graham Parkway. The property may be conveyed at private sale as allowed by the exception in G.S. 160a-279(d), but otherwise following the procedures of G.S. 160a-279."

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

Rep. Ellis

Who pays legal fee if win appeal.

HB 1647:
Charlotte Economic Development Quicktake

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative McMahan
Date:	June 6, 2000	**Summary by:**	Erika Churchill
Version:	1		Committee Counsel

SUMMARY: The bill amends the charter of the City of Charlotte by expanding its authority to utilize the "quicktake" condemnation procedures in certain specified areas within its jurisdiction.

CURRENT LAW: The City of Charlotte has the authority to use the quicktake process for the purposes of:

- streets and highways;
- water supply and distribution systems;
- sewage collection ad disposal systems;
- airports; and
- low and moderate income housing, with restrictions on the type of property that may be taken.

BILL ANALYSIS: The bill authorizes the City of Charlotte to utilize the "quicktake" condemnation procedures for the purpose of acquiring land to be used for lawful economic development purposes.

EFFECTIVE DATE: This bill becomes effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1647*

Short Title: Charlotte Economic Development Quicktake. (Local)

Sponsors: Representatives McMahan; Alexander, Bridgeman, Cunningham, Earle, Easterling, Gulley, Rayfield, Saunders, and C. Wilson.

Referred to: Local Government I.

May 22, 2000

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CHARLOTTE TO USE THE PROCEDURES OF CHAPTER 136 OF THE GENERAL STATUTES FOR CONDEMNATION FOR ECONOMIC DEVELOPMENT PURPOSES WITHIN A DEFINED AREA.

The General Assembly of North Carolina enacts:

Section 1. Section 7.81 of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, as amended by Chapter 216, Session Laws of 1967, Chapter 384, Session Laws of 1969, and Chapters 432 and 1046, Session Laws of 1973, as rewritten by Chapter 437, Session Laws of 1983, and as amended by Chapter 31 of the 1989 Session Laws, reads as rewritten:

"Sec. 7.81. (a) The City of Charlotte shall have the power of eminent domain and may acquire, either by purchase, gift or condemnation, any land, right of access, right-of-way, water right, privilege, easement, or any other interest in or relating to land, water or improvements, either within or without the city limits, for any lawful public use or purpose. In the exercise of the power of eminent domain, the city is hereby vested with all power and authority now or hereafter granted by the laws of North Carolina applicable to the City of Charlotte, and the city shall follow the procedures now or hereafter prescribed by said laws; provided that, notwithstanding the provisions of G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of property to be used for streets and highways, water supply and distribution systems, sewage collection and disposal systems, economic development purposes authorized by law within the territory described in subsection (b) of this

section, and airports, the City of Charlotte is hereby authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided further, that whenever therein the words 'Secretary' or 'Secretary of Transportation' appear, they shall be deemed to include the 'City Manager'; provided further that nothing herein shall be construed to enlarge the power of the City of Charlotte to condemn property already devoted to public use. The City of Charlotte is also vested with the authority to condemn for public library purposes, property, rights, privileges, easements and restrictive covenants and conditions, including any restrictive covenants and conditions applicable to real estate now or hereafter owned, restricting the use of same in any manner whatsoever.

The City of Charlotte shall have the power of eminent domain to acquire property to provide housing for low- and moderate-income persons, but only to acquire: (i) vacant structures boarded up as a result of housing code violations; (ii) structures that have been found to contain housing code violations that the property owner has failed or refused to correct within a reasonable time; and (iii) vacant properties rendered vacant as a result of a housing code enforcement demolition order. Provided, that in the exercise of its authority of eminent domain to acquire property to provide housing for low- and moderate-income persons, the city shall follow the procedures prescribed in Chapter 40A of the General Statutes. Vesting of title to the property taken under this paragraph and right to possession shall occur pursuant to the provisions of G.S. 40A-42(b). The City may not file an eminent domain action to acquire property described in clauses (i) or (ii) of this paragraph until the property owner has had 150 days from the date of the order finding violations of the City Housing Code to correct the violations. The city council must adopt a plan to use condemned property for low or moderate income housing prior to exercising the powers under this paragraph.

(b) The area within which the City of Charlotte is authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes for economic development purposes by subsection (a) of this section is as follows: an area bounded on the east by Berryhill and West Morehead at Wilkinson Boulevard, on the south by the Norfolk Southern Railroad from Berryhill to the Billy Graham Parkway, on the north by Greenland Avenue, Ashley Road, Dublin Road, Cartwright, Carlyle Drive, Denver, Mulberry Church and Withrow, and on the west by Billy Graham Parkway."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1648 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO PURCHASE PUBLIC TRANSIT EQUIPMENT USING THE COMPETITIVE PROPOSAL METHOD OF PROCUREMENT.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HB 1648:
Charlotte Transit Procurements

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative McMahan
Date:	June 6, 2000	**Summary by:**	Erika Churchill
Version:	1		Committee Counsel

SUMMARY: ***The bill authorizes the City of Charlotte to purchase public transit equipment using the competitive proposal method of procurement as set forth in G.S. 143-129(h).***

CURRENT LAW: Currently, the City of Charlotte is required to comply with the competitive bidding procedures set forth in G.S. 143-129(b) for the purchase of its public transit equipment. Subsection (h) of that statute sets forth a separate competitive proposal method of equipment procurement for regional public transportation authorities and regional transportation authorities.

BILL ANALYSIS: The bill clarifies the City of Charlotte may utilize the competitive proposal method already developed for the procurement of transit equipment.

BACKGROUND: The creation of a regional public transportation authority requires the agreement of three more counties meeting the statutory requirements, and the creation of a regional transportation authority requires the agreement of the four largest cities within a five county area meeting the statutory requirements. The City of Charlotte alone cannot meet the requirements to become either entity, and therefore could not qualify to utilize the competitive proposal method without specific authority from the General Assembly.

EFFECTIVE DATE: The bill becomes effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1648*

Short Title: Charlotte Transit Procurements. (Local)

Sponsors: Representatives McMahan; Alexander, Bridgeman, Cunningham, Earle, Easterling, Gulley, Rayfield, Saunders, and C. Wilson.

Referred to: Local Government I.

May 22, 2000

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO PURCHASE PUBLIC TRANSIT EQUIPMENT USING THE COMPETITIVE PROPOSAL METHOD OF PROCUREMENT.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws, as amended, is amended by adding the following new section to Subchapter E of Chapter IX:

"Section 9.84. Transit Procurements. In addition to other authorized methods of procurement, the City of Charlotte may contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment for public transit purposes using the competitive proposal method provided in G.S. 143-129(h)."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1653 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF BROADWAY TO ALLOW THE MAYOR TO BE ELECTED IN THE SAME YEARS AS TWO TOWN COMMISSIONERS.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HOUSE BILL 1653 :
Broadway Mayoral Terms

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Reps. Cox & Davis
Date:	June 6, 2000	**Summary by:**	Kristen Crosson
Version:	First edition		Research Assistant

SUMMARY:

This bill amends the charter of the town of Broadway by changing the mayor's term from four to two years for the mayoral election in 2001. In 2003 and then after, the mayor will be elected for a four year term.

This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1653

Short Title: Broadway Mayoral Terms. (Local)

Sponsors: Representatives Cox and Davis.

Referred to: Local Government I.

May 23, 2000

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF BROADWAY TO ALLOW THE MAYOR TO BE ELECTED IN THE SAME YEARS AS TWO TOWN COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of the Charter of the Town of Broadway, being Chapter 548 of the 1947 Session Laws, as amended by Chapter 789 of the 1949 Session Laws and Chapter 416 of the 1997 Session Laws, reads as rewritten:

"Sec. 3. At the time of the holding of the next general election following ratification of this Act, and thereafter, there shall be elected in the Town of Broadway in accordance with the provisions of Article 3 of Chapter 160 of the General Statutes of North Carolina, as amended, the following officers: A mayor and five town commissioners. ~~The mayor shall be elected for a four-year term.~~ In 2001, the Mayor shall be elected for a two-year term. In 2003 and quadrennially thereafter, the Mayor shall be elected for a four-year term. In 1997, the three persons receiving the highest numbers of votes for town commissioner are elected to four-year terms, and the two persons receiving the next highest numbers of votes for town commissioner are elected to two-year terms. In 1999 and quadrennially thereafter, two town commissioners are elected to four-year terms. In 2001 and quadrennially thereafter, three town commissioners are elected to four-year terms. The mayor and the five town commissioners so elected shall constitute the governing body of the Town of Broadway, and such governing body may appoint such other officers and employ such assistants as the governing body of the town may deem necessary for the better governance of the town."

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

HB 1656:
Lincoln County E & R Board

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative Kiser
Date:	June 6, 2000	**Summary by:**	Erika Churchill
Version:	1		Committee Counsel

SUMMARY: The bill revises Lincoln County's authority to appoint a special board of equalization and review.

CURRENT LAW: A special board of equalization and review is a committee appointed by the county commissioners to review the county's property tax listings and appraisals and to hear taxpayers' appeals concerning the listing or appraisal of their property. The board of county commissioners performs these functions if it chooses not to appoint a special board of equalization and review. Appeals from a special board of equalization and review are directly to the Property Tax Commission, unless the county provides for an appeal to the board of county commissioners. General law authorizes counties to appoint special boards of equalization and review (G.S. 105-322).

BILL ANALYSIS: This bill makes local modifications to the general law for Lincoln County, as follows:

1. It specifies that the board of equalization and review will be composed of five members and three alternate members. During a reappraisal year, this board can be subdivided into three-member panels. A decision of a panel must be supported by at least two members, and constitutes a decision of the full board.
2. It provides that the terms of office of members will be two years. The terms are staggered.
3. It clarifies that a majority of the members of the special board constitutes a quorum.
4. It clarifies that the county assessor, or a person designated by the assessor, serves as the clerk of the special board.
5. It allows the special board to sit as late as December 1 to carry out its duties. In addition, it may sit year-round to correct errors, as provided in G.S. 105-325, and to hear appeals of the appraisal, situs, and taxability of motor vehicles. Under general law, a special board must complete its work by July 1, except in reappraisal years when it may sit until December to hear appeals. Because motor vehicles are taxed on a year-round schedule, a deadline is not practical for property tax issues involving motor vehicles.
6. It directs the chair of the special board to appoint a subcommittee each calendar year to hear motor vehicle appeals. The subcommittee will have three members and three alternate members. Three members constitute a quorum, but decisions are by majority vote of the subcommittee.

(Changes are similar to those made for Henderson County in 1997.)

EFFECTIVE DATE: Effective when the bill becomes law.

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1656 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR LINCOLN COUNTY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#), ☐ which changes the title~~, unfavorable as to (original bill) ~~(Committee Substitute Bill #)~~, (and recommendation that the committee substitute bill #) be re-referred to the Committee on ~~Finance~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1656

PROPOSED COMMITTEE SUBSTITUTE
WARNING; LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Lincoln County E&R Board. (Local)

Sponsors: Representatives Kiser, Barefoot; and Berry.

Referred to: Local Govenment I.

May 23, 2000

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR LINCOLN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-322 reads as rewritten:

"**§ 105-322. Lincoln County board of equalization and review.**

(a) ~~Personnel.~~ Board Composed of Commissioners if Special Board Not Appointed. -- ~~Except as otherwise provided herein,~~ If the board of county commissioners does not appoint a special board of equalization and review as provided in this section, the board of equalization and review of ~~each~~ the county shall be composed of the members of the board of county commissioners.

(a1) Appointment of Special Board. -- Upon the adoption of a resolution so providing, the board of commissioners is authorized to appoint a special board of equalization and review to carry out the duties imposed under this section. ~~The resolution shall provide for the membership, qualifications, terms of office and the filling of vacancies on the board.~~ The special board shall be composed of five members and three alternate members. The board of commissioners shall ~~also~~ designate ~~the chairman~~ a chair of the

special ~~board.~~ board from the membership of the board. The special board shall elect a vice-chair from its membership to serve as acting chair in the absence of the chair as necessary. To be eligible for appointment to the special board, the board of county commissioners must find that the person has satisfactory knowledge of or experience in real estate, fee appraisals, banking, farming, or other business management.

Members of the special board shall serve a term of two years. No member may serve more than three consecutive terms. Vacancies shall be filled by the board of county commissioners; a successor appointed to fill a vacancy shall serve for the remainder of the term. Members of the special board shall serve at the pleasure of the board of county commissioners.

~~The resolution may also authorize a taxpayer to appeal a decision of the special board with respect to the listing or appraisal of his property or the property of others to the board of county commissioners.~~ The resolution creating the special board shall be adopted not later than the first Monday in March of the year for which it is to be effective and shall continue in effect until revised or rescinded. It shall be entered in the minutes of the meeting of the board of commissioners and a copy thereof shall be forwarded to the Department of Revenue within 15 days after its adoption.

~~Nothing in this subsection (a) shall be construed as repealing any law creating a special board of equalization and review or creating any board charged with the duties of a board of equalization and review in any county.~~

(a2) Quorum; Alternates. -- A majority of the members of the special board shall constitute a quorum for the purpose of transacting business. A decision of the special board shall be made by a majority of the members present. An alternate member of the special board shall have all the powers and duties of a regular board member when sitting as a member of the board or of any subcommittee or panel created by the board. The board of county commissioners shall adopt a resolution setting forth any other provisions it deems necessary to govern the proceedings of the special board and any subcommittee or panel created by the special board.

(b) Compensation. -- The board of county commissioners shall fix the compensation and allowances to be paid members of the board of equalization and review for their services and expenses.

(c) Oath. -- Each member of the board of equalization and review shall take the oath required by Article VI, § 7 of the North Carolina Constitution with the following phrase added to

it: 'that I will not allow my actions as a member of the board of equalization and review to be influenced by personal or political friendships or obligations,'. The oath must be filed with the clerk of the board of county commissioners.

(d) Clerk and Minutes. -- The assessor or a person designated by the assessor shall serve as clerk to the board of equalization and review, shall be present at all meetings, shall maintain accurate minutes of the actions of the board, shall draft all written decisions of the special board, and shall give to the board such information as ~~he~~ the clerk may have or can obtain with respect to the listing and valuation of taxable property in the county. The chair of the special board shall review all written decisions drafted by the clerk. Only the chair of the special board or, in the chair's absence, the vice-chair can execute the decisions of the special board.

(e) Time of Meeting. -- ~~Each~~ Except as otherwise provided in this section, each year the board of equalization and review shall hold its first meeting not earlier than the first Monday in April and not later than the first Monday in May. ~~In years in which a county does not conduct a real property revaluation, the~~ The board shall complete its duties on or before the ~~third Monday following its first meeting~~ advertised adjournment date unless, in its opinion, a longer period of time is necessary or expedient to a proper execution of its responsibilities. In no event shall the board sit later than ~~July 1~~ December 1 except to hear and determine requests made under the provisions of subdivision (g)(2), below, when such requests are made within the time prescribed by law. ~~In the year in which a county conducts a real property revaluation, the board shall complete its duties on or before December 1, except that it may sit after that date to hear and determine requests made under the provisions of subdivision (g)(2), below, when such requests are made within the time prescribed by law. From the time of its first meeting until its adjournment, the~~ The board shall meet at such times as it deems reasonably necessary to perform its statutory duties and to receive requests and hear the appeals of taxpayers under the provisions of ~~subdivision (g)(2), below.~~ subdivisions (g)(1) and (g)(2) of this section.

(f) Notice of Meetings and Adjournment. -- A notice of the date, hours, place, and purpose of the first meeting of the board of equalization and review shall be published at least three times in some newspaper having general circulation in the county, the first publication to be at least 10 days prior to the first meeting. The notice shall also state the dates and hours on

which the board will meet following its first meeting and the date on which it expects to adjourn; it shall also carry a statement that in the event of earlier or later adjournment, notice to that effect will be published in the same newspaper. Should a notice be required on account of earlier adjournment, it shall be published at least once in the newspaper in which the first notice was published, such publication to be at least five days prior to the date fixed for adjournment. Should a notice be required on account of later adjournment, it shall be published at least once in the newspaper in which the first notice was published, such publication to be prior to the date first announced for adjournment.

(g) Powers and Duties. -- The board of equalization and review has the following powers and duties:

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

a. List, appraise, and assess any taxable real or personal property that has been omitted from the tax lists.

b. Correct all errors in the names of persons and in the description of properties subject to taxation.

c. Increase or reduce the appraised value of any property that, in the board's opinion, ~~shall have~~ has been listed and appraised at a figure that is below or above the appraisal required by G.S. 105-283; however, the board shall not change the appraised value of any real property from that at which it was appraised for the preceding year except in accordance with the terms of G.S. 105-286 and 105-287.

d. Cause to be done whatever else ~~shall be~~ necessary to make the lists and tax records comply with the provisions of this Subchapter.

e. Embody actions taken under the provisions of subdivisions (g)(1)a through (g)(1)d, above, in appropriate orders and have the orders entered in the minutes of the board.

f. Give written notice to the taxpayer at ~~his~~ the taxpayer's last-known address in the event the ~~board shall,~~ board, by appropriate order, ~~increase~~ increases the appraisal of any property or ~~list~~ lists for taxation any property omitted from the tax lists under the provisions of this subdivision (g)(1).

(2) Duty to Hear Taxpayer Appeals. -- On request, the board of equalization and review shall hear any taxpayer who owns or controls property taxable in the county with respect to the listing or appraisal of ~~his~~ the taxpayer's property or the property of others.

a. A request for a hearing under this subdivision (g)(2) shall be made in writing to or personal appearance before the board prior to its adjournment. However, if the taxpayer requests review of a decision made by the board under the provisions of subdivision (g)(1), above, notice of which was mailed fewer than 15 days prior to the board's adjournment, the request for a hearing thereon may be made within 15 days after the notice of the board's decision was mailed.

b. Taxpayers may file separate or joint requests for hearings under the provisions of this subdivision (g)(2) at their election.

c. At a hearing under provisions of this subdivision (g)(2), the board, in addition to the powers it may exercise under the provisions of subdivision (g)(3), below, shall hear any evidence offered by the appellant, the assessor, and other county officials that is pertinent to the decision of the appeal. Upon the request of an appellant, the board shall subpoena witnesses or documents if there is a reasonable basis for believing that the

witnesses have or the documents contain information pertinent to the decision of the appeal.

d. On the basis of its decision after any hearing conducted under this subdivision (g)(2), the board shall adopt and have entered in its minutes an order reducing, increasing, or confirming the appraisal appealed or listing or removing from the tax lists the property whose omission or listing has been appealed. The board shall notify the appellant by mail as to the action taken on ~~his~~ the appeal not later than 30 days after the board's adjournment.

(3) Powers in Carrying Out Duties. -- In the performance of its duties under subdivisions (g)(1) and (g)(2), above, the board of equalization and review may exercise the following powers:

a. It may appoint committees composed of its own members or other persons to assist it in making investigations necessary to its work. It may also employ expert appraisers in its discretion. The expense of the employment of committees or appraisers shall be borne by the county. The board may, in its discretion, require the taxpayer to reimburse the county for the cost of any appraisal by experts demanded by ~~him~~ the taxpayer if the appraisal does not result in material reduction of the valuation of the property appraised and if the appraisal is not subsequently reduced materially by the board or by the Department of Revenue.

b. The board, in its discretion, may examine any witnesses and documents. It may place any witnesses under oath administered by any member of the board. It may subpoena witnesses or documents on its own motion, and it must do so when a request is made under the provisions of subdivision (g)(2)c, above.

A subpoena issued by the board shall be signed by the ~~chairman~~ chair of the board, directed to the witness or to the person having custody of the document, and served by

an officer authorized to serve subpoenas. A person who willfully fails to appear or to produce documents in response to a subpoena or to testify when appearing in response to a subpoena shall be guilty of a Class 1 misdemeanor.

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

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

(h) Motor Vehicle Review Subcommittee. -- The chair of the board of equalization and review shall appoint a subcommittee at the board's first meeting of the calendar year. The subcommittee shall hear and decide all appeals relating to the appraisal, situs, and taxability of classified motor vehicles under G.S. 105-330.2(b) and may meet as needed to exercise this authority. The subcommittee shall consist of three board members and three alternate members, which may include the alternate board members. Three members shall constitute a quorum for the purpose of transacting business. A decision of the subcommittee shall be made by a majority of the members.

(i) Reappraisal Year Panels. -- In any reappraisal year, the chair of the board of equalization and review may divide the board into separate panels consisting of three members, which may include the alternate board members. The chair shall designate one member of each panel to serve as its chair and may change the members of the panels during the year. Three members of each panel shall constitute a quorum for the purpose of transacting

business. A decision of the panel shall be made by a majority of the members. A decision of a panel constitutes a decision of the board of equalization and review."

Section 2. Two of the initial five appointees to the special board of equalization and review shall be appointed to serve a one-year term.

Section 3. This act applies only to Lincoln County.

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

HB 1656:
Lincoln County E & R Board

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative Kiser
Date:	June 6, 2000	**Summary by:**	Erika Churchill
Version:	1		Committee Counsel

SUMMARY: The bill revises Lincoln County's authority to appoint a special board of equalization and review.

CURRENT LAW: A special board of equalization and review is a committee appointed by the county commissioners to review the county's property tax listings and appraisals and to hear taxpayers' appeals concerning the listing or appraisal of their property. The board of county commissioners performs these functions if it chooses not to appoint a special board of equalization and review. Appeals from a special board of equalization and review are directly to the Property Tax Commission, unless the county provides for an appeal to the board of county commissioners. General law authorizes counties to appoint special boards of equalization and review (G.S. 105-322).

BILL ANALYSIS: This bill makes local modifications to the general law for Lincoln County, as follows:

1. It specifies that the board of equalization and review will be composed of five members and three alternate members. During a reappraisal year, this board can be subdivided into three-member panels. A decision of a panel must be supported by at least two members, and constitutes a decision of the full board.
2. It provides that the terms of office of members will be two years. The terms are staggered.
3. It clarifies that a majority of the members of the special board constitutes a quorum.
4. It clarifies that the county assessor, or a person designated by the assessor, serves as the clerk of the special board.
5. It allows the special board to sit as late as December 1 to carry out its duties. In addition, it may sit year-round to correct errors, as provided in G.S. 105-325, and to hear appeals of the appraisal, situs, and taxability of motor vehicles. Under general law, a special board must complete its work by July 1, except in reappraisal years when it may sit until December to hear appeals. Because motor vehicles are taxed on a year-round schedule, a deadline is not practical for property tax issues involving motor vehicles.
6. It directs the chair of the special board to appoint a subcommittee each calendar year to hear motor vehicle appeals. The subcommittee will have three members and three alternate members. Three members constitute a quorum, but decisions are by majority vote of the subcommittee.

(Changes are similar to those made for Henderson County in 1997.)

EFFECTIVE DATE: Effective when the bill becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1656

Short Title: Lincoln County E&R Board. (Local)

Sponsors: Representatives Kiser, Barefoot; and Berry.

Referred to: Local Govenment I.

May 23, 2000

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR LINCOLN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-322 reads as rewritten:

"**§ 105-322. Lincoln County board of equalization and review.**

(a) ~~Personnel.~~ Board Composed of Commissioners if Special Board Not Appointed. -- ~~Except as otherwise provided herein,~~ If the board of county commissioners does not appoint a special board of equalization and review as provided in this section, the board of equalization and review of ~~each~~ the county shall be composed of the members of the board of county commissioners.

(a1) Appointment of Special Board. -- Upon the adoption of a resolution so providing, the board of commissioners is authorized to appoint a special board of equalization and review to carry out the duties imposed under this section. ~~The resolution shall provide for the membership, qualifications, terms of office and the filling of vacancies on the board.~~ The special board shall be composed of five members and three alternate members. The board of commissioners shall ~~also~~ designate ~~the chairman~~ a chair of the special ~~board.~~ board from the membership of the board. The special board shall elect a vice-chair from its membership to serve as acting chair in the absence of the chair as necessary. To be eligible for appointment to the special board, a person must have resided in Lincoln County for at least three years immediately preceding the appointment and the board of county commissioners must find that the person has satisfactory knowledge of or experience in real estate, fee appraisals, banking, farming, or other business management.

Members of the special board shall serve a term of two years. No member may serve more than three consecutive terms. Vacancies shall be filled by the board of county commissioners; a successor appointed to fill a vacancy shall serve for the remainder of the term. Members of the special board shall serve at the pleasure of the board of county commissioners.

~~The resolution may also authorize a taxpayer to appeal a decision of the special board with respect to the listing or appraisal of his property or the property of others to the board of county commissioners.~~ The resolution creating the special board shall be adopted not later than the first Monday in March of the year for which it is to be effective and shall continue in effect until revised or rescinded. It shall be entered in the minutes of the meeting of the board of commissioners and a copy thereof shall be forwarded to the Department of Revenue within 15 days after its adoption.

~~Nothing in this subsection (a) shall be construed as repealing any law creating a special board of equalization and review or creating any board charged with the duties of a board of equalization and review in any county.~~

(a2) Quorum; Alternates. -- A majority of the members of the special board shall constitute a quorum for the purpose of transacting business. A decision of the special board shall be made by a majority of the members present. An alternate member of the special board shall have all the powers and duties of a regular board member when sitting as a member of the board or of any subcommittee or panel created by the board. The board of county commissioners shall adopt a resolution setting forth any other provisions it deems necessary to govern the proceedings of the special board and any subcommittee or panel created by the special board.

(b) Compensation. -- The board of county commissioners shall fix the compensation and allowances to be paid members of the board of equalization and review for their services and expenses.

(c) Oath. -- Each member of the board of equalization and review shall take the oath required by Article VI, § 7 of the North Carolina Constitution with the following phrase added to it: 'that I will not allow my actions as a member of the board of equalization and review to be influenced by personal or political friendships or obligations,'. The oath must be filed with the clerk of the board of county commissioners.

(d) Clerk and Minutes. -- The assessor or a person designated by the assessor shall serve as clerk to the board of equalization and review, shall be present at all meetings, shall maintain accurate minutes of the actions of the board, shall draft all written decisions of the special board, and shall give to the board such information as ~~he~~ the clerk may have or can obtain with respect to the listing and valuation of taxable property in the county. The chair of the special board shall review all written decisions drafted by the clerk. Only the chair of the special board or, in the chair's absence, the vice-chair can execute the decisions of the special board.

(e) Time of Meeting. -- ~~Each~~ Except as otherwise provided in this section, each year the board of equalization and review shall hold its first meeting not earlier than the first Monday in April and not later than the first Monday in May. ~~In years in which a county does not conduct a real property revaluation, the~~ The board shall

complete its duties on or before the ~~third Monday following its first meeting~~ advertised adjournment date unless, in its opinion, a longer period of time is necessary or expedient to a proper execution of its responsibilities. In no event shall the board sit later than ~~July 1~~ December 1 except to hear and determine requests made under the provisions of subdivision (g)(2), below, when such requests are made within the time prescribed by law. ~~In the year in which a county conducts a real property revaluation, the board shall complete its duties on or before December 1, except that it may sit after that date to hear and determine requests made under the provisions of subdivision (g)(2), below, when such requests are made within the time prescribed by law. From the time of its first meeting until its adjournment, the~~ The board shall meet at such times as it deems reasonably necessary to perform its statutory duties and to receive requests and hear the appeals of taxpayers under the provisions of ~~subdivision (g)(2), below.~~ subdivisions (g)(1) and (g)(2) of this section.

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

(g) Powers and Duties. -- The board of equalization and review has the following powers and duties:

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

a. List, appraise, and assess any taxable real or personal property that has been omitted from the tax lists.

b. Correct all errors in the names of persons and in the description of properties subject to taxation.

c. Increase or reduce the appraised value of any property that, in the board's opinion, ~~shall have~~ has been listed and

appraised at a figure that is below or above the appraisal required by G.S. 105-283; however, the board shall not change the appraised value of any real property from that at which it was appraised for the preceding year except in accordance with the terms of G.S. 105-286 and 105-287.

d. Cause to be done whatever else ~~shall be~~ is necessary to make the lists and tax records comply with the provisions of this Subchapter.

e. Embody actions taken under the provisions of subdivisions (g)(1)a through (g)(1)d, above, in appropriate orders and have the orders entered in the minutes of the board.

f. Give written notice to the taxpayer at ~~his~~ the taxpayer's last-known address in the event the ~~board shall,~~ board, by appropriate order, ~~increase~~ increases the appraisal of any property or ~~list~~ lists for taxation any property omitted from the tax lists under the provisions of this subdivision (g)(1).

(2) Duty to Hear Taxpayer Appeals. -- On request, the board of equalization and review shall hear any taxpayer who owns or controls property taxable in the county with respect to the listing or appraisal of ~~his~~ the taxpayer's property or the property of others.

a. A request for a hearing under this subdivision (g)(2) shall be made in writing to or by personal appearance before the board prior to its adjournment. However, if the taxpayer requests review of a decision made by the board under the provisions of subdivision (g)(1), above, notice of which was mailed fewer than 15 days prior to the board's adjournment, the request for a hearing thereon may be made within 15 days after the notice of the board's decision was mailed.

b. Taxpayers may file separate or joint requests for hearings under the provisions of this subdivision (g)(2) at their election.

c. At a hearing under provisions of this subdivision (g)(2), the board, in addition to the powers it may exercise under the provisions of subdivision (g)(3), below, shall hear any evidence offered by the appellant, the assessor, and other county officials that is pertinent to the decision of the appeal. Upon the request of an appellant, the board shall subpoena witnesses or documents if there is a reasonable basis for believing that the witnesses have or the documents contain information pertinent to the decision of the appeal. The board shall render a decision on each appeal within five days of the hearing date.

d. On the basis of its decision after any hearing conducted under this subdivision (g)(2), the board shall adopt and have entered in its minutes an order reducing, increasing, or confirming the appraisal appealed or listing or removing from the tax lists the property whose omission or listing has been appealed. The board shall notify the appellant by mail as to the action taken on ~~his~~ the appeal not later than 30 days after the board's adjournment.

(3) Powers in Carrying Out Duties. -- In the performance of its duties under subdivisions (g)(1) and (g)(2), above, the board of equalization and review may exercise the following powers:

a. It may appoint committees composed of its own members or other persons to assist it in making investigations necessary to its work. It may also employ expert appraisers in its discretion. The expense of the employment of committees or appraisers shall be borne by the county. The board may, in its discretion, require the taxpayer to reimburse the county for the cost of any appraisal by experts demanded by ~~him~~ the taxpayer if the appraisal does not result in material reduction of the valuation of the property appraised and if the appraisal is not subsequently reduced materially by the board or by the Department of Revenue.

b. The board, in its discretion, may examine any witnesses and documents. It may place any witnesses under oath administered by any member of the board. It may subpoena witnesses or documents on its own motion, and it must do so when a request is made under the provisions of subdivision (g)(2)c, above.

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

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

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

(h) Motor Vehicle Review Subcommittee. -- The chair of the board of equalization and review shall appoint a subcommittee at the board's first meeting of the calendar year. The subcommittee shall hear and decide all appeals relating to the appraisal, situs, and taxability of classified motor vehicles under G.S. 105-330.2(b) and may meet as needed to exercise this authority. The subcommittee shall consist of three board members and three alternate members, which may include the alternate board members. Three members shall constitute a quorum for the purpose of transacting business. A decision of the subcommittee shall be made by a majority of the members.

(i) Reappraisal Year Panels. -- In any reappraisal year, the chair of the board of equalization and review may divide the board into separate panels consisting of three members, which may include the alternate board members. The chair shall designate one member of each panel to serve as its chair and may change the members of the panels during the year. Three members of each panel shall constitute a quorum for the purpose of transacting business. A decision of the panel shall be made by a majority of the members. A decision of a panel constitutes a decision of the board of equalization and review."

Section 2. Two of the initial five appointees to the special board of equalization and review shall be appointed to serve a one-year term.

Section 3. This act applies only to Lincoln County.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1666 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A THREE-YEAR STATUTE OF LIMITATIONS FOR ACTIONS AGAINST THE CITY OF DURHAM NOT OTHERWISE COVERED BY GENERAL OR SPECIAL LAW.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill (#), ☐ ~~which changes the title~~, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on Judiciary IV.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1666
Proposed Committee Substitute H1666-PCS2429-ST001

Short Title: Durham Statute of Limitations. (Local)

Sponsors:

Referred to:

May 23, 2000

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A THREE-YEAR STATUTE OF LIMITATIONS FOR ACTIONS AGAINST THE CITY OF DURHAM NOT OTHERWISE COVERED BY GENERAL OR SPECIAL LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-56 shall not apply to actions against the City of Durham.

Section 2. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is further amended by adding a new section to read:

"Section 113.1. **Statute of Limitations.** An action for relief against the City not otherwise limited by Articles 3, 4, and 5 of Chapter 1 of the General Statutes, or by other general or special laws establishing a limitations period for specific types of actions, may not be commenced more than three years after the cause of action has accrued."

Section 3. This act is effective when it becomes law, and any accrued cause of action that would have existed under G.S. 1-56 but for this act and not time-barred under existing law may be filed within six months of the effective date or three years of the date of accrual, whichever is later.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1666

PROPOSED COMMITTEE SUBSTITUTE
WARNING; LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Durham Statute of Limitations. (Local)

Sponsors: Representative Miller.

Referred to: Local Government I.

May 23, 2000

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A THREE-YEAR STATUTE OF LIMITATIONS FOR ACTIONS AGAINST THE CITY OF DURHAM NOT OTHERWISE COVERED BY GENERAL OR SPECIAL LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-56 shall not apply to actions against the City of Durham.

Section 2. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is further amended by adding a new section to read:

"Section 113.1. **Statute of Limitations.** An action for relief against the City not otherwise limited by Articles 3, 4, and 5 of Chapter 1 of the General Statutes, or by other general or special laws establishing a limitations period for specific types of actions, may not be commenced more than three years after the cause of action has accrued."

Section 3. This act is effective when it becomes law, and any accrued cause of action that would have existed under G.S. 1-56 but for this act and not time-barred under existing law

may be filed within six months of the effective date or three years of the date of accrual, whichever is later.

HB 1666:
Durham Statute of Limitations

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative Miller
Date:	June 6, 2000	**Summary by:**	Erika Churchill
Version:	1		Committee Counsel

SUMMARY: This bill changes the length of time a plaintiff has to bring certain actions against the City of Durham.

CURRENT LAW: Chapter 1 of the General Statutes set forth time limitations within which actions must be brought against a party, or otherwise the action is lost. Article Three sets forth the General Provisions, Article 4, the limitations with respect to Real Property, and Article Five, the limitations other than Real Property. Article 5A sets forth a "catch-all" provision to apply to all actions not otherwise limited, and provides that the action must be brought within 10 years if not otherwise specified.

BILL ANALYSIS: This bill amends the city charter of Durham to state that Article 5A does not apply to the City of Durham. Instead, the bill provides that the "catch-all" statute of limitations as to actions against the City of Durham is reduced to three years. It does not alter the provisions of Articles 3, 4, and 5, which set forth statutes of limitations for most claims.

BACKGROUND: Prior to 1981, the statute of limitations for all actions brought against a county or city in North Carolina was two years, unless the claim was based upon bonds, notes or interest coupons. In 1981, the General Assembly removed this provision and counties and cities became subject to the statutes of limitations applied to all other entities.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1666

Short Title: Durham Statute of Limitations. (Local)

Sponsors: Representative Miller.

Referred to: Local Government I.

May 23, 2000

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A THREE-YEAR STATUTE OF LIMITATIONS FOR ACTIONS AGAINST THE CITY OF DURHAM NOT OTHERWISE COVERED BY GENERAL OR SPECIAL LAW.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is further amended by adding a new section to read:

"Section 113.1. **Statute of Limitations.** G.S. 1-56 shall not apply to the City of Durham. An action for relief not otherwise limited by Articles 3, 4, and 5 of Chapter 1 of the General Statutes, or by other general or special laws establishing a limitations period for specific types of actions, may not be commenced more than three years after the cause of action has accrued."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1668 A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF WHITEVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☒ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HOUSE BILL 1668 :
Extend Whiteville ETJ

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative Hill
Date:	June 6, 2000	**Summary by:**	Kristen Crosson
Version:	First edition		Research Assistant

SUMMARY:

This bill authorizes the City of Whiteville to exercise its extraterritorial planning and zoning jurisdiction up to 2 miles beyond its municipal limits.

This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1668*

Short Title: Extend Whiteville ETJ. (Local)

Sponsors: Representative Hill.

Referred to: Local Government I.

May 24, 2000

A BILL TO BE ENTITLED

AN ACT ALLOWING THE CITY OF WHITEVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

The General Assembly of North Carolina enacts:

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

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1670 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF MARSHVILLE AND OTHER LAWS RELATING TO THE CITY BY DELETING THROUGH OUT THE WORDS "BOARD OF ALDERMEN", "BOARD",AND "ALDERMAN" AND SUBSTITUTING, AS APPROPRIATE, THE WORDS "CITY COUNCIL" AND "COUNCIL MEMBER".

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HOUSE BILL 1670:
Marshville Charter Amendment

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Reps. Melton & Goodwin
Date:	June 6, 2000	**Summary by:**	Kristen Crosson
Version:	First edition		Research Assistant

SUMMARY:

This bill amends the charter of the town of Marshville by removing the words "Board of Aldermen" and "Board" wherever they appear and replacing these words with "City Council". Wherever the word "Alderman" appears, it is replaced with "Council Member".
This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1670

Short Title: Marshville Charter Amendment. (Local)

Sponsors: Representatives Melton; and Goodwin.

Referred to: Local Government I.

May 24, 2000

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MARSHVILLE AND OTHER LAWS RELATING TO THE CITY BY DELETING THROUGHOUT THE WORDS "BOARD OF ALDERMEN", "BOARD", AND "ALDERMAN" AND SUBSTITUTING, AS APPROPRIATE, THE WORDS "CITY COUNCIL" AND "COUNCIL MEMBER".

The General Assembly of North Carolina enacts:

Section 1. Wherever in any provision of the Charter of the Town of Marshville, being Chapter 313 of the 1913 Private Laws, as amended, or in any general, local, public-local, special, or private act relating to the Town of Marshville the following "Board of Aldermen" or "Board" appear, the same shall be deleted, and the words "City Council" shall be inserted.

Section 2. Wherever in any provision of the Charter of the Town of Marshville, being Chapter 313 of the 1913 Private Laws, as amended, or in any general, local, public-local, special, or private act relating to the Town of Marshville the word "Alderman" appears, the word shall be deleted, and the words "Council Member" shall be inserted.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1753 A BILL TO BE ENTITLED AN ACT TO REDUCE THE PISTOL PERMIT FEE IN MARTIN COUNTY FROM TWENTY DOLLARS TO FIVE DOLLARS.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☒ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HOUSE BILL 1753:
Martin County/Pistol Permit Fee

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative Rogers
Date:	June 6, 2000	**Summary by:**	Kristen Crosson
Version:	First edition		Research Assistant

SUMMARY:

This bill changes the cost of a pistol permit fee in Martin and Pitt Counties from $20 to $5 by repealing Session Law 1993-205 (which had raised the fee from $5 to $20). This brings Martin and Pitt Counties in accordance with G.S. 14-404, which states a fee of $5 shall be charged for a pistol permit.
This act is effectve when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1753

Short Title: Martin County/Pistol Permit Fee. (Local)

Sponsors: Representative Rogers.

Referred to: Local Government I.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE PISTOL PERMIT FEE IN MARTIN COUNTY FROM TWENTY DOLLARS TO FIVE DOLLARS.

The General Assembly of North Carolina enacts:

Section 1. S.L. 1993-205, as amended by S.L. 1999-285, is repealed.

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

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

June 20, 2000

The House Committee on Local Government I met on Tuesday, June 20, 2000, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman Saunders, Representatives Barefoot, Buchanan, Decker, Ellis, Hill, Kiser, McCrary, and Setzer. Giles Perry, Erika Churchill, and Kristen Crosson, Staff Counsel were in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order. The following bill was then considered:

The first order of business was **HB 1748, A BILL TO BE ENTITLED AN ACT TO CHANGE THE PURPOSES FOR WHICH THE GRANVILLE COUNTY OCCUPANCY TAX CAN BE USED AND TO MAKE TECHNICAL CHANGES.** Representative Crawford, was recognized to explain the bill for the Sponsor, Representative Fox. Representative Buchanan moved for a favorable report and to re-refer the bill to the committee on Finance. The motion carried.

The next order of business was **HB 1779, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO ESTABLISH REQUIREMENTS CONCERNING SWEATSHOPS.** Representative Luebke, bill sponsor, was recognized to explain the bill. After explanation, he yielded to Lonna Harkrader, Durham Citizens, to give a brief overview of the bill and it's need. After much committee discussion, Representative Ellis offered an amendment. Representative Buchanan moved for the adoption of the amendment; the motion passed and it was properly brought before the committee. Giles Perry answered questions from members. Representative Saunders moved to roll the amendment into a committee substitute and give it a favorable report; unfavorable to the original bill. The motion carried.

The next order of business was **HB 1802, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF SALISBURY TO ALLOW THE SALE OF PROPERTY LOCATED WITHIN A DESIGNATED COMMUNITY AND ECONOMIC DEVELOPMENT PROJECT AREA.** Representative Gardner, bill sponsor, explained the bill. Representative Saunders moved for a favorable report; the motion carried.

The next order of business was **SB 1263, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO USE WHEEL LOCKS TO ENFORCE PARKING ORDINANCES.** Representative Gulley was recognized to explain the bill for the bill sponsor, Senator Dannelly. Giles Perry brought a committee substitute and stated that there was a change in some language only. Representative Buchanan moved the committee substitute be adopted for committee discussion; the motion carried. Representative Decker moved for the committee substitute to be given a

favorable report and be re-referred to the committee on Finance; unfavorable to the original bill; motion carried.

The next order of business was **HB 1492, A BILL TO BE ENTITLED AN ACT TO EXEMPT AVERY COUNTY FROM RECENT LEGISLATION CONCERNING THE SALARY OF THE COUNTY SUPERVISOR OF ELECTIONS.** Representative Buchanan, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Decker moved for adoption of the committee substitute and it was properly before the committee for discussion. Representative Decker motioned for a favorable report to the committee substitute; unfavorable to the original bill. The motion carried.

The next order of business was **HB 1732, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO PROTECT AND REGULATE EROSION CONTROL WORKS AS A PUBLIC ENTERPRISE.** Representative Redwine, bill sponsor, was recognized to explain the bill. Representative Buchanan moved for a favorable report. The motion carried.

The final order of was **HB 1783, A BILL TO BE ENTITLED AN ACT ALLOWING THE DISPOSITION OF CERTAIN PROPERTY OF THE TOWN OF OCEAN ISLE BEACH BY PRIVATE SALE.** Representative Redwine, bill sponsor, was again recognized to explain the bill. Representative Baddour offered a committee substitute to include the city of Kinston. Representative Buchanan moved for adoption of the committee substitute and it was properly before the committee for discussion. Representative Redwine explained the bill. Representative Saunders moved for a favorable report to the committee substitute; unfavorable to the original bill. The motion carried.

There being no further business, the Chair adjourned the meeting at 11:45.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

June 20, 2000
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS:

HB 1732 OCEAN ISLE BEACH EROSION CONTROL
REPRESENTATIVE REDWINE

HB 1783 OCEAN ISLE PROPERTY DISPOSITION
REPRESENTATIVE REDWINE

HB 1748 CHANGE GRANVILLE ROOM USE TAX USE
REPRESENTATIVE FOX

HB 1779 DURHAM ANTI-SWEATSHOP REQUIREMENTS
REPRESENTATIVE LUEBKE

HB 1802 SALISBURY PROPERTY SALES
REPRESENTATIVE GARDNER

SB 1263 CHARLOTTE WHEEL LOCKS ALLOWED
SENATOR DANNELLY

HB 1492 AVERY ELECTION SUPERVISOR SALARY
REPRESENTATIVE BUCHANAN

ADJOURNMENT

VISITOR REGISTRATION SHEET

Loc + Reg Gov I — 6-20-00

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Greg Retsinas	NY Times Group
Barron Thompson	Institute of Government
Jessica Pollard	Institute of Government
Amy Farlow	Hafer, Caldwell
David Ferrell	NC Hotel & Motel Assn
John Phelps	NCLM
MARK CARLSON	NCLM
Stephanie Mansur	NC Association of REALTORS
Hal Mills	NC CWA
Lonna Harkrader	Durham Citizens 1320 Shepherd St 27707

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1748 A BILL TO BE ENTITLED AN ACT TO CHANGE THE PURPOSES FOR WHICH THE GRANVILLE COUNTY OCCUPANCY TAX CAN BE USED AND TO MAKE TECHNICAL CHANGES.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☒ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HB 1748:
Change Granville Room Tax Use

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative Fox
Date:	June 13, 2000	**Summary by:**	Erika Churchill
Version:	Proposed Committee Sustitute		Committee Counsel

SUMMARY: ***This bill would change the authorized expenditures for Room Tax collected in Granville County, and establish a Tourism Authority Board in Granville County.***

BILL ANALYSIS: The bill would establish the Granville Tourism Development Authority, to be appointed by the County, the City of Oxford and the City of Creedmoor. The duties of the Authority would include oversight of the room occupancy tax receipts. The funds would be spent for tourism - related expenditures and to promote travel and tourism in Granville County.

The Room Occupancy Tax in Granville County would be up to 5% of the gross receipts derived from the rental of any room, lodging, or accommodation. However, during the first seven (7) years of implementation, the tax is limited to no more than 3% of gross receipts. The money collected, less the cost of administration, could be used as follows:

- **First seven (7) Years.** The tax can be up to 3%.
    1. 2/3 of net receipts for tourism-related expenditures as specified:
        a. Developing facilities for fishing tournaments, skiing tournaments, and boating events;
        b. construction of facilities for festivals;
        c. construction of tournament grade multi-purpose athletic facilities;
        d. Making capital expenditures designed to attract tourist and business travelers.
    2. 1/3 of net receipts for promotion of travel and tourism in Granville County.
- **After first seven (7) Years.** The tax can be up to 5%.
    1. 1/3 of net receipts for promotion of travel and tourism in Granville County.
    2. 2/3 of net receipts for tourism-related expenditures.

EFFECTIVE DATE: October 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1748

Short Title: Change Granville Room Tax Use. (Local)

Sponsors: Representative Fox.

Referred to: Local Government I.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE PURPOSES FOR WHICH THE GRANVILLE COUNTY OCCUPANCY TAX CAN BE USED AND TO MAKE TECHNICAL CHANGES.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 454 of the 1993 Session Laws reads as rewritten:

"Section 1. Occupancy tax.

(a) **Authorization and Scope.**

The Granville County Board of Commissioners may ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy tax of five percent (5%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations. The combined occupancy tax rates for Granville County and any city or town that is located in Granville County and is authorized to levy a room occupancy tax may not exceed six percent (6%).

(b) **Administration.**

A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

~~(b) Collection.~~

~~Every operator of a business subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

~~(c) Administration.~~

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

~~A return filed with the county finance officer under this section is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.~~

~~(d) Penalties.~~

~~A person, firm, corporation, or association who fails or refuses to file the return required by this section is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The board of commissioners has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.~~

(e) **Use of Tax Revenue.**

Granville County shall use at least ~~two-thirds~~ one-third of the proceeds of the tax revenue to promote travel and tourism and shall use the remaining tax proceeds for tourism-related expenditures. The term "promote travel and tourism" means to advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the county; the term includes administrative expenses incurred in engaging in the listed activities. The term "tourism-related expenditures" means expenditures that are designed to increase the use of lodging facilities in the county or to attract tourists or business travelers to the county and expenditures by the county to administer and collect the tax; it includes expenditures for the construction or maintenance of a convention or meeting facility and tournament-grade ballparks, to be used primarily by individuals who are not residents of the ~~county~~ county, and for the construction or maintenance of a coliseum or a visitors' ~~center, but does not include other capital expenditures.~~ center.

~~(f) Effective Date of Levy.~~

~~A tax levied under this section shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.~~

~~(g) Repeal.~~

~~A tax levied under this section may be repealed by a resolution adopted by the Granville County Board of Commissioners. Repeal of a tax levied under this section shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this section does not affect a liability for a tax that was attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.~~"

Section 2. G.S. 153A-155 reads as rewritten:

"**§ 153A-155. Uniform provisions for room occupancy taxes.**

(a) Scope. -- This section applies only to counties the General Assembly has authorized to levy room occupancy taxes.

(b) Levy. -- A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. -- Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing county a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. -- The taxing county shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the taxing county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the county finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. -- A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing county has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

(f) Repeal or Reduction. -- A room occupancy tax levied by a county may be repealed or reduced by a resolution adopted by the governing body of the county. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

(g) This section applies only to Avery, Brunswick, Craven, Currituck, Davie, Granville, Madison, Nash, Person, Randolph, Scotland, and Transylvania Counties."

Section 3. This act becomes effective October 1, 2000, and applies to taxes collected on or after that date.

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1779 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO ESTABLISH REQUIREMENTS CONCERNING SWEATSHOPS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill (#), ☐ ~~which changes the title,~~ unfavorable as to (original bill) ~~(Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HB 1779:
Durham Anti-Sweatshop Requirements

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Reps. Luebke and Miller
Date:	June 13, 2000	**Summary by:**	Erika Churchill
Version:	1		Committee Counsel

SUMMARY: ***This would amend the city charter of Durham to permit Durham to consider working conditions of employees of a potential supplier of clothing or textiles when awarding a contract.***

CURRENT LAW: General Statutes currently permit a governmental unit to consider the following when awarding a bid for the purchase of goods:

- quality
- performance
- time for performance.

BILL ANALYSIS: This bill would allow Durham to consider additional criteria when awarding a bid or contract for the purchase of clothing or textiles. The additional criteria would be the working conditions of the employees producing the clothing or textiles.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 1779
Committee Substitute Favorable 6/21/00

Short Title: Durham Anti-Sweatshop Requirements. (Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO ESTABLISH REQUIREMENTS CONCERNING SWEATSHOPS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is amended by adding a new section to read:

"Section 84.4. **Anti-Sweatshop Requirements.** (a) The City Council may establish, agree to, and comply with anti-sweatshop requirements by including the requirements in the specifications for contracts to purchase or rent apparel or textiles and awarding bids pursuant to G.S. 143-129 and G.S. 143-131, if applicable, to the lowest responsible bidders meeting these and other specifications. Anti-sweatshop requirements may include:

(1) Prohibitions against violations of applicable law or regulation, forced labor, or employment of children; and

(2) The disclosure of:

a. The locations and ownership of the manufacturing company where the apparel or textiles are made, finished, packed, or otherwise processed;

b. Compensation to workers; and

c. Any other information necessary and proper for the enforcement of other anti-sweatshop requirements and not in violation of any other State law.

(b) The authority granted by this section is in addition to, and not in derogation of, any other authority granted by this Charter or any other law."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1779
Proposed Committee Substitute H1779-PCS7371-ST001

Short Title: Durham Anti-Sweatshop Requirements. (Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO ESTABLISH REQUIREMENTS CONCERNING SWEATSHOPS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is amended by adding a new section to read:

"Section 84.4. **Anti-Sweatshop Requirements.** (a) The City Council may establish, agree to, and comply with anti-sweatshop requirements by including the requirements in the specifications for contracts to purchase or rent apparel or textiles and awarding bids pursuant to G.S. 143-129 and G.S. 143-131, if applicable, to the lowest responsible bidders meeting these and other specifications. Anti-sweatshop requirements may include:

(1) Prohibitions against violations of applicable law or regulation, forced labor, or employment of children; and

(2) The disclosure of:

a. The locations and ownership of the manufacturing company where the apparel or textiles are made, finished, packed, or otherwise processed;

b. Compensation to workers; and

c. Any other information necessary and proper for the enforcement of other anti-sweatshop requirements and not in violation of any other State law.

(b) The authority granted by this section is in addition to, and not in derogation of, any other authority granted by this Charter or any other law."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1779

Short Title: Durham Anti-Sweatshop Requirements. (Local)

Sponsors: Representatives Luebke; and Miller.

Referred to: Local Government I.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO ESTABLISH REQUIREMENTS CONCERNING SWEATSHOPS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is amended by adding a new section to read:

"Sec. 84.4. Anti-sweatshop requirements.

(a) The City Council may establish, agree to, and comply with anti-sweatshop requirements by including the requirements in the specifications for contracts to purchase or rent apparel or textiles and awarding bids pursuant to G.S. 143-129 and G.S. 143-131, if applicable, to the lowest responsible bidders meeting these and other specifications. Anti-sweatshop requirements may include: (1) prohibitions against violations of applicable law or regulation, forced labor, dangerous working conditions, or employment of children; and (2) the disclosure of (i) the locations and ownership of the facilities where the apparel or textiles are made, finished, packed, or otherwise processed, (ii) compensation to workers, and (iii) any other information necessary and proper for the enforcement of other anti-sweatshop requirements.

(b) The authority granted by this section is in addition to, and not in derogation of, any other authority granted by this Charter or any other law."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1802 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF SALISBURY TO ALLOW THE SALE OF PROPERTY LOCATED WITHIN A DESIGNATED COMMUNITY AND ECONOMIC DEVELOPMENT PROJECT AREA.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HB 1802:
Salisbury Property Sales

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative Gardner
Date:	June 13, 2000	**Summary by:**	Erika Churchill
Version:	1		Committee Counsel

SUMMARY: ***This bill would permit the City of Salisbury to dispose of city owed real property by private sale or public auction when the property is located with a Community and Economic Development Project Area, as determined by the City.***

BILL ANALYSIS: This bill would amend the charter of the City of Salisbury to change Subchapter 9.1 from "Public or Private Sale of Property" to "Sale of Property Located Within a Designated Community and Economic Development Project Area." The City would, when it deems it necessary for the health, safety and welfare of the City, designate an area as a Community and Economic Development Project Area. The if the City finds it necessary to sell or dispose of property within that designated area, it may do so by public sale or private negotiated sale. This may be done for consideration or no consideration. Notice must be given at least 10 days prior to the adoption of any resolution disposing of the property.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1802

Short Title: Salisbury Property Sales. (Local)

Sponsors: Representative Gardner.

Referred to: Local Government I.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF SALISBURY TO ALLOW THE SALE OF PROPERTY LOCATED WITHIN A DESIGNATED COMMUNITY AND ECONOMIC DEVELOPMENT PROJECT AREA.

The General Assembly of North Carolina enacts:

Section 1. The existing "SUBCHAPTER A. SALE OF PROPERTY" of Chapter IX of the Charter of the City of Salisbury found in Section 1 of Chapter 205 of the 1987 Session Laws reads as rewritten:

~~"SUBCHAPTER A. SALE OF PROPERTY~~

~~"Sec. 9.1. **Public or private sale of property.** The City Council may publicly or privately sell, lease, rent, exchange or otherwise convey, or cause to be publicly or privately sold, leased, rented, exchanged or otherwise conveyed, any property, real or personal or any interest in such property, belonging to the City.~~

"SUBCHAPTER A. SALE OF PROPERTY LOCATED WITHIN A DESIGNATED COMMUNITY AND ECONOMIC DEVELOPMENT PROJECT AREA.

"Sec. 9.1. **Public or Private Sale of Property Located Within a Designated Community and Economic Development Project Area.** The City may, when it deems it necessary for the health, safety, and welfare of the City, designate an area as a 'Community and Economic Development Project Area.' When the City Council determines that a sale or disposition of City-owned property located within a designated Community and Economic Development Project Area is necessary, the City may, in addition to other means, sell, exchange, or transfer the fee or any lesser interest in real property, either by public sale or by negotiated private sale. The City may attach to the transfer and to the interest conveyed any covenants, conditions, or

restrictions (or any combination of these) as the City deems necessary to further any adopted policies or plans. The consideration received by the City, if any, for the conveyance may reflect the restricted use of the property resulting from the covenants, conditions, or restrictions. An interest in property, pursuant to this section, may be conveyed only pursuant to a resolution of the City Council authorizing the conveyance.

Notice of the proposed transaction shall be given at least 10 days prior to adoption of the resolution by publication in a newspaper of general circulation, generally describing all of the following:

(1) The project area designated by the City Council as a Designated Community and Economic Development Project Area.

(2) The specific property involved.

(3) The nature of the interest to be conveyed.

(4) All of the material terms of the proposed transaction, including any covenants, conditions, or restrictions which may be applicable.

The notice shall give the time and the place of the Council meeting where the proposed transaction will be considered and shall announce the Council's intention to authorize the proposed transaction."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 1263 A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO USE WHEEL LOCKS TO ENFORCE PARKING ORDINANCES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill (#), ☐ ~~which changes the title~~, unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (and recommendation that the committee substitute bill #) be re-referred to the Committee on Finance.

☒ With a favorable report as to House committee substitute bill (#), unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

SB 1263:
Charlotte Wheel Locks Allowed

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Senator Dannelly
Date:	June 13, 2000	**Summary by:**	Erika Churchill
Version:	2		Committee Counsel

SUMMARY: ***The bill would permit the City of Charlotte to provide by ordinance for***

a. towing penalties, and

b. the use of wheel locks on illegally parked vehicles for which there are 3 or more outstanding parking tickets for a period of 90 days.

BILL ANALYSIS: The bill would permit the City of Charlotte to adopt ordinances governing the following:

a. towing penalties, and

b. the use of wheel locks on illegally parked vehicles for which there are 3 or more outstanding parking tickets for a period of 90 days.

A. Towing Penalties. With respect to any ordinance adopted governing towing penalties, the vehicle may be held until the towing fee and penalties related to all outstanding parking tickets is paid in full or a bond posted in that amount. The payment of such penalties does not constitute a waiver of a person's right to contest the towing or the parking tickets and penalties.

B. Wheel Locks. With respect to any ordinance adopted governing the use of wheel locks, the City must provide for notice or warning to affixed to the vehicle, immobilization, towing, impoundment, appeal hearing, and fees and charges. The immobilization fee can not exceed $50.00.

BACKGROUND: Similar authority was granted to the Town of Chapel Hill in 1975.

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

This summary was contributed to by Kristen Crosson.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 3

SENATE BILL 1263*
State and Local Government Committee Substitute Adopted 5/25/00
House Committee Substitute Favorable 6/20/00

Short Title: Charlotte Wheel Locks Allowed. (Local)

Sponsors:

Referred to:

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF CHARLOTTE TO USE WHEEL LOCKS TO ENFORCE PARKING ORDINANCES.

The General Assembly of North Carolina enacts:

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

"Section 6.28. **Towing Penalties.** The Council may provide by ordinance that any vehicle that has been towed for a parking violation is to be held until the towing fee and penalties related to all outstanding parking tickets and penalties owed to the City are paid in full, or a bond is posted in the amount of the towing fee and all outstanding parking tickets and penalties. Payment of the towing fee and all outstanding parking tickets and penalties shall not constitute a waiver of a person's right to contest the towing or the outstanding parking tickets and penalties."

Section 2. Chapter VI, Subchapter A, Article II of the Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws, is amended by adding a new section:

"Section 6.29. **Wheel Locks Permitted.** The Council may provide by ordinance for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets for a period of 90 days. The ordinance shall provide for notice or warning to be affixed to the vehicle,

immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars ($50.00), and charges for towing and storage. The City shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle."

Section 3. If Senate Bill 1391 or House Bill 1667, 1999 Session, becomes law, then Section 6.11 of the City of Charlotte, as enacted by Senate Bill 1391 or House Bill 1667, reads as rewritten:

"Section 6.11. **Parking Regulations and Violations.** (a) The Council may provide by ordinance that each hour a vehicle remains illegally parked in an on-street parking space is a separate offense, and the violator may be given a ticket for each offense.

(b) The Council may provide by ordinance that any vehicle that has been towed for a parking violation is to be held until the towing fee ~~and any related parking tickets and penalties are paid in full, or a bond is posted in the amount of the towing fee and any related parking tickets and penalties. Payment of the towing fee and any related parking tickets and penalties or posting of a bond shall not constitute a waiver of a person's right to contest the towing or any related parking tickets and penalties.~~ and penalties related to all outstanding parking tickets and penalties owed to the City are paid in full, or a bond is posted in the amount of the towing fee and all outstanding parking tickets and penalties. Payment of the towing fee and all outstanding parking tickets and penalties shall not constitute a waiver of a person's right to contest the towing or the outstanding parking tickets and penalties.

(c) The Council may provide by ordinance for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets for a period of 90 days. The ordinance shall provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars ($50.00), and charges for towing and storage. The City shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 1263*
State and Local Government Committee Substitute Adopted 5/25/00
Proposed House Committee Substitute S1263-PCS6790-LB1

Short Title: Charlotte Wheel Locks Allowed. (Local)

Sponsors:

Referred to:

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF CHARLOTTE TO USE WHEEL LOCKS TO ENFORCE PARKING ORDINANCES.

The General Assembly of North Carolina enacts:

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

"Section 6.28. **Towing Penalties.** The Council may provide by ordinance that any vehicle that has been towed for a parking violation is to be held until the towing fee and penalties related to all outstanding parking tickets and penalties owed to the City are paid in full, or a bond is posted in the amount of the towing fee and all outstanding parking tickets and penalties. Payment of the towing fee and all outstanding parking tickets and penalties shall not constitute a waiver of a person's right to contest the towing or the outstanding parking tickets and penalties."

Section 2. Chapter VI, Subchapter A, Article II of the Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws, is amended by adding a new section:

"Section 6.29. **Wheel Locks Permitted.** The Council may provide by ordinance for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets for a period of 90 days. The ordinance shall provide for notice or warning to be affixed to the vehicle,

immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars ($50.00), and charges for towing and storage. The City shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle."

Section 3. If Senate Bill 1391 or House Bill 1667, 1999 Session, becomes law, then Section 6.11 of the City of Charlotte, as enacted by Senate Bill 1391 or House Bill 1667, reads as rewritten:

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(b) The Council may provide by ordinance that any vehicle that has been towed for a parking violation is to be held until the towing fee ~~and any related parking tickets and penalties are paid in full, or a bond is posted in the amount of the towing fee and any related parking tickets and penalties. Payment of the towing fee and any related parking tickets and penalties or posting of a bond shall not constitute a waiver of a person's right to contest the towing or any related parking tickets and penalties.~~ and penalties related to all outstanding parking tickets and penalties owed to the City are paid in full, or a bond is posted in the amount of the towing fee and all outstanding parking tickets and penalties. Payment of the towing fee and all outstanding parking tickets and penalties shall not constitute a waiver of a person's right to contest the towing or the outstanding parking tickets and penalties.

(c) The Council may provide by ordinance for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets for a period of 90 days. The ordinance shall provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars ($50.00), and charges for towing and storage. The City shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 1263*
State and Local Government Committee Substitute Adopted 5/25/00

Short Title: Charlotte Wheel Locks Allowed. (Local)

Sponsors:

Referred to:

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF CHARLOTTE TO USE WHEEL LOCKS TO ENFORCE PARKING ORDINANCES.

The General Assembly of North Carolina enacts:

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

"Section 6.28. **Towing Penalties.** The Council may provide by ordinance that any vehicle that has been towed for a parking violation is to be held until the towing fee and penalties related to all outstanding parking tickets and penalties owed to the City are paid in full, or a bond is posted in the amount of the towing fee and all outstanding parking tickets and penalties. Payment of the towing fee and all outstanding parking tickets and penalties shall not constitute a waiver of a person's right to contest the towing or the outstanding parking tickets and penalties."

Section 2. Chapter VI, Subchapter A, Article II of the Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws, is amended by adding a new section:

"Section 6.29. **Wheel Locks Permitted.** The Council may provide by ordinance for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets for a period of 90 days. The ordinance shall provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars ($50.00), and charges for towing and storage. The City shall not

be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1492 A BILL TO BE ENTITLED AN ACT TO EXEMPT AVERY COUNTY FROM RECENT LEGISLATION CONCERNING THE SALARY OF THE COUNTY SUPERVISOR OF ELECTIONS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill (#), ☒ which changes the title, unfavorable as to (original bill) ~~(Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HB 1492:
Avery Election Supervisor

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative Buchanan
Date:	June 20, 2000	**Summary by:**	Erika Churchill
Version:	First Edition		Committee Counsel

SUMMARY: ***This bill would exempt Avery County from Section 7 of 1999 Sesssion Law 426.***

CURRENT LAW: 1999 Session Law 426 amended the minimum pay county board of commissioners are required to pay directors of elections, effective July 1, 2000. Prior to July 1, 2000, the minimum compensation for directors of elections was the equivalent of an hourly wage of $8.00 per hour. Effective July 1, 2000, the minimum hourly equivalent is $12.00 per hour.

BILL ANALYSIS: The bill would exempt Avery County from this requirment.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 1492
Committee Substitute Favorable 6/21/00

Short Title: Election Supervisor Salary Study. (Local)

Sponsors:

Referred to:

May 9, 2000

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A STUDY OF THE IMPLICATION OF THE STATE HAVING RAISED THE MINIMUM SALARY FOR COUNTY SUPERVISORS OF ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. The General Assembly in S.L. 1999-426 raised the minimum salary of county supervisors of elections. This action is viewed by many as an unfunded mandate of local governments, who are required to pay the salary. The act placed a much greater burden on smaller counties and those with less financial resources.

Section 2. The Legislative Research Commission shall study the issue of minimum salaries of county supervisors of elections, and shall specifically examine whether to recommend that the State assume funding for such positions as has been done for clerks of court.

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

LEGISLATIVE
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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1492
Proposed Committee Substitute H1492-CSLB-1

Short Title: Election Supervisor Salary Study. (Local)

Sponsors: Representative Buchanan.

Referred to: Local Government I.

May 9, 2000

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A STUDY OF THE IMPLICATION OF THE STATE HAVING RAISED THE MINIMUM SALARY FOR COUNTY SUPERVISORS OF ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. The General Assembly in S.L. 1999-426 raised the minimum salary of county supervisors of elections. This action is viewed by many as an unfunded mandate of local governments, who are required to pay the salary. The act placed a much greater burden on smaller counties and those with less financial resources.

Section 2. The Legislative Research Commission shall study the issue of minimum salaries of county supervisors of elections, and shall specifically examine whether to recommend that the State assume funding for such positions as has been done for clerks of court.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1492
Proposed Committee Substitute H1492-PCSA256-LB1

Short Title: Election Supervisor Salary Study. (Local)

Sponsors:

Referred to:

May 9, 2000

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A STUDY OF THE IMPLICATION OF THE STATE HAVING RAISED THE MINIMUM SALARY FOR COUNTY SUPERVISORS OF ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. The General Assembly in S.L. 1999-426 raised the minimum salary of county supervisors of elections. This action is viewed by many as an unfunded mandate of local governments, who are required to pay the salary. The act placed a much greater burden on smaller counties and those with less financial resources.

Section 2. The Legislative Research Commission shall study the issue of minimum salaries of county supervisors of elections, and shall specifically examine whether to recommend that the State assume funding for such positions as has been done for clerks of court.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1492

Short Title: Avery Election Supervisor Salary. (Local)

Sponsors: Representative Buchanan.

Referred to: Local Government I.

May 9, 2000

A BILL TO BE ENTITLED

AN ACT TO EXEMPT AVERY COUNTY FROM RECENT LEGISLATION CONCERNING THE SALARY OF THE COUNTY SUPERVISOR OF ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 7 of S.L. 1999-426 is amended by adding a new subsection to read:

"(c) This section does not apply to Avery County."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1732 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO PROTECT AND REGULATE EROSION CONTROL WORKS AS A PUBLIC ENTERPRISE.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HB 1732:
Ocean Isle Beach Erosion Control

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representatives Redwine and Hill
Date:	June 13, 2000		
Version:	1	**Summary by:**	Erika Churchill Committee Counsel

SUMMARY: ***This bill would amend the definition of public enterprise as it applies to the Town of Ocean Isle to include "erosion control works".***

CURRENT LAW: Unless otherwise given authority to do so, the only permissible public enterprises for a city or town are specifically stated in G.S. 160A-311. If a service is not specifically stated in the list, then it may not be operated and accounted for as a public enterprise. Generally, the term "enterprise" is used to describe a public service financed partially or completely through user charges and that is operated like a business. Examples include: water and sewer, electricity, public transportation, airports.

BILL ANALYSIS: This would grant authority to the Town of Ocean Isle to operate and account for erosion control works as a public enterprise.

BACKGROUND: This authority was granted to the Town of Kure Beach in 1997.

EFFECTIVE DATE: This bill would become effective when it became law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1732

Short Title: Ocean Isle Beach Erosion Control. (Local)

Sponsors: Representatives Redwine; and Hill.

Referred to: Local Government I.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO PROTECT AND REGULATE EROSION CONTROL WORKS AS A PUBLIC ENTERPRISE.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 94 of the 1997 Session Laws reads as rewritten:

"Section 3. This act is effective when it becomes law and applies only to the ~~Town~~ Towns of Kure ~~Beach.~~ Beach and Ocean Isle Beach."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1783 A BILL TO BE ENTITLED AN ACT ALLOWING THE DISPOSITION OF CERTAIN PROPERTY OF THE TOWN OF OCEAN ISLE BEACH BY PRIVATE SALE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill (#), ☒ which changes the title, unfavorable as to (original bill) ~~(Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HB 1783:
Ocean Isle/Kinston Property

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative Redwine
Date:	June 13, 2000	**Summary by:**	Erika Churchill
Version:	Proposed Committee Substitute		Committee Counsel

SUMMARY: ***This bill would permit the Town of Ocean Isle Beach to dispose of real property owned by the town located on Old Georgetown Road via private sale, public auction or any other authorized means when the town deems that the sale would advance or further economic development, transportation, urban revitalization, community development, or land-use plans; and the bill would permit the City of Kinston and the County of Lenoir to to dipose of certain property by private sale.***

BILL ANALYSIS:

Ocean Isle. The bill would authorize the Town of Ocean Isle Beach to dispose of town-owned real property by private sale, public auction or any other authorized means when the Town determines that the sale would advance or further economic development, transportation, urban revitalization, community development, or land-use plans. The authority to dispose of real property extends only to an approximately 20-acre parcel on Old Georgetown Road. Notice must be given at least 10 days prior to the adoption of any resolution disposing of the property.

City of Kinston and County of Lenoir. The bill would amend prior Session Laws to authorize the the City and County to acquire and re-sell or lease the property for the purpose of relocating Hurricane Fran and Floyd victims.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 1783
Committee Substitute Favorable 6/20/00

Short Title: Ocean Isle/Kinston Property. (Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

AN ACT ALLOWING THE DISPOSITION OF CERTAIN PROPERTY OF THE TOWN OF OCEAN ISLE BEACH, THE CITY OF KINSTON, AND LENOIR COUNTY BY PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. When the governing board of the Town of Ocean Isle Beach determines that a sale or disposition of property will advance or further any adopted economic development, transportation, urban revitalization, community development, or land-use plan or policy, the Town may, in addition to other authorized means, sell, exchange, or transfer the fee or any lesser interest in approximately 20 acres of real property on Old Georgetown Road, either by public sale or by negotiated private sale. The Town may attach to the transfer and to the interest conveyed such covenants, conditions, or restrictions (or a combination of them) the Town deems necessary to further such adopted policies or plans. The consideration received by the Town, if any, for such conveyance may reflect the restricted use of the property resulting from such covenants, conditions, or restrictions. An interest in property pursuant to this section may be conveyed only pursuant to resolution of the governing board authorizing the conveyance. Notice of the proposed transaction shall be given at least 10 days prior to adoption of the resolution by publication in a newspaper of general circulation, generally describing:

(1) The property involved;

(2) The nature of the interest to be conveyed; and

(3) All of the material terms of the proposed transaction, including any covenants, conditions, or restrictions which may be applicable.

The notice shall give the time and place of the meeting where the proposed transaction will be considered and shall announce the governing board's intention to authorize the proposed transaction.

Section 2. Section 1 of Chapter 1148 of the 1981 Session Laws reads as rewritten:

"Section 1. Lenoir County and the City of Kinston ~~are authorized to~~ may:

(1) Sell ~~sell~~ or lease the real property known as "Adkin School Property" for low-income housing development purposes, and in sale or lease of such real property;

(2) Acquire real property for the purpose of relocation housing for flood victims of Hurricanes Fran and Floyd, and in the sale or lease of such real property for relocation housing purposes

are exempt from restrictions and limitations required to effectuate leases or sales of real property provided for in Article 12 of Chapter 160A of the General Statutes or in the Charter of City of Kinston, as found in ~~Chapter 92, Session Laws of 1961~~ Chapter 187, Session Laws of 1987 as amended."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1783
Proposed Committee Substitute H1783-PCS7369-LB1

Short Title: Ocean Isle/Kinston Property. (Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

AN ACT ALLOWING THE DISPOSITION OF CERTAIN PROPERTY OF THE TOWN OF OCEAN ISLE BEACH, THE CITY OF KINSTON, AND LENOIR COUNTY BY PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. When the governing board of the Town of Ocean Isle Beach determines that a sale or disposition of property will advance or further any adopted economic development, transportation, urban revitalization, community development, or land-use plan or policy, the Town may, in addition to other authorized means, sell, exchange, or transfer the fee or any lesser interest in approximately 20 acres of real property on Old Georgetown Road, either by public sale or by negotiated private sale. The Town may attach to the transfer and to the interest conveyed such covenants, conditions, or restrictions (or a combination of them) the Town deems necessary to further such adopted policies or plans. The consideration received by the Town, if any, for such conveyance may reflect the restricted use of the property resulting from such covenants, conditions, or restrictions. An interest in property pursuant to this section may be conveyed only pursuant to resolution of the governing board authorizing the conveyance. Notice of the proposed transaction shall be given at least 10 days prior to adoption of the resolution by publication in a newspaper of general circulation, generally describing:

(1) The property involved;

(2) The nature of the interest to be conveyed; and

(3) All of the material terms of the proposed transaction, including any covenants, conditions, or restrictions which may be applicable.

The notice shall give the time and place of the meeting where the proposed transaction will be considered and shall announce the governing board's intention to authorize the proposed transaction.

Section 2. Section 1 of Chapter 1148 of the 1981 Session Laws reads as rewritten:

"Section 1. Lenoir County and the City of Kinston ~~are authorized to~~ may:

(1) Sell ~~sell~~ or lease the real property known as "Adkin School Property" for low-income housing development purposes, and in sale or lease of such real property;

(2) Acquire real property for the purpose of relocation housing for flood victims of Hurricanes Fran and Floyd, and in the sale or lease of such real property for relocation housing purposes

are exempt from restrictions and limitations required to effectuate leases or sales of real property provided for in Article 12 of Chapter 160A of the General Statutes or in the Charter of City of Kinston, as found in ~~Chapter 92, Session Laws of 1961~~ Chapter 187, Session Laws of 1987 as amended."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1783

Short Title: Ocean Isle Property Disposition. (Local)

Sponsors: Representatives Redwine; and Hill.

Referred to: Local Government I.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT ALLOWING THE DISPOSITION OF CERTAIN PROPERTY OF THE TOWN OF OCEAN ISLE BEACH BY PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. When the governing board of the Town of Ocean Isle Beach determines that a sale or disposition of property will advance or further any adopted economic development, transportation, urban revitalization, community development, or land-use plan or policy, the Town may, in addition to other authorized means, sell, exchange, or transfer the fee or any lesser interest in approximately 20 acres of real property on Old Georgetown Road, either by public sale or by negotiated private sale. The Town may attach to the transfer and to the interest conveyed such covenants, conditions, or restrictions (or a combination of them) the Town deems necessary to further such adopted policies or plans. The consideration received by the Town, if any, for such conveyance may reflect the restricted use of the property resulting from such covenants, conditions, or restrictions. An interest in property pursuant to this section may be conveyed only pursuant to resolution of the governing board authorizing the conveyance. Notice of the proposed transaction shall be given at least 10 days prior to adoption of the resolution by publication in a newspaper of general circulation, generally describing:

(1) The property involved;

(2) The nature of the interest to be conveyed; and

(3) All of the material terms of the proposed transaction, including any covenants, conditions, or restrictions which may be applicable.

The notice shall give the time and place of the meeting where the proposed transaction will be considered and shall announce the governing board's intention to authorize the proposed transaction.

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

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

June 27, 2000

The House Committee on Local Government I met on Tuesday, June 27, 2000, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman Saunders, Representatives Barefoot, Buchanan, Decker, Ellis, Hill, Kiser, and Setzer. Giles Perry, Erika Churchill, and Kristen Crosson, Staff Counsel were in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order. The following bill was then considered:

The first order of business was **SB 1363, A BILL ENTITLED AN ACT ALLOWING THE CITY OF WHITEVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.** Representative Hill was recognized to explain the bill for it's sponsor, Senator Soles. Representative Buchanan moved for a favorable report and the motion carried.

The next order of business was **SB 1447, A BILL ENTITLED AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING THE TOWN OF CHAPEL HILL.** Representative Insko, bill sponsor, was recognized to explain the bill. Representative Ellis moved to amend the bill to include the city of Knightdale. The motion carried and the amendment passed. Representative Ellis then moved to roll the amendment into a committee substitute and give it a favorable report; unfavorable to the original bill. The motion carried.

The next order of business was **HB 1768, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO CERTAIN GENERAL AND LOCAL LAWS AFFECTING ORANGE COUNTY.** Representative Insko, bill sponsor, explained the bill. She referred some questions from the committee to Geoffrey Gledhill, Orange County Attorney. After some discussion, Representative Buchanan moved for a favorable report. The motion carried.

The next order of business was **HB 1767, A BILL TO BE ENTITLED AN ACT TO EXPAND MECKLENBURG COUNTY'S AUTHORITY TO SELL COUNTY-OWNED REAL ESTATE.** Representative Connie Wilson, bill sponsor was recognized to explain the bill. She offered a committee substitute and Representative Buchanan moved for adoption. The motion carried and the committee substitute was properly before the committee. After explanation and discussion, Representative Ellis motioned to give the committee substitute a favorable report, unfavorable to the original bill. The motion carried.

The next order of business was **HB 1784, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE BOUNDARIES OF THE SWIFT CREEK AREA SUBJECT**

TO AN ADVISORY REFERENDUM. Representative Ellis, bill sponsor, was recognized to explain the bill. Representative Buchanan motioned for a favorable report. The motion carried.

The next order of business was **SB 1288, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO ENGAGE IN CONDITIONAL ZONING.** Representative McMahan was again recognized to explain the bill for the bill sponsor, Senator Clodfelter. Representative Baddour offered an amendment to include the city of Kinston. Representative Buchanan moved for adoption of the amendment and the motion carried. Representative Buchanan moved to roll the amendment into a committee substitute and give it a favorable report; unfavorable to the original bill. The motion carried.

The next order of business was **SB 1289, A BILL TO BE ENTITLED AN ACT TO PERMIT MECKLENBURG COUNTY TO ENGAGE IN CONDITIONAL ZONING.** Representative McMahan was recognized to explain the bill for the bill sponsor, Senator Clodfelter. Representative Buchanan moved for a favorable report. The motion carried.

The next order of business was **SB 1354, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MECKLENBURG COUNTY TO MATCH FEDERAL INDEPENDENT LIVING FUNDS IN THE EVENT THE STATE DOES NOT PROVIDE MATCHING FUNDS.** Representative Saunders was recognized to explain the bill for the bill sponsor, Senator Odom. Representative Buchanan moved for a favorable report and for the bill to be re-referred to the committee on Finance. The motion carried.

The last order of business was **SB 1382, A BILL TO BE ENTITLED AN ACT TO EXEMPT SURRY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND EXPANSION OF A BUILDING TO BE USED AS A MULTIPURPOSE FACILITY.** Representative Hiatt was recognized to explain the bill for the bill sponsor, Senator East. Representative Buchanan moved for a favorable report. The motion carried.

There being no further business, the Chair adjourned the meeting at 11:40.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

June 27, 2000
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS:

HB 1723 CHAPEL HILL OMNIBUS
REPRESENTATIVE INSKO

HB 1768 ORANGE/CHATHAM OMNIBUS ACT
REPRESENTATIVE INSKO

HB 1767 MECKLENBURG PROPERTY DISPOSITION
REPRESENTATIVE C. WILSON

HB 1784 SWIFT CREEK BOUNDARIES
REPRESENTATIVE ELLIS

SB 1288 CHARLOTTE ZONING
SENATOR CLODFELTER

SB 1289 MECKLENBURG ZONING
SENATOR CLODFELTER

SB 1354 INDEP. LIVING FUNDS/COUNTY MATCH
SENATOR ODOM

SB 1363 EXTEND WHITEVILLE ETJ
SENATOR SOLES

SB 1382 BIDDING LAW EXEMPTION/SURRY COUNTY
SENATOR EAST

ADJOURNMENT

VISITOR REGISTRATION SHEET

LUZ GOV'T — 6-27-00

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
GLENN LAMM	U.T.U
Bill Miller	Middle Creek/Swift Creek Community
Mary Carmilia	REBIC
Brian Francis	Mecklenburg County
Tom Vass	Swift Creek
John Phelps	NCLM
R. Carl Wilms	NCHBA
Richard Westbrook	UTU
Geoffrey Gledhill	Orange County Atty
BOB HAGEMANN	CITY OF CHARLOTTE
Boyd Cauble	City of Charlotte
Nellie English	Charlotte Chamber
Stephanie Mann	NCAR
David Farrell	Hofer, McNamara et al
Ed Regan	N.C. Assoc. of Co. Commissioners
[illegible]	UNC - Chapel Hill
Henry Jones	Attorney - Raleigh
[illegible]	NCHOA
Ernie Kratt	DA - Forsyth Co
[illegible]	DA - 19A
BRANNY VICKORY	DA - 8th

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 1363 A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF WHITEVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

SB 1363:
Extend Whiteville ETJ

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Senator Soles
Date:	June 27, 2000	**Summary by:**	Erika Churchill
Version:	First Edition		Committee Counsel

SUMMARY: ***This bill would authorize the City of Whiteville to exercise extraterritorial jurisdiction over an area extending two (2) miles beyond the corporate limits.***

CURRENT LAW: Under current law, a town the size of Whiteville (pop. 5,600) is permitted to exercise its extraterritorial planning and zoning jurisdiction in an area extending up to one mile beyond the corporate limits.

BILL ANALYSIS: The bill would permit the Town of Whiteville to exercise extraterritorial jurisdiction up to two (2) miles beyond the corporate limits.

BACKGROUND: The House companion bill for this bill, HB 1668, was reported favorably by this Committee on June 6th and re-referred to the House Finance Committee.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1363

Short Title: Extend Whiteville ETJ. (Local)

Sponsors: Senator Soles.

Referred to: Finance.

May 22, 2000

A BILL TO BE ENTITLED

AN ACT ALLOWING THE CITY OF WHITEVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

The General Assembly of North Carolina enacts:

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

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 1447 A BILL TO BE ENTITLED AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING THE TOWN OF CHAPEL HILL.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill ~~(#)~~, ☒ which changes the title, unfavorable as to ~~Senate committee substitute bill~~. original bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 1447*
House Committee Substitute Favorable 6/27/00

Short Title: Chapel Hill/Knightdale Omnibus. (Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING THE TOWNS OF CHAPEL HILL AND KNIGHTDALE.

The General Assembly of North Carolina enacts:

Section 1.(a) G.S. 143-135 reads as rewritten:

"**§ 143-135. Limitation of application of Article.**

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty-five thousand dollars ($125,000)~~ one hundred seventy-five thousand dollars ($175,000) or the total cost of labor on the project does not exceed ~~fifty thousand dollars ($50,000).~~ seventy-five thousand dollars ($75,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for the inspection by the general public. Construction or repair

work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

Section 1.(b) This section applies to the Town of Chapel Hill only.

Section 2. Section 2 of S.L. 1997-216, as amended by S.L. 1999-17 and S.L. 1999-181, and as rewritten by Section 48(c) of S.L. 1999-456, reads as rewritten:

"Section 2. (a) This act applies to the Cities of Charlotte, Fayetteville, Greensboro, High Point, Rocky Mount, and Wilmington, and the Towns of Chapel Hill, Cornelius, Huntersville, Knightdale, and Matthews only.

(b) The Towns of Chapel Hill and Knightdale may only use the authority granted by this section for violation of statutes or ordinances related to traffic signals."

Section 3.(a) G.S. 160A-301(d) reads as rewritten:

"(d) The governing body of any city may, by ordinance, regulate the stopping, standing, or parking of vehicles in specified areas of any parking areas or driveways of a hospital, shopping center, apartment house, condominium complex, or commercial office complex, or any other privately owned public vehicular area, as well as any private lot used for residential purposes whether or not demarcated as a vehicular area, or prohibit such stopping, standing, or parking during any specified hours, provided the owner or person in general charge of the operation and control of that area requests in writing that such an ordinance be adopted. The owner of a vehicle parked in violation of an ordinance adopted pursuant to this subsection shall be deemed to have appointed any appropriate law-enforcement officer as his agent for the purpose of arranging for the transportation and safe storage of such vehicle."

Section 3.(b) This section applies to the Town of Chapel Hill only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 1447*
Proposed House Committee Substitute S1447-PCSA695-LB

Short Title: Chapel Hill/Knightdale Omnibus. (Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING THE TOWNS OF CHAPEL HILL AND KNIGHTDALE.

The General Assembly of North Carolina enacts:

Section 1.(a) G.S. 143-135 reads as rewritten:

"**§ 143-135. Limitation of application of Article.**

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty-five thousand dollars ($125,000)~~ one hundred seventy-five thousand dollars ($175,000) or the total cost of labor on the project does not exceed ~~fifty thousand dollars ($50,000).~~ seventy-five thousand dollars ($75,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for the inspection by the general public. Construction or repair

work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

Section 1.(b) This section applies to the Town of Chapel Hill only.

Section 2. Section 2 of S.L. 1997-216, as amended by S.L. 1999-17 and S.L. 1999-181, and as rewritten by Section 48(c) of S.L. 1999-456, reads as rewritten:

"Section 2. (a) This act applies to the Cities of Charlotte, Fayetteville, Greensboro, High Point, Rocky Mount, and Wilmington, and the Towns of Chapel Hill, Cornelius, Huntersville, Knightdale, and Matthews only.

(b) The Towns of Chapel Hill and Knightdale may only use the authority granted by this section for violation of statutes or ordinances related to traffic signals."

Section 3.(a) G.S. 160A-301(d) reads as rewritten:

"(d) The governing body of any city may, by ordinance, regulate the stopping, standing, or parking of vehicles in specified areas of any parking areas or driveways of a hospital, shopping center, apartment house, condominium complex, or commercial office complex, or any other privately owned public vehicular area, as well as any private lot used for residential purposes whether or not demarcated as a vehicular area, or prohibit such stopping, standing, or parking during any specified hours, provided the owner or person in general charge of the operation and control of that area requests in writing that such an ordinance be adopted. The owner of a vehicle parked in violation of an ordinance adopted pursuant to this subsection shall be deemed to have appointed any appropriate law-enforcement officer as his agent for the purpose of arranging for the transportation and safe storage of such vehicle."

Section 3.(b) This section applies to the Town of Chapel Hill only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1447*

Short Title: Chapel Hill Omnibus. (Local)

Sponsors: Senators Kinnaird and Lee.

Referred to: State and Local Government.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina enacts:

Section 1.(a) G.S. 143-135 reads as rewritten:

"**§ 143-135. Limitation of application of Article.**

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty-five thousand dollars ($125,000)~~ one hundred seventy-five thousand dollars ($175,000) or the total cost of labor on the project does not exceed ~~fifty thousand dollars ($50,000).~~ seventy-five thousand dollars ($75,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for the inspection by the general public. Construction or repair

work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

Section 1.(b) This section applies to the Town of Chapel Hill only.

Section 2. Section 2 of S.L. 1997-216, as amended by S.L. 1999-17 and S.L. 1999-181, and as rewritten by Section 48(c) of S.L. 1999-456, reads as rewritten:

"Section 2. (a) This act applies to the Cities of Charlotte, Fayetteville, Greensboro, High Point, Rocky Mount, and Wilmington, and the Towns of Chapel Hill, Cornelius, Huntersville, and Matthews only.

(b) The Town of Chapel Hill may only use the authority granted by this section for violation of statutes or ordinances related to traffic signals."

Section 3.(a) G.S. 160A-301(d) reads as rewritten:

"(d) The governing body of any city may, by ordinance, regulate the stopping, standing, or parking of vehicles in specified areas of any parking areas or driveways of a hospital, shopping center, apartment house, condominium complex, or commercial office complex, or any other privately owned public vehicular area, as well as any private lot used for residential purposes whether or not demarcated as a vehicular area, or prohibit such stopping, standing, or parking during any specified hours, provided the owner or person in general charge of the operation and control of that area requests in writing that such an ordinance be adopted. The owner of a vehicle parked in violation of an ordinance adopted pursuant to this subsection shall be deemed to have appointed any appropriate law-enforcement officer as his agent for the purpose of arranging for the transportation and safe storage of such vehicle."

Section 3.(b) This section applies to the Town of Chapel Hill only.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1768 A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO CERTAIN GENERAL AND LOCAL LAWS AFFECTING ORANGE COUNTY.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HB 1768:
Orange/Chathem Omnibus

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Reps. Insko and Hackney
Date:	June 27, 2000	**Summary by:**	Erika Churchill
Version:	First Edition		Committee Counsel

SUMMARY: The bill would make various local amendments applying to Orange County.

BILL ANALYSIS:

- **Collection of Ambulance Fees**

The bill would add the County of Orange to the list of those counties, which may use attachment and garnishment to collect ambulance service fees. Currently, 85 other counties have this authority.

- **Regulation of Open Burning**

The bill would grant the County of Orange specific authority to regulate by local ordinance the open burning of trees, limbs, stumps, and construction debris.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1768

Short Title: Orange/Chatham Omnibus Act. (Local)

Sponsors: Representatives Insko and Hackney.

Referred to: Local Government I.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT MAKING OMNIBUS CHANGES TO CERTAIN GENERAL AND LOCAL LAWS AFFECTING ORANGE COUNTY.

The General Assembly of North Carolina enacts:

PART I. ORANGE COUNTY ADDED TO THOSE COUNTIES USING ATTACHMENT AND GARNISHMENT IN THE COLLECTION OF AMBULANCE SERVICE FEES

Section 1. G.S. 44-51.8 reads as rewritten:

"**§ 44-51.8. Counties to which Article applies.**

The provisions of this Article shall apply only to Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cherokee, Chowan, Cleveland, Columbus, Craven, Cumberland, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Johnston, Jones, Lee, Lenoir, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pasquotank, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Union, Vance, Wake, Warren, Washington, Watauga, Wilkes, Wilson, Yadkin and Yancey Counties."

PART II. REGULATION OF OPEN BURNING

Section 2. G.S. 153A-136 reads as rewritten:

"**§ 153A-136. Regulation of solid wastes.**

(a) A county may by ordinance regulate the storage, collection, transportation, use, disposal, and other disposition of solid wastes. Such an ordinance may:

(1) Regulate the activities of persons, firms, and corporations, both public and private.

(2) Require each person wishing to commercially collect or dispose of solid wastes to secure a license from the county and prohibit any person from commercially collecting or disposing of solid wastes without a license. A fee may be charged for a license.

(3) Grant a franchise to one or more persons for the exclusive right to commercially collect or dispose of solid wastes within all or a defined portion of the county and prohibit any other person from commercially collecting or disposing of solid wastes in that area. The board of commissioners may set the terms of any franchise, except that no franchise may be granted for a period exceeding 30 years, nor may any franchise by its terms impair the authority of the board of commissioners to regulate fees as authorized by this section.

(4) Regulate the fees, if any, that may be charged by licensed or franchised persons for collecting or disposing of solid wastes.

(5) Require the source separation of materials prior to collection of solid waste for disposal.

(6) Require participation in a recycling program by requiring separation of designated materials by the owner or occupant of the property prior to disposal. An owner of recovered materials as defined by G.S. 130A-290(a)(24) retains ownership of the recovered materials until the owner conveys, sells, donates, or otherwise transfers the recovered materials to a person, firm, company, corporation, or unit of local government. A county may not require an owner to convey, sell, donate, or otherwise transfer recovered materials to the county or its designee. If an owner places recovered materials in receptacles or delivers recovered materials to specific locations, receptacles, and facilities that are owned or operated by the county or its designee, then ownership of these materials is transferred to the county or its designee.

(7) Include any other proper matter.

(b) Any ordinance adopted pursuant to this section shall be consistent with and supplementary to any rules adopted by the Commission for Health Services or the Department of Environment and Natural Resources.

(c) The board of commissioners of a county shall consider alternative sites and socioeconomic and demographic data and shall hold a public hearing prior to selecting or approving a site for a new sanitary landfill that receives residential solid

waste that is located within one mile of an existing sanitary landfill within the State. The distance between an existing and a proposed site shall be determined by measurement between the closest points on the outer boundary of each site. The definitions set out in G.S. 130A-290 apply to this subsection. As used in this subsection:

(1) "Approving a site" refers to prior approval of a site under G.S. 130A-294(a)(4).

(2) "Existing sanitary landfill" means a sanitary landfill that is in operation or that has been in operation within the five-year period immediately prior to the date on which an application for a permit is submitted.

(3) "New sanitary landfill" means a sanitary landfill that includes areas not within the legal description of an existing sanitary landfill as set out in the permit for the existing sanitary landfill.

(4) "Socioeconomic and demographic data" means the most recent socioeconomic and demographic data compiled by the United States Bureau of the Census and any additional socioeconomic and demographic data submitted at the public hearing.

(d) As used in this section, "solid waste" means nonhazardous solid waste, that is, solid waste as defined in G.S. 130A-290 but not including hazardous waste.

(e) A county may by ordinance regulate and prohibit the open burning of trees, limbs, stumps, and construction debris. A county may, as a condition of approval of any permit for a subdivision, clearing, and development of land or construction of buildings within the planning jurisdiction of the county, regulate and prohibit the open burning of trees, limbs, stumps, and construction debris associated with the permitted activity."

PART III. APPLICABILITY AND EFFECTIVE DATE

Section 3. This act applies to Orange County only.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1767 A BILL TO BE ENTITLED AN ACT TO EXPAND MECKLENBURG COUNTY'S AUTHORITY TO SELL COUNTY-OWNED REAL ESTATE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#), ☐ which changes the title,~~ unfavorable as to {original bill} ~~(Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HB 1767:
Mecklenburg Property Disposition

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Representative C. Wilson
Date:	June 27, 2000	**Summary by:**	Erika Churchill
Version:	First Edition		Committee Counsel

SUMMARY: ***This bill would permit the County of Mecklenburg to dispose of county owned real property by private sale, public auction or any other authorized means when the County deems that the sale would advance or further economic development, transportation, urban revitalization, community development, or land-use plans.***

BILL ANALYSIS: The bill would amend G.S. 160A-266 to add a new subsection, applicable only to the County of Mecklenburg. The new subsection would authorize the County of Mecklenburg to dispose of county owned real property by private sale, public auction or any other authorized means when the County deems that the sale would advance or further economic development, transportation, urban revitalization, community development, or land-use plans. Notice must be given at least 10 days prior to the adoption of any resolution disposing of the property.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 1767*
Committee Substitute Favorable 6/27/00

Short Title: Mecklenburg Property Disposition. (Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO EXPAND MECKLENBURG COUNTY'S AUTHORITY TO SELL COUNTY-OWNED REAL ESTATE.

The General Assembly of North Carolina enacts:

Section 1. G. S. 160A-266 is amended to add a new subsection to read:

"(d) When the board of commissioners determines that a sale or disposition of property will advance or further any county or municipality-adopted economic development, transportation, urban revitalization, community development, or land-use plan or policy, the county may, in addition to other authorized means sell, exchange, or transfer the fee or any lesser interest in real property, either by public sale or by negotiated private sale. The county may attach to the transfer and to the interest conveyed such covenants, conditions, or restrictions (or a combination of them) the county deems necessary to further such adopted policies or plans. The consideration received by the county, if any, for such conveyance may reflect the restricted use of the property resulting from such covenants, conditions, or restrictions. An interest in property pursuant to this subsection may be conveyed only pursuant to resolution of the board of commissioners authorizing the conveyance. Notice of the proposed transaction shall be given at least 10 days prior to adoption of the resolution by publication in a newspaper of general circulation, generally describing:

(1) The property involved;

(2) The nature of the interest to be conveyed; and

(3) All of the material terms of the proposed transaction, including any covenants, conditions, or restrictions which may be applicable.

The notice shall give the time and place of the board of commissioners' meeting where the proposed transaction will be considered and shall announce the board's intention to authorize the proposed transaction."

Section 2. This act shall apply to Mecklenburg County only and only with respect to the following parcels of land, all of which are owned by Mecklenburg County as of the date of adoption of this act and all of which have frontage on North College Street: Mecklenburg County Tax Parcels (as of January 1, 2000) 080-031-01, 080-032-04, 080-032-05, 080-041-01, and 080-041-02.

Section 3. This act is effective when it becomes law, but expires the earlier of June 30, 2002, or the date on which all property described in Section 2 of this act is sold, exchanged, or transferred.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1767*
Proposed Committee Substitute H1767-PCS5100-LB

Short Title: Mecklenburg Property Disposition. (Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

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The General Assembly of North Carolina enacts:

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1767*

Short Title: Mecklenburg Property Disposition. (Local)

Sponsors: Representative C. Wilson.

Referred to: Local Government I.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO EXPAND MECKLENBURG COUNTY'S AUTHORITY TO SELL COUNTY-OWNED REAL ESTATE.

The General Assembly of North Carolina enacts:

Section 1. G. S. 160A-266 is amended to add a new subsection to read:

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The notice shall give the time and place of the board of commissioners' meeting where the proposed transaction will be considered and shall announce the board's intention to authorize the proposed transaction."

Section 2. This act shall apply to Mecklenburg County only.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1784 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE BOUNDARIES OF THE SWIFT CREEK AREA SUBJECT TO AN ADVISORY REFERENDUM.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

HOUSE BILL 1784:
Swift Creek Boundaries

BILL ANALYSIS

Committee:	House Local Government I	**Introduced by:**	Reps. Ellis and Hensley
Date:	June 27, 2000	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1784 changes the boundaries of the "Swift Creek" area in Wake County for purposes of an advisory referendum on incorporation.***

CURRENT LAW: Last year, the General Assembly enacted legislation authorizing a nonbinding referendum on incorporation of the "Swift Creek" area of Wake County. (Chapter 192 of the 1998 Session Laws).

BILL ANALYSIS: House Bill 1784 changes the area subject to the referendum.

House Bill 1784 becomes effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1784

Short Title: Swift Creek Boundaries. (Local)

Sponsors: Representatives Ellis and Hensley.

Referred to: Local Government I.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE BOUNDARIES OF THE SWIFT CREEK AREA SUBJECT TO AN ADVISORY REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of S.L. 1998-192 reads as rewritten:

"Section 4. (a) The qualified resident voters of the area described in ~~the Swift Creek Management Plan~~ the area described in subsection (a1) of this section shall be given the opportunity to vote in a nonbinding advisory referendum on incorporation of the Swift Creek area as a municipality. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Incorporation of the Swift Creek area as a municipality, along with the payment of additional property taxes which the proposed municipality may levy."

(a1) The area subject to the referendum called by this section is as follows: The area in Wake County beginning at the intersection of Lake Wheeler Road and Ten-Ten Road, being an area bounded on the south by Ten-Ten Road; on the east by Lake Wheeler Road; on the north by the boundary of the extraterritorial jurisdiction of the City of Raleigh which consists of Little Swift Creek, also known as Steep Hill Creek, from where it intersects Lake Wheeler Road upstream to where it intersects Tryon Road, then west along Tryon Road to the intersection of Tryon Road and Campbell Road; and, on the west by the boundary of the extraterritorial jurisdiction of the Town of Cary along Campbell Road to the intersection of that boundary line and Holly Springs Road, then along Holly Springs Road to the intersection of Holly Springs Road and Ten-Ten Road, the point and place of beginning.

(b) Registration for the election shall be conducted in accordance with G.S. 163-288.2. The referendum shall be conducted on November 7, 2000."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 1288 A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO ENGAGE IN CONDITIONAL ZONING.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill (#), ☒ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

SENATE BILL 1288:
Charlotte Zoning

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Senator Clodfelter
Date:	June 27, 2000	**Summary by:**	Erika Churchill
Version:	Third Edition		Committee Counsel

SUMMARY: ***This bill will provide a process for the City of Charlotte to follow when engaging in conditional zoning.***

BILL ANALYSIS:

The bill provides guidelines to the City of Charlotte when engaging in conditional zoning. The conditional zoning process is generally set out in G.S. 160A-382. The City of Charlotte is requesting additional legislation to clarify the process currently used by the consolidated planning organization for the County of Mecklenburg and several municipalities within Mecklenburg County, including Charlotte.

Conditional zoning decisions typically involve a two-phase decision, one deemed a legislative decision to rezone the property in question, and one deemed a quasi-judicial decision to provide site-specific conditions for the use of the rezoned property. The bill would grant legislative authority for the Boards of Commissioners involved to make both conditional zoning decisions at once, in a legislative decision.

BACKGROUND: Legislation authorizing similar processes for the cities of Greensboro and Winston-Salem has previously been adopted. Also in the case of this bill, due to the consolidating planning organization, the County of Mecklenburg is requesting identical authority in SB 1289.

EFFECTIVE DATE: The bill would become effective when it becomes law, and remain in effect until August 31, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 4

SENATE BILL 1288*
State and Local Government Committee Substitute Adopted 6/7/00
Third Edition Engrossed 6/12/00
House Committee Substitute Favorable 6/27/00

Short Title: Mecklenburg Municipal Zoning. (Local)

Sponsors:

Referred to:

May 17, 2000

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF CHARLOTTE AND THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MATTHEWS, MINT HILL, AND PINEVILLE TO ENGAGE IN CONDITIONAL ZONING.

The General Assembly of North Carolina enacts:

Section 1.(a) In addition to other types of zoning districts permitted by G.S. 160A-382, the City Council may provide for the establishment of conditional zoning districts, including parallel conditional zoning districts. For purposes of this act, a "conditional zoning district" shall be defined as a zoning district in which the development and use of the property included in the district is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. "Parallel conditional zoning district" shall mean a conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general use district having a parallel designation or name. In contrast to conditional use district or special use district zoning, conditional zoning shall not require the issuance of a conditional use or special use permit or permitting process apart from the establishment of the district and its application to particular properties. Rules, regulations, and conditions applicable to any conditional zoning district need not be uniform in all respects for all properties within the same

classification of conditional zoning district but may differ based on the unique aspects of each conditional zoning district development, site, and surrounding area.

Section 1.(b) Property may be rezoned to a conditional zoning district only in response to and consistent with a petition of the owners of all of the property to be included in the district. A petition for conditional zoning must include a site plan and supporting information that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district.

Section 1.(c) Conditional zoning decisions shall be made in consideration of identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents.

Section 1.(d) Before a public hearing may be held on a petition for conditional zoning, the petitioner must file in the Office of the City Clerk a written report of at least one community meeting held by the petitioner. Notice of such a meeting shall be given to the property owners and organizations entitled to notice as determined by city policy. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this subsection shall be considered by the City Council but shall not be subject to judicial review.

Section 1.(e) Conditional zoning decisions under this act are a legislative process subject to judicial review using the same procedures and standard of review as apply to general use district zoning decisions.

Section 1.(f) Except as specifically modified by this act, the procedures to be followed by the City Council in reviewing, granting, or denying any petition for conditional zoning shall be the same as those established for general use district zoning petitions under Article 19 of Chapter 160A of the General Statutes.

Section 1.(g) The City Council may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the City Council holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing and no valid protest petition under G.S. 160A-386 was filed. If a valid

protest petition under G.S. 160A-386 has been filed against a zoning petition which would otherwise have been scheduled for a public hearing during the period beginning on the first day of October prior to a municipal general election, but prior to the new City Council taking office, then the public hearing on such petition and any decision on such petition shall both be postponed until after the new City Council takes office.

Section 2. This act applies only to conditional zoning petitions filed on or before August 31, 2001. Notwithstanding the foregoing, this act shall not apply to conditional zoning petitions that were approved or denied by the City Council prior to April 17, 2000, and shall not affect any rezoning case that is the subject of pending litigation.

Notwithstanding the foregoing, petitions seeking either conditional district rezoning or conditional use district rezoning which were pending and not yet decided as of April 17, 2000, may be treated by the city as petitions for conditional zoning under this act. Such petitions need not be refiled, but all other processes spelled out in this act, including the mandatory neighborhood meeting and report and a new public hearing, must be followed as to such petitions.

Section 2.1. Chapter 1283 of the 1973 Session Laws and Chapter 488 of the 1983 Session Laws are repealed as to the City of Charlotte and the Town of Matthews only.

Section 3. This act applies to the City of Charlotte and the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 1288*
State and Local Government Committee Substitute Adopted 6/7/00
Third Edition Engrossed 6/12/00
Proposed House Committee Substitute S1288-PCS7797-LB2

Short Title: Mecklenburg Municipal Zoning. (Local)

Sponsors:

Referred to:

May 17, 2000

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF CHARLOTTE AND THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MATTHEWS, MINT HILL, AND PINEVILLE TO ENGAGE IN CONDITIONAL ZONING.

The General Assembly of North Carolina enacts:

Section 1.(a) In addition to other types of zoning districts permitted by G.S. 160A-382, the City Council may provide for the establishment of conditional zoning districts, including parallel conditional zoning districts. For purposes of this act, a "conditional zoning district" shall be defined as a zoning district in which the development and use of the property included in the district is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. "Parallel conditional zoning district" shall mean a conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general use district having a parallel designation or name. In contrast to conditional use district or special use district zoning, conditional zoning shall not require the issuance of a conditional use or special use permit or permitting process apart from the establishment of the district and its application to particular properties. Rules, regulations, and conditions applicable to any conditional zoning district need not be uniform in all respects for all properties within the same

classification of conditional zoning district but may differ based on the unique aspects of each conditional zoning district development, site, and surrounding area.

Section 1.(b) Property may be rezoned to a conditional zoning district only in response to and consistent with a petition of the owners of all of the property to be included in the district. A petition for conditional zoning must include a site plan and supporting information that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district.

Section 1.(c) Conditional zoning decisions shall be made in consideration of identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents.

Section 1.(d) Before a public hearing may be held on a petition for conditional zoning, the petitioner must file in the Office of the City Clerk a written report of at least one community meeting held by the petitioner. Notice of such a meeting shall be given to the property owners and organizations entitled to notice as determined by city policy. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this subsection shall be considered by the City Council but shall not be subject to judicial review.

Section 1.(e) Conditional zoning decisions under this act are a legislative process subject to judicial review using the same procedures and standard of review as apply to general use district zoning decisions.

Section 1.(f) Except as specifically modified by this act, the procedures to be followed by the City Council in reviewing, granting, or denying any petition for conditional zoning shall be the same as those established for general use district zoning petitions under Article 19 of Chapter 160A of the General Statutes.

Section 1.(g) The City Council may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the City Council holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing and no valid protest petition under G.S. 160A-386 was filed. If a valid

protest petition under G.S. 160A-386 has been filed against a zoning petition which would otherwise have been scheduled for a public hearing during the period beginning on the first day of October prior to a municipal general election, but prior to the new City Council taking office, then the public hearing on such petition and any decision on such petition shall both be postponed until after the new City Council takes office.

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Notwithstanding the foregoing, petitions seeking either conditional district rezoning or conditional use district rezoning which were pending and not yet decided as of April 17, 2000, may be treated by the city as petitions for conditional zoning under this act. Such petitions need not be refiled, but all other processes spelled out in this act, including the mandatory neighborhood meeting and report and a new public hearing, must be followed as to such petitions.

Section 2.1. Chapter 1283 of the 1973 Session Laws and Chapter 488 of the 1983 Session Laws are repealed as to the City of Charlotte and the Town of Matthews only.

Section 3. This act applies to the City of Charlotte and the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 3

SENATE BILL 1288*
State and Local Government Committee Substitute Adopted 6/7/00
Third Edition Engrossed 6/12/00

Short Title: Charlotte Zoning. (Local)

Sponsors:

Referred to:

May 17, 2000

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF CHARLOTTE TO ENGAGE IN CONDITIONAL ZONING.

The General Assembly of North Carolina enacts:

Section 1.(a) In addition to other types of zoning districts permitted by G.S. 160A-382, the City Council may provide for the establishment of conditional zoning districts, including parallel conditional zoning districts. For purposes of this act, a "conditional zoning district" shall be defined as a zoning district in which the development and use of the property included in the district is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. "Parallel conditional zoning district" shall mean a conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general use district having a parallel designation or name. In contrast to conditional use district or special use district zoning, conditional zoning shall not require the issuance of a conditional use or special use permit or permitting process apart from the establishment of the district and its application to particular properties. Rules, regulations, and conditions applicable to any conditional zoning district need not be uniform in all respects for all properties within the same classification of conditional zoning district but may differ based on the unique aspects of each conditional zoning district development, site, and surrounding area.

Section 1.(b) Property may be rezoned to a conditional zoning district only in response to and consistent with a petition of the owners of all of the property to be included in the district. A petition for conditional zoning must include a site plan and supporting information that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district.

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Section 1.(d) Before a public hearing may be held on a petition for conditional zoning, the petitioner must file in the Office of the City Clerk a written report of at least one community meeting held by the petitioner. Notice of such a meeting shall be given to the property owners and organizations entitled to notice as determined by city policy. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this subsection shall be considered by the City Council but shall not be subject to judicial review.

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Section 1.(f) Except as specifically modified by this act, the procedures to be followed by the City Council in reviewing, granting, or denying any petition for conditional zoning shall be the same as those established for general use district zoning petitions under Article 19 of Chapter 160A of the General Statutes.

Section 1.(g) The City Council may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the City Council holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing and no valid protest petition under G.S. 160A-386 was filed. If a valid protest petition under G.S. 160A-386 has been filed against a zoning petition which would otherwise have been scheduled for a public hearing during the period

beginning on the first day of October prior to a municipal general election, but prior to the new City Council taking office, then the public hearing on such petition and any decision on such petition shall both be postponed until after the new City Council takes office.

Section 2. This act applies only to conditional zoning petitions filed on or before August 31, 2001. Notwithstanding the foregoing, this act shall not apply to conditional zoning petitions that were approved or denied by the City Council prior to April 17, 2000, and shall not affect any rezoning case that is the subject of pending litigation.

Notwithstanding the foregoing, petitions seeking either conditional district rezoning or conditional use district rezoning which were pending and not yet decided as of April 17, 2000, may be treated by the city as petitions for conditional zoning under this act. Such petitions need not be refiled, but all other processes spelled out in this act, including the mandatory neighborhood meeting and report and a new public hearing, must be followed as to such petitions.

Section 2.1. Chapter 1283 of the 1973 Session Laws and Chapter 488 of the 1983 Session Laws are repealed as to the City of Charlotte only.

Section 3. This act applies to the City of Charlotte only.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 1289 A BILL TO BE ENTITLED AN ACT TO PERMIT MECKLENBURG COUNTY TO ENGAGE IN CONDITIONAL ZONING.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

SENATE BILL 1289:
Mecklenburg Zoning

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Senator Clodfelter
Date:	June 27, 2000	**Summary by:**	Erika Churchill
Version:	Third Edition		Committee Counsel

SUMMARY: ***This bill will provide a process for the County of Mecklenburg to follow when engaging in conditional zoning.***

BILL ANALYSIS:

The bill provides guidelines to the County of Mecklenburg when engaging in conditional zoning. The conditional zoning process is generally set out in G.S. 160A-382. The County of Mecklenburg is requesting additional legislation to clarify the process currently used by the consolidated planning organization for the County of Mecklenburg and several municipalities within Mecklenburg County, including Charlotte.

Conditional zoning decisions typically involve a two-phase decision, one deemed a legislative decision to rezone the property in question, and one deemed a quasi-judicial decision to provide site-specific conditions for the use of the rezoned property. The bill would grant legislative authority for the Boards of Commissioners involved to make both conditional zoning decisions at once, in a legislative decision.

BACKGROUND: Legislation authorizing similar processes for the cities of Greensboro and Winston-Salem has previously been adopted. Also in the case of this bill, due to the consolidating planning organization, the City of Charlotte is requesting identical authority in SB 1288.

EFFECTIVE DATE: The bill would become effective when it becomes law, and remain in effect until August 31, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 3

SENATE BILL 1289*
State and Local Government Committee Substitute Adopted 6/7/00
Third Edition Engrossed 6/12/00

Short Title: Mecklenburg Zoning. (Local)

Sponsors:

Referred to:

May 17, 2000

A BILL TO BE ENTITLED

AN ACT TO PERMIT MECKLENBURG COUNTY TO ENGAGE IN CONDITIONAL ZONING.

The General Assembly of North Carolina enacts:

Section 1.(a) In addition to other types of zoning districts permitted by G.S. 153A-342, the Board of Commissioners may provide for the establishment of conditional zoning districts, including parallel conditional zoning districts. For purposes of this act, a "conditional zoning district" shall be defined as a zoning district in which the development and use of the property included in the district is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. "Parallel conditional zoning district" shall mean a conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general use district having a parallel designation or name. In contrast to conditional use district or special use district zoning, conditional zoning shall not require the issuance of a conditional use or special use permit or permitting process apart from the establishment of the district and its application to particular properties. Rules, regulations, and conditions applicable to any conditional zoning district need not be uniform in all respects for all properties within the same classification of conditional zoning district but may

differ based on the unique aspects of each conditional zoning district development, site, and surrounding area.

Section 1.(b) Property may be rezoned to a conditional zoning district only in response to and consistent with a petition of the owners of all of the property to be included in the district. A petition for conditional zoning must include a site plan and supporting information that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district.

Section 1.(c) Conditional zoning decisions shall be made in consideration of identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents.

Section 1.(d) Before a public hearing may be held on a petition for conditional zoning, the petitioner must file in the Office of the Clerk to the Board, a written report of at least one community meeting held by the petitioner. Notice of such a meeting shall be given to the property owners and organizations entitled to notice as determined by County policy. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this subsection shall be considered by the Board of Commissioners but shall not be subject to judicial review.

Section 1.(e) Conditional zoning decisions under this act are a legislative process subject to judicial review using the same procedures and standard of review as apply to general use district zoning decisions.

Section 1.(f) Except as specifically modified by this act, the procedures to be followed by the Board of Commissioners in reviewing, granting, or denying any petition for conditional zoning shall be the same as those established for general use district zoning petitions under Article 18 of Chapter 153A of the General Statutes.

Section 1.(g) The Board of Commissioners may not vote to rezone property to a conditional zoning district during the time period beginning on the date of the general election and concluding on the Tuesday after the first Monday in December immediately following the general election unless no person spoke against the rezoning at the public hearing.

Section 2. This act applies only to conditional zoning petitions filed on or before August 31, 2001. Notwithstanding the foregoing, this act shall not apply to conditional zoning petitions that were approved or denied by the Board of Commissioners prior to April 17, 2000, and shall not affect any rezoning case that is the subject of pending litigation.

Petitions seeking either conditional district rezoning or conditional use district rezoning which were pending and not yet decided as of April 17, 2000, may be treated by the county as petitions for conditional zoning under this act. Such petitions need not be refiled, but all other processes spelled out in this act, including the mandatory neighborhood meeting and report and a new public hearing, must be followed as to such petitions.

Section 2.1. Chapter 1283 of the 1973 Session Laws and Chapter 488 of the 1983 Session Laws are repealed as to the County of Mecklenburg only.

Section 3. This act applies to Mecklenburg County only.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 1354 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MECKLENBURG COUNTY TO MATCH FEDERAL INDEPENDENT LIVING FUNDS IN THE EVENT THE STATE DOES NOT PROVIDE MATCHING FUNDS.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☒ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

SB 1354:
Indep. Living Funds/County Match

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Senators Odom, Clodfelter, Dannelly, and Rucho
Date:	June 27, 2000		
Version:	First Edition	**Summary by:**	Erika Churchill Committee Counsel

SUMMARY: ***The bill would grant the County of Mecklenburg the authority to match federal funds for the Independent Living Program in the event that the State does not provide matching funds for the program.***

BILL ANALYSIS: The bill would grant the County of Mecklenburg the authority to match federal funds for the Independent Living Program in the event that the State does not provide matching funds for the program. The bill applies only to Mecklenburg County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1354

Short Title: Indep. Living Funds/County Match. (Local)

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

Referred to: State and Local Government.

May 22, 2000

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE MECKLENBURG COUNTY TO MATCH FEDERAL INDEPENDENT LIVING FUNDS IN THE EVENT THE STATE DOES NOT PROVIDE MATCHING FUNDS.

The General Assembly of North Carolina enacts:

Section 1. If the State does not provide State funds to match federal funds for the Independent Living Program, then a county board of commissioners may use county funds to match federal funds for the Independent Living Program.

Section 2. This act applies only to Mecklenburg County.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 1382 A BILL TO BE ENTITLED AN ACT TO EXEMPT SURRY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND EXPANSION OF A BUILDING TO BE USED AS A MULTIPURPOSE FACILITY.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1382

Short Title: Bidding Law Exemption/Surry County. (Local)

Sponsors: Senator East.

Referred to: State and Local Government.

May 23, 2000

A BILL TO BE ENTITLED

AN ACT TO EXEMPT SURRY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND EXPANSION OF A BUILDING TO BE USED AS A MULTIPURPOSE FACILITY.

The General Assembly of North Carolina enacts:

Section 1. The County of Surry may renovate and expand a building for use as a multipurpose facility without being subject to the requirements of G.S. 143-128, 143-129, 143-131, and 143-132.

Section 2. This act is effective when it becomes law and expires December 31, 2002.

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

June 28, 2000

The House Committee on Local Government I met on Wednesday, June 28, 2000, in Room 415 of the Legislative Office Building at 10:00 AM. The following members were present: Chairman Dedmon, Vice Chairman Saunders, Representatives Decker, Ellis, Hill, McCrary, Rogers, and Setzer. Giles Perry, Erika Churchill, and Kristen Crosson, Staff Counsel were in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order. The following bills were then considered:

The first order of business was **SB 1302, A BILL TO BE ENTITLED AN ACT TO ASSIST CABARRUS COUNTY WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITY.** Senator Hartsell, bill sponsor, was recognized to explain the bill. Mr. Henry Jones, Raleigh Attorney, was recognized to speak to the committee. After some committee discussion, Representative Saunders moved for a favorable report. The motion carried.

The next order of business was **SB 1443, A BILL ENTITLED AN ACT TO ALLOW A NEGOTIATED OFFER AND UPSET BID PROCESS FOR SALE OF THE CURRENT CABARRUS COUNTY SCHOOLS CENTRAL OFFICE AND FOR A DESIGN-BUILD CONSTRUCTION METHOD FOR THE CABARRUS SCHOOL CENTRAL OFFICE AND BUS FACILITY.** Senator Hartsell, bill sponsor, was recognized to explain the bill. Representative Ellis moved for a favorable report. The motion carried.

The next order of business was **SB 1444, A BILL TO BE ENTITLED AN ACT TO ALLOW A DESIGN-BUILD CONSTRUCTION METHOD FOR A CONVENTION CENTER IN CABARRUS COUNTY, AND TO ALLOW LEASE OF PROPERTY FOR A HOTEL.** Senator Hartsell, bill sponsor, was recognized and offered a committee substitute. Representative Saunders moved to adopt the committee substitute and the motion passed. The committee substitute was then properly before the committee for discussion. After comments from Mr. Henry Jones, Raleigh Attorney and other questions from the committee, Representative Saunders moved for a favorable report on the committee substitute, unfavorable to the original bill. The motion carried.

There being no further business, the Chair adjourned the meeting at 10:45.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

June 28, 2000
Room 415 LOB
10:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS:

SB 1302 CABARRUS SCHOOL BIDS
SENATOR HARTSELL

SB 1443 CABARRUS SCHOOL BID PROCEDURES
SENATOR HARTSELL

SB 1444 CABARRUS CONVENTION CENTER
SENATOR HARTSELL

ADJOURNMENT

VISITOR REGISTRATION SHEET

LOCAL GOV. I
Name of Committee

6/28/00
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
KEN MOORE	NC SENATE
Henry Jones	Attorney Raleigh
Susan Markham	Eqts
Fletcher Hartsell	N.C. Senate
Leonard Sossamon	NC House
Boyd Caudle	City of Charlotte

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 1302 A BILL TO BE ENTITLED AN ACT TO ASSIST CABARRUS COUNTY WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

SB 1302:
Carbarrus School Bids

BILL ANALYSIS

Committee:	Local Government	**Introduced by:**	Senator Hartsell
Date:	June 28, 2000	**Summary by:**	Erika Churchill*
Version:	First Edition		Committee Counsel

SUMMARY: This bill is designed to assist Cabarrus County with expediting construction of school facilities.

BACKGROUND: Cabarrus County's school-age population growth has made its school facilities inadequate to accommodate the numbers. The Cabarrus County Board of Education and Board of Commissioners have jointly approved and funded a School Facilities 2000 building program to quickly get facilities built. The Boards want to speed up the usual bidding and contracting process so that schools construction can begin as soon as possible.

BILL ANALYSIS: This bill seeks to allow the Cabarrus County Board of Commissioners and Board of Education to jointly select and negotiate with separate-prime contractors to build school buildings using the repetitive design approach. This selection process would only happen if both Boards jointly determine that using the selection and negotiations process instead of competitive bidding would expedite the project, create an effective construction team, and control costs, quality, and schedule. This process would avoid the public contracting rules General Statutes Chapter 143, Article 8.

The bill applies to the construction of up to five schools.

EFFECTIVE DATE: This bill would become effective when it become law and has a June 30, 2005 sunset.

*This summary contributed to by Al Andrews.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1302

Short Title: Cabarrus School Bids. (Local)

Sponsors: Senator Hartsell.

Referred to: State and Local Government.

May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO ASSIST CABARRUS COUNTY WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.

Whereas, Cabarrus County is faced with the critical need for school facilities created by an unusual growth in student population; and

Whereas, the Cabarrus County Board of Education and the Board of Commissioners of Cabarrus County have jointly approved and funded a School Facilities 2000 building program; and

Whereas, the Cabarrus County Board of Education, faced with the critical need for school facilities, has implemented a model facilities plan using a repetitive design approach to design school facilities that are educationally effective and economically efficient; and

Whereas, the Cabarrus County Board of Education desires to explore alternative approaches to expedite the construction of school facilities that could assist in meeting the critical need for school facilities; and

Whereas, the General Assembly reaffirms its commitment to enhance public education and to encourage innovation by public officials in meeting the critical need for school facilities; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Article 8 of Chapter 143 of the General Statutes, the Board of Commissioners of Cabarrus County and the Cabarrus County Board of Education may jointly select and negotiate with separate-prime contractors to build school buildings using the repetitive design approach if the Board of Commissioners of Cabarrus County and the Cabarrus County Board of

Education jointly determine that using the selection and negotiations processes instead of competitive bidding will expedite the project, create an effective construction team, and control costs, quality, and schedule.

Section 2. This act shall apply to construction of up to five schools.

Section 3. This act is effective when it becomes law and expires on June 30, 2005.

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 1443 A BILL TO BE ENTITLED AN ACT TO ALLOW A NEGOTIATED OFFER AND UPSET BID PROCESS FOR SALE OF THE CURRENT CABARRUS COUNTY SCHOOLS CENTRAL OFFICE AND FOR A DESIGH-BUILD CONSTRUCTION METHOD FOR THE CABARRUS SCHOOL CENTRAL OFFICE AND BUS FACILITY.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

SB 1443:
Cabarrus School Bids Procedures

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Senator Hartsell
Date:	June 28, 2000	**Summary by:**	Erika Churchill*
Version:	First Edition		Committee Counsel

SUMMARY: ***This bill will allow a negotiated offer and upset bid process for the sale of the Cabarrus County Schools central office and allow for a design-build construction method for a new Cabarrus Schools central office and bus facility.***

CURRENT LAW: General Statutes Chapter 115C covers elementary and secondary education. Chapter 143, Article 8, contains the law regarding State public contracts.

BILL ANALYSIS: The bill will allow the Cabarrus County Board of Education, with the approval of the Cabarrus County Board of Commissioners, to:

1. Dispose of the current central office by a negotiated offer and upset bid method.
2. Construct a new school central office and bus facility by the design-build method.

The actions listed above may occur together or separately.

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

*This summary contributed to by Al Andrews.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1443

Short Title: Cabarrus School Bid Procedures. (Local)

Sponsors: Senator Hartsell.

Referred to: State and Local Government.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO ALLOW A NEGOTIATED OFFER AND UPSET BID PROCESS FOR SALE OF THE CURRENT CABARRUS COUNTY SCHOOLS CENTRAL OFFICE AND FOR A DESIGN-BUILD CONSTRUCTION METHOD FOR THE CABARRUS SCHOOL CENTRAL OFFICE AND BUS FACILITY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Chapter 115C or Chapter 143 of the General Statutes, the Cabarrus County Board of Education, with the approval of the Board of Commissioners of Cabarrus County, may do either or both of the following:

(1) Dispose of the current school central office property by a negotiated offer and upset bid method.

(2) Construct a new school central office and bus facility by the design-build method.

Section 2. The actions under Section 1 of this act may be taken either separately or together in one proposal.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 1444 A BILL TO BE ENTITLED AN ACT TO ALLOW A DESIGN-BUILD CONSTRUCTION METHOD FOR A CONVENTION CENTER IN CABARRUS COUNTY, AND TO ALLOW LEASE OF PROPERTY FOR A HOTEL.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#), ☐ which changes the title,~~ unfavorable as to ~~{~~original bill~~}~~ ~~(Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

SB 1444:
Cabarrus Convention Center

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Senator Hartsell
Date:	June 28, 2000	**Summary by:**	Erika Churchill*
Version:	First Edition		Committee Counsel

SUMMARY: ***This bill will allow a design-build construction method to be used for a convention center in Cabarrus County and will allow for the lease of property for a hotel.***

BILL ANALYSIS:

- **Construction Methods.**

Section 1 of this bill will allow the City of Concord or Cabarrus County, or both, to construct a convention center using the design-build or request for proposal method.

- **Lease of Property.**

Section 2 of this bill will allow the City of Concord to lease property adjacent to or adjoining the convention center property for placement of a hotel or for auxiliary purposes for a period of 49 years. Under current law (G.S. 160A-272), city or county owned property may be leased or rented for a period of not longer than 10 years and only if the city council determines that the property will not be needed by the city for the term of the lease. The term of the lease may not exceed 10 years, otherwise the lease will be treated as a sale of property which is governed the procedures authorized for sale of real property found in General Statutes Chapter 160A, Article 12. The bill simply extends the 10-year period to a 49-year period for the City of Concord with respect to one piece of property, and does not amend any other provisions.

EFFECTIVE DATE: This bill will become effective when it becomes law.

* This summary contributed to by Al Andrews.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 1444
House Committee Substitute Favorable 6/28/00

Short Title: Cabarrus Convention Center. (Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO ALLOW A DESIGN-BUILD CONSTRUCTION METHOD FOR A CONVENTION CENTER IN CABARRUS COUNTY, AND TO ALLOW LEASE OF PROPERTY FOR A HOTEL.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Chapter 143 of the General Statutes, the City of Concord, the County of Cabarrus, or both, may construct a convention center using the design-build or request-for-proposal method.

Section 2. In leasing property adjacent to or on the convention center property for a hotel and auxiliary purposes, as to the City of Concord, G.S. 160A-272, as amended by Chapter 355 of the 1985 Session Laws, shall be applied by deleting "20 years" and substituting "49 years".

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

S1444-CSST-001
PROPOSED COMMITTEE SUBSTITUTE
Senate Bill 1444
THIS IS A DRAFT 28-JUN-00 09:41:33
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Cabarrus Convention Center. (Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1444

Short Title: Cabarrus Convention Center. (Local)

Sponsors: Senator Hartsell.

Referred to: State and Local Government.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO ALLOW A DESIGN-BUILD CONSTRUCTION METHOD FOR A CONVENTION CENTER IN CABARRUS COUNTY, AND TO ALLOW LEASE OF PROPERTY FOR A HOTEL.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Chapter 143 of the General Statutes, the City of Concord, the County of Cabarrus, or both, may construct a convention center using the design-build or request for proposal method.

Section 2. In leasing property adjacent to or on the convention center property for a hotel and auxiliary purposes, as to the City of Concord, G.S. 160A-272 shall be applied by deleting "10 years" and substituting "49 years".

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

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

July 5, 2000

The House Committee on Local Government I met on Wednesday, July 5, 2000, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman Saunders, Representatives Barefoot, Buchanan, Decker, Rogers, and Setzer. Giles Perry, Staff Counsel was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Co-Chairman called the meeting to order. The following bills were then considered:

The first order of business was **SB 1362, A BILL TO BE ENTITLED AN ACT RELATING TO THE DISPOSAL OF PERSONAL PROPERTY BY GASTON COUNTY.** Representative Rayfield was recognized to explain the bill for the sponsors, Senators Forrester and Hoyle. Representative Buchanan moved for a favorable report. The motion carried.

The next order of business was **SB 1474, A BILL ENTITLED AN ACT TO AUTHORIZE ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE TO LEASE CERTAIN PROPERTY BY PRIVATE NEGOTIATION AND TO ALLOW FLEXIBLE USE OF LEASE PROCEEDS.** Senator Metcalf, bill sponsor, was recognized to explain the bill. Representative Buchanan moved for a favorable report. The motion carried.

There being no further business, the Chair adjourned the meeting at 11:10.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

July 5, 2000
Room 415 LOB
11:00 AM

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

DISCUSSION/ACTION ON BILLS:

SB 1362 GASTON COUNTY PROPERTY SALES
SENATORS FORRESTER & HOYLE

SB 1474 LEASE LAW EXEMPTION/BUNCOMBE T.C.C.
SENATOR METCALF

ADJOURNMENT

VISITOR REGISTRATION SHEET

LOCAL GOV. I
Name of Committee

7/5/00
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joe Johnson	Capital Correspondence
John Phelps	NCLM
Steve Metcalf	NC Senate
Karen Bajy	NCCCS
Philip Albano	"

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 1362 A BILL TO BE ENTITLED AN ACT RELATING TO THE DISPOSAL OF PERSONAL PROPERTY BY GASTON COUNTY.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

SB 1362:
Gaston County Property Sales

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Senators Forrestoer and Hoyle
Date:	July 5, 2000	**Summary by:**	Erika Churchill
Version:	First Edition		Committee Counsel

SUMMARY: ***This bill would increase the dollar value of personal property which the Gaston County Board of Commissioners could adopt regulations prescribing procedures for disposal of.***

CURRENT LAW: G.S. 160A-266 allows a city or county governing body to adopt regulations prescribing procedures for disposing of personal property valued at less than $5,000 for any item or group of items. The regulations must be designed to obtain fair market value for the personal property, and to accomplish the disposal efficiently and economically.

BILL ANALYSIS: The bill would increase the $5,000 value limit to $50,000 as it applies to the County of Gaston.

BACKGROUND: In 1993 (SL 93-627), the limit was raised to $10,000 for the County of Durham, City of Durham, and Durham County Board of Education.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1362

Short Title: Gaston County Property Sales. (Local)

Sponsors: Senators Forrester and Hoyle.

Referred to: State and Local Government.

May 22, 2000

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DISPOSAL OF PERSONAL PROPERTY BY GASTON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-266(c) reads as rewritten:

"(c) A city council may adopt regulations prescribing procedures for disposing of personal property valued at less than ~~five thousand dollars ($5,000)~~ fifty thousand dollars ($50,000) for any one item or group of items in substitution for the requirements of this Article. The regulations shall be designed to secure for the city fair market value for all property disposed of and to accomplish the disposal efficiently and economically. The regulations may, but need not, require published notice, and may provide for either public or private exchanges and sales. The council may authorize one or more city officials to declare surplus any personal property valued at less than ~~five thousand dollars ($5,000)~~ fifty thousand dollars ($50,000) for any one item or group of items, to set its fair market value, and to convey title to the property for the city in accord with the regulations. A city official authorized under this section to dispose of property shall keep a record of all property sold under this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange."

Section 2. This act applies to Gaston County only.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 1474 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE TO LEASE CERTAIN PROPERTY BY PRIVATE NEGOTIATION AND TO ALLOW FLEXIBLE USE OF LEASE PROCEEDS.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☒ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

SB 1474:
Lease Law Exemption/Bumcombe T.C.C.

BILL ANALYSIS

Committee:	Local Government I	**Introduced by:**	Senators Metcalf and Carter
Date:	June 29, 2000	**Summary by:**	Erika Churchill
Version:	Second Edition		Committee Counsel

SUMMARY: ***The bill would grant the Board of Trustees of the Asheville-Buncombe Technical Community College the authority to lease, by private negotiation, the Enka Center property, and would authorize the Board of Trustees to use the proceeds for Plant Fund and Current Expenses at the Enka Center.***

CURRENT LAW: Under current law, a community college may lease property owned by the community college when the Board of Trustees determines the property is unnecessary or undesirable for the purposes of the community college. The lease must be done in accordance with the provisions established for counties and cities to lease property, and must be approved by the State Board of Community Colleges. Any proceeds from such a lease must be used for capital expenditures.

BILL ANALYSIS: The bill would amend the current law regarding lease of property as applicable to the Enka Center in Buncombe County by:

1. Allowing the local Board of Trustees to lease the property by private negotiation for a period up to 5 years. The lease would not need the prior approval of the State Board of Community Colleges.
2. Allowing the local Board of Trustees to use the proceeds for Plant Fund and Current Expense items related to the Enka Center.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 1474
Finance Committee Substitute Adopted 6/22/00

Short Title: Lease Law Exemption/Buncombe T.C.C. (Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE TO LEASE CERTAIN PROPERTY BY PRIVATE NEGOTIATION AND TO ALLOW FLEXIBLE USE OF LEASE PROCEEDS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S. 115D-15, G.S. 115C-518, Article 12 of Chapter 160A of the General Statutes, or any other provisions of law, the Board of Trustees of Asheville-Buncombe Technical Community College may lease any or all portions or interest in the Enka Center of the College by private negotiation. The terms and conditions of any such lease shall be set by the Board and may include rental at less than fair market value. The duration of any such lease shall not exceed five years. Any such lease shall not require the prior approval of the State Board of Community Colleges. The Board shall report annually to the State Board of Community Colleges on any leases entered into pursuant to this act.

The Enka Center property was donated to the College by BASF Corporation. It is located in Buncombe County at the intersection of the southern margin of U.S. Highways 19 and 23 and the western margin of Sand Hill Road.

Section 2. Notwithstanding G.S. 115D-15 or any other provision of law, Asheville-Buncombe Technical Community College may use the proceeds of leases of property pursuant to this act for Plant Fund and Current Expenses budget items at the Enka Center and for the operating costs of programs at the Enka Center.

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

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I

July 6, 2000

The House Committee on Local Government I met around the desk of Representative Dedmon, committee chair, immediately following the House session on Thursday, July, 6, 2000. The following members were present: Chairman Dedmon, Chair, Representatives Barefoot, Kiser, McCrary, Rogers and Cunningham.

The Chairman called the meeting to order. The following bills were considered for indefinite postponement pursuant to House Rule 36(a):

HB 353 COUNTY BIRD SANCTUARIES – REP. SETZER, bill sponsor; and
HB 410 TOWN OF CALABASH – REDWINE, bill sponsor; and
HB 469 BONUS CLARIFIED/MECKLENBURG SCHOOL - McMAHAN, bill sponsor; and
HB 492 MECKLENBURG TOWNS ETJ – McMAHAN, bill sponsor; and
HB 729 GREENVILLE AUTO TAX – TOLSON, bill sponsor; and
HB 787 CHARLOTTE/MECKLENBURG SCHOOL CONSTRUCTION – McMAHAN, bill sponsor; and
HB 791 MECKLENBURG SCHOOL ELECTION CHANGES – GULLEY, bill sponsor; and
HB 795 DURHAM CONTRACTS – LUEBKE, bill sponsor; and
HB 801 DURHAM CITY ANTIDISCRIMINATION – MICHAUX, bill sponsor; and
HB 832 SPRUCE PINE ANNEXATION – THOMPSON, bill sponsor; and
HB 856 DURHAM LICENSE TAX YEAR – MILLER, bill sponsor; and
HB 1585 LAND FOR CORR. FACILITIES/ANSON – GIBSON, bill sponsor; and
HB 1605 CATAWBA TOWN LAND ENTRY – SETZER, bill sponsor; and
HB 1615 YANCEYVILLE CHARTER AMENDMENTS – COLE, bill sponsor; and
HB 1641 CHARLOTTE WHEEL LOCKS ALLOWED – GULLEY, bill sponsor; and
HB 1690 BIDDING LAW EXEMPTION/SURRY COUNTY – HIATT, bill sponsor; and
HB 1723 CHAPEL HILL OMNIBUS – INSKO, bill sponsor; and
HB 1760 EXPEDITE WAKE SCHOOL CONSTRUCTION – POPE, bill sponsor; and
SB 701 DURHAM CITY ANTIDISCRIMINATION – LUCAS, bill sponsor; and
SB 710 HUNTERSVILLE DEVELOPMENT – ODOM, bill sponsor; and
SB 1214 RICHMOND COUNTY SUBDIVISIONS – PLYLER/PURCELL, bill sponsor.

Representative Rogers moved that the above listed bills be reported indefinitely postponed. The motion carried.

There being no further business, the meeting adjourned.

Respectfully submitted,

Representative Andy Dedmon
Chairman

Donna Abu Harb
Assistant to the Committee

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

July 6, 2000

OPENING REMARKS

Representative Andy Dedmon, Chairman
Local Government I

Bills for indefinite postponement pursuant to House Rule 36(a):

HB 353 COUNTY BIRD SANCTUARIES – REP. SETZER
HB 410 TOWN OF CALABASH – REDWINE
HB 469 BONUS CLARIFIED/MECKLENBURG SCHOOL - McMAHAN
HB 492 MECKLENBURG TOWNS ETJ – McMAHAN
HB 729 GREENVILLE AUTO TAX – TOLSON
HB 787 CHARLOTTE/MECKLENBURG SCHOOL CONSTRUCTION – McMAHAN
HB 791 MECKLENBURG SCHOOL ELECTION CHANGES – GULLEY
HB 795 DURHAM CONTRACTS – LUEBKE
HB 801 DURHAM CITY ANTIDISCRIMINATION – MICHAUX
HB 832 SPRUCE PINE ANNEXATION – THOMPSON
HB 856 DURHAM LICENSE TAX YEAR – MILLER
HB 1585 LAND FOR CORR. FACILITIES/ANSON – GIBSON
HB 1605 CATAWBA TOWN LAND ENTRY – SETZER
HB 1615 YANCEYVILLE CHARTER AMENDMENTS – COLE
HB 1641 CHARLOTTE WHEEL LOCKS ALLOWED – GULLEY
HB 1690 BIDDING LAW EXEMPTION/SURRY COUNTY – HIATT
HB 1723 CHAPEL HILL OMNIBUS - INSKO
HB 1760 EXPEDDITE WAKE SCHOOL CONSTRUCTION – POPE
SB 701 DURHAM CITY ANTIDISCRIMINATION – LUCAS
SB 710 HUNTERSVILLE DEVELOPMENT – ODOM
SB 1214 RICHMOND COUNTY SUBDIVISIONS – PLYLER/PURCELL

ADJOURNMENT

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 353 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO ESTABLISH BIRD SANCTUARIES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 353

Short Title: County Bird Sanctuaries. (Public)

Sponsors: Representative Setzer.

Referred to: Local Government I.

March 8, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE COUNTIES TO ESTABLISH BIRD SANCTUARIES.

The General Assembly of North Carolina enacts:

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

"**§ 153A-131.1. Bird sanctuaries.**

A county may by ordinance create and establish a bird sanctuary in any area within the county that is not within a city. The ordinance may not protect any birds classed as a pest under Article 22A of Chapter 113 of the General Statutes and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971. When a bird sanctuary has been established, it shall be unlawful for any person to hunt, kill, trap, or otherwise take any protected birds within the boundaries of the sanctuary except pursuant to a permit issued by the North Carolina Wildlife Resources Commission under G.S. 113-274(c)(1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds that would otherwise be protected by a bird sanctuary."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 410 A BILL TO BE ENTITLED AN ACT REPEALING THE TOWN OF CALABASH'S LIMITATIONS ON THE HEIGHT OF BUILDINGS, EXTENDING THE TOWN'S EXTRATERRITORIAL JURISDICTION, INCREASING THE NUMBER OF TOWN COMMISSIONERS, AND STAGGERING THE COMMISSIONERS' TERMS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 410

Short Title: Town of Calabash. (Local)

Sponsors: Representatives Redwine; and Hill.

Referred to: Local Government I.

March 11, 1999

A BILL TO BE ENTITLED

AN ACT REPEALING THE TOWN OF CALABASH'S LIMITATIONS ON THE HEIGHT OF BUILDINGS, EXTENDING THE TOWN'S EXTRATERRITORIAL JURISDICTION, INCREASING THE NUMBER OF TOWN COMMISSIONERS, AND STAGGERING THE COMMISSIONERS' TERMS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 621 of the 1995 Session Laws is repealed.

Section 2. In addition to any areas where the Town of Calabash exercises extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes, the Town shall have extraterritorial jurisdiction under that Article in the following described area:

From that portion of the existing extraterritorial jurisdiction line that bisects the Ocean Harbour Golf Course in a southeasterly manner through the Ocean Harbour Estates subdivision to the middle of the Intracoastal Waterway.

Section 3. Section 1.(f) of S.L. 1998-75 reads as rewritten:

"(f) Beginning with the organizational meeting after the 1999 municipal election, the ~~Board of Commissioners of the Town of Calabash consists of four members.~~ governing body of the Town of Calabash shall consist of the Town Board of Commissioners and the Mayor. The Town Board of Commissioners has five members. The Commissioners and the Mayor shall be elected to four-year terms by the qualified voters of the entire Town. In 1999, the two persons receiving the highest number of votes are elected to four-year terms, and the three persons receiving the next highest number of votes are elected to two-year terms. In 2001,

and quadrennially thereafter, three persons are elected to four-year terms. In 2003, and quadrennially thereafter, two persons are elected to four-year terms."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 469 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING REDUCTION OR CONTINUATION OF A TEACHER'S BONUS, AS IT APPLIES TO THE CHARLOTTE-MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 469*

Short Title: Bonus Clarified/Mecklenburg Schools. (Local)

Sponsors: Representatives McMahan; Alexander, Cunningham, Earle, Easterling, Rayfield, Saunders, and C. Wilson.

Referred to: Education.

March 17, 1999

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE LAW REGARDING REDUCTION OR CONTINUATION OF A TEACHER'S BONUS, AS IT APPLIES TO THE CHARLOTTE-MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina enacts:

Section 1. If a local school administrative unit provides a bonus or other salary increment to a teacher because the teacher teaches at a targeted school with high proportions of at-risk students, neither reassignment of that teacher to a school at which there is no such bonus or other salary increment nor discontinuance or reduction of the bonus or other salary increment at that school shall constitute a demotion as that term is defined in G.S. 115C-325(a)(4).

If a local school administrative unit provides a bonus or other salary increment to a teacher because the teacher is certified to teach in an area in which there is a shortage of teachers, neither discontinuance nor reduction of the bonus or other salary increment for teachers certified to teach in that area shall constitute a demotion as that term is defined in G.S. 115C-325(a)(4).

Section 2. This act applies only to the Charlotte-Mecklenburg County School Administrative Unit.

Section 3. This act is effective when it becomes law and applies beginning with the 1999-2000 school year.

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 492 A BILL TO BE ENTITLED AN ACT TO PROVIDE A ONE-MILE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 492

Short Title: Mecklenburg Towns ETJ. (Local)

Sponsors: Representatives McMahan; Easterling and C. Wilson.

Referred to: Local Government I.

March 18, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A ONE-MILE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 161 of the 1991 Session Laws, as rewritten by S.L. 1997-106, reads as rewritten:

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

Section 2. Any ordinances that Mecklenburg County may need to adopt under Article 18 of Chapter 153A of the General Statutes or any local act relating to planning in Mecklenburg County, as a result of areas being removed from the planning jurisdiction of the Towns of Cornelius, Davidson, or Huntersville by this act,

may be adopted as provided by law at any time after ratification of this act but may not become effective prior to July 1, 1999.

Section 3. This act becomes effective July 1, 1999.

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 729 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENVILLE TO COLLECT AN AUTO TAX FOR ECONOMIC DEVELOPMENT PROJECTS AND INFRASTRUCTURE CONSTRUCTION PROJECTS UPON THE EXPIRATION OF THE GLOBAL TRANSPARK VEHICLE TAX LEVY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 729

Short Title: Greenville Auto Tax. (Local)

Sponsors: Representative Tolson.

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

March 30, 1999

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF GREENVILLE TO COLLECT AN AUTO TAX FOR ECONOMIC DEVELOPMENT PROJECTS AND INFRASTRUCTURE CONSTRUCTION PROJECTS UPON THE EXPIRATION OF THE GLOBAL TRANSPARK VEHICLE TAX LEVY.

The General Assembly of North Carolina enacts:

Section 1. In addition to any vehicle tax which the City of Greenville may levy pursuant to G.S. 20-97, the City of Greenville may levy an annual registration tax of five dollars ($5.00) on any vehicle resident in the city with the proceeds of this tax being used only for economic development projects and infrastructure construction projects.

Section 2. This act applies to the City of Greenville only.

Section 3. This act is effective when it becomes law and the tax authorized in Section 1 of this act may only be collected upon the repeal of the tax levied upon vehicles resident in the City of Greenville pursuant to G.S. 158-42.

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 787 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR CHARLOTTE/MECKLENBURG SCHOOLS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 787
Committee Substitute Reported Without Prejudice 4/20/99

Short Title: Charlotte/Mecklenburg School Construction. (Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR CHARLOTTE/MECKLENBURG SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. Prequalified bidders; solicited bid list. -- Notwithstanding G.S. 143-129, the Charlotte/Mecklenburg Board of Education ("Board") may prequalify a limited number of contractors for a school facility construction, rebuilding, or renovation contract ("contract" and "project") and solicit bids from some or all of those prequalified contractors. The Board must attempt to prequalify and solicit sealed bids from at least five contractors and may not award a contract pursuant to this section unless it receives at least three bids from the group of prequalified contractors. The five-bid solicitation target and the three-proposal rule apply to each subdivision of work specified in G.S. 143-128(a) if the project is bid under the separate prime or dual bidding systems authorized under G.S. 143-128(b), (d), and (d1).

The Board shall award the contract or contracts to the lowest responsible bidder or bidders, taking into consideration quality, performance, and the time specified in the bids for the performance of the project. Notwithstanding the first paragraph of this section, if the Board does not receive three or more proposals, it may again seek proposals for the project pursuant to this section and may award the contract to the lowest responsible bidder, even if only one proposal is received.

In prequalifying a contractor for purposes of this section, the Board may consider the contractor's relevant experience on the type of project to be bid, ability

to meet the project schedule, financial strength, and the contractor's failure to perform satisfactorily on past projects or a current project. The Board's consideration of these factors shall be based upon objective information provided in the public record of the prequalification process. The Board must notify a disqualified bidder at least seven days prior to the opening of bids.

This section applies only to renovation, repair, and rebuilding projects.

Section 2. Construction management. -- Notwithstanding G.S. 143-128, 143-129, and 143-132, the Board may contract with a construction manager to manage and assume liability for the completion of a project. The construction manager shall be selected in the same manner that architects and engineers are selected pursuant to Article 3D of Chapter 143 of the General Statutes. If the Board receives bids under the separate-prime system and contracts with a construction manager who will be liable for the completion of the project, the Board may combine the lowest responsible bids in each subdivision of work into a single contract to be administered by the construction manager.

Section 3. Design-build. -- Notwithstanding G.S. 143-128, 143-129, and 143-132, the Board may use the design-build method of construction as follows:

(1) The Board must seek to prequalify and solicit at least five design-build teams to bid on the project and must receive sealed proposals from at least three of those teams. The request for proposals must contain a design criteria package that defines the project scope, including preliminary design and performance specifications, in a manner sufficient to allow the bidders to respond. This package should be developed by an architect.

(2) The Board shall interview at least three of the design-build teams that submit proposals. The Board shall award the contract to the best qualified team, taking into account the time of completion of the project and the cost of the project as the major factors.

Section 4. Other methods. -- Nothing in this act limits the Board's use of any method of contracting already authorized by law under Articles 3D and 8 of Chapter 143 of the General Statutes.

Section 5. Project bundling. -- The Board may award a single contract pursuant to this act covering multiple facilities and sites, except that all facilities for which such contract is awarded under this act for new construction must be in the same grade level (elementary school, middle school, or high school) unless the facilities are part of a single campus.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 791 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO PROVIDE FOR PARTISAN ELECTIONS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 791

Short Title: Mecklenburg School Election Changes. (Local)

Sponsors: Representatives Gulley; and C. Wilson.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO PROVIDE FOR PARTISAN ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 167 of the 1993 Session Laws reads as rewritten:

"Section 1. (a) The Charlotte-Mecklenburg Board of Education shall be elected on a ~~nonpartisan plurality~~ partisan basis on the Tuesday after the first Monday in November in odd-numbered years, with the results determined as provided by ~~G.S. 163-292.~~ G.S. 163-291. Notwithstanding G.S. 163-279(a):

(1) Any municipality in the county which conducts its election on a nonpartisan primary basis shall have the nonpartisan primary on the sixth Tuesday before the election;

(2) Any municipality in the county which conducts its election on a nonpartisan election and runoff election basis shall have the election on the sixth Tuesday before the Tuesday after the first Monday in November.

(b) Except as otherwise provided by this act, the election shall be administered in accordance with Articles 23 and 24 of Chapter 163 of the General Statutes."

Section 2. The Mecklenburg County Board of Elections shall conduct an election on November 2, 1999, on the question of approval of Section 1 of this act. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Partisan election of the members of the Charlotte-Mecklenburg County Board of Education."

If a majority of the votes cast are FOR the question, then Section 1 of this act becomes effective beginning with the 2001 election. If less than a majority of the votes cast are FOR the question, then Section 1 of this act does not become effective.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 795 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE ASSISTANT AND DEPUTY CITY MANAGERS TO EXECUTE CONTRACTS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 795

Short Title: Durham Contracts. (Local)

Sponsors: Representatives Luebke and Michaux.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE ASSISTANT AND DEPUTY CITY MANAGERS TO EXECUTE CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. Section 17 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, reads as rewritten:

"Sec. 17. **Powers and Duties of the City Manager.** -- The City Manager shall be responsible to the City Council for the efficient administration of all the affairs of the City under his direction and control. It shall be his duty to attend all meetings of the City Council, with the right to take part in the discussion, but without a vote. He shall be entitled to notice of all special meetings. He shall recommend to the City Council from time to time such measures as he shall deem necessary, and shall furnish the City Council with necessary information respecting any of the departments of the City under his direction and control. The City Manager shall not be personally interested in any contract in which the City is a party for supplying the City materials of any kind.

The City Manager shall have power, and it shall be his duty, to see that the laws and ordinances of the City are enforced.

He shall have power and authority to revoke licenses, pending action by the City Council.

Except as otherwise provided in this Charter, the City Manager shall have power to appoint and remove all heads of departments and all subordinate officers and employees of the City. He shall, except when clearly inconsistent with the provisions

of this Charter, exercise supervision and control over all departments and divisions created herein, or that hereafter may be created by the City Council. He shall see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof, he shall call the attention of the City Council and the City Attorney to the same. He shall make and execute all contracts on behalf of the City in such manner as is authorized or provided by resolutions or ordinances passed by the City Council. The Council may, on such terms as it deems proper, allow the City Manager to authorize one or more Assistant City Managers and Deputy City Managers to make and execute contracts. He shall prepare and submit to the City Council a proposed annual budget, after receiving estimates made by the heads or directors of departments or by any board officer, or commissioner not within a department. He shall keep the City Council at all times advised as to the financial needs and condition of the City. He shall from time to time make oral and written reports to the City Council of the condition and efficiency of the various departments of the City government under his direction and control. The Council may in its discretion cause such written reports to be published for the information of citizens. The City Manager shall perform such other duties as may be prescribed by this Charter, or be required of him by ordinance or resolution of the City Council.

The City Manager shall not engage in political campaigns for elective office, nor attempt to influence the result of such campaigns, except by exercising his right to vote. Improper campaign activity as described herein by the City Manager shall be a cause for his immediate suspension or removal from office.

The City Council may delegate authority to the City Manager to purchase real property or any interest in real property, provided:

(1) The money for the purchase of such real property or interest in real property is available in the then current budget; and

(2) The City Manager, within 45 days following the purchase, shall submit to the City Council a written report setting forth the names of the persons from whom such property or property interest is purchased, a general description of the property or interest in property acquired, the purchase price paid therefor, and the intended use of the property or interest in property.

The City Council may authorize the City Manager to make, approve, award, and execute any contract for the purchase of apparatus, supplies, materials, or equipment and any contract for construction or repair work provided:

(1) The amount of the contract shall not exceed one hundred thousand dollars ($100,000);

(2) The City Manager shall, within 45 days of the award of such contract, report such award to the City Council, provided however, contracts in an amount less than an amount prescribed by the City Council need not be reported;

(3) The City Manager shall comply with all applicable provisions of Article 8 of Chapter 143 of the General Statutes, and of Section 84

of this Charter. The City Manager may take any action that the City Council is required or authorized to take under Article 8 of Chapter 143 of the General Statutes in making, approving, awarding, or executing such contracts."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 801 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, AND HOUSING BASED ON CRITERIA IN ADDITION TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, AND AGE, AND TO PRESCRIBE THE PROCEDURE FOR THE ADOPTION OF ANY SUCH ORDINANCE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 801

Short Title: Durham City Antidiscrimination. (Local)

Sponsors: Representatives Michaux; Adams and Luebke.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, AND HOUSING BASED ON CRITERIA IN ADDITION TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, AND AGE, AND TO PRESCRIBE THE PROCEDURE FOR THE ADOPTION OF ANY SUCH ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. The full title of Chapter 227 of the 1993 Session Laws reads as rewritten:

"AN ACT TO AUTHORIZE THE CITY OF DURHAM AND DURHAM COUNTY TO PROHIBIT ACTS OF DISCRIMINATION IN EMPLOYMENT AND PUBLIC ACCOMMODATIONS BASED ON RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, OR ~~AGE.~~ AGE AND TO AUTHORIZE THE CITY OF DURHAM TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, AND HOUSING BASED ON CRITERIA IN ADDITION TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, AND AGE, AND TO PRESCRIBE THE PROCEDURE FOR THE ADOPTION OF ANY SUCH ORDINANCE."

Section 2. Section 2 of Chapter 227 of the 1993 Session Laws, as amended by Chapter 537 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. Authority to adopt ordinances. -- A city or county may adopt ordinances to prohibit discrimination in employment and public accommodations based on race, color, national origin, religion, sex, disability, ~~or~~ having attained the age of 40 or

more ~~years.~~ years, or any other criteria prescribed in an ordinance pursuant to Section 2.2 of this act. To assist in the enforcement of these ordinances, a city or county may create an agency or commission of the city or county ('the Agency') to take any actions and to have any powers as are appropriate and necessary to implement these ordinances including, but not limited to, the powers to: receive; initiate; investigate; seek to conciliate; hold hearings on and pass upon complaints; mediate alleged violations of these ordinances; issue orders against persons it finds, after notice and hearing, to have violated these ordinances; and to seek enforcement of the orders by a court.

The General Assembly does not intend to expand the authority or powers of the Agency beyond those prescribed by federal laws or regulations with respect to a specific employer or public accommodation. The Agency may, as part of an enforcing order, require any person to cease and desist from unlawful practices and to engage in additional remedial action as may be appropriate, including, but not limited to, require the person:

(1) To hire, reinstate, or upgrade aggrieved individuals, with or without back pay;

(2) To admit aggrieved individuals or to allow aggrieved individuals to participate in guidance programs, apprenticeship training programs, on-the-job training programs, or other occupational training or retraining programs; and to use objective criteria in the admission of any individual to these programs;

(3) To submit to the Agency, for approval or disapproval, plans to eliminate or reduce imbalance with respect to race, color, national origin, religion, sex, disability, or age;

(4) To provide technical assistance to aggrieved individuals;

(5) To report as to the manner of compliance with this act;

(6) To post notices in conspicuous places in the form prescribed by the Agency;

(7) To admit or restore an aggrieved individual to a place of public accommodation.

When the Commission determines that a respondent has engaged in unlawful intentional discrimination in an employment practice (not an employment practice that is unlawful because of its disparate impact), the Commission may enforce an ordinance adopted pursuant to this act by applying to the superior court of the county in which the city is predominantly located for any appropriate legal and equitable remedies, including, but not limited to, mandatory and prohibitory injunctions and orders of abatement, attorneys' fees, compensatory and punitive damages, and the court may grant such remedies. A complainant shall not recover punitive damages against a respondent unless the complainant demonstrates that the respondent engaged in a discriminatory practice with malice or with reckless indifference to the protected rights of an aggrieved individual under an ordinance adopted pursuant to this act.

No compensatory damages shall be awarded for back pay, interest on back pay, or any other type of relief authorized under section 706(g) of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(g), as amended.

If a complainant seeks compensatory or punitive damages in an action brought under an ordinance adopted pursuant to this act, any party may demand a trial by jury."

Section 3. Chapter 227 of the 1993 Session Laws, as amended by Chapter 537 of the 1995 Session Laws, is further amended by adding a new section to read:

"Sec. 2.2. An ordinance adopted pursuant to Section 2 of this act may prohibit discrimination in employment and public accommodations based on any criteria in addition to race, color, national origin, religion, sex, disability, or having attained the age of 40 or more years, provided the following procedure is followed with respect to each additional criteria:

(1) The Agency, created pursuant to Section 2 of this act, shall compile a report in which the Agency documents the facts, events, or occurrences that, in the opinion of the Agency, indicate the need for the additional criteria upon which prohibition of discrimination shall be based.

(2) The Agency shall make the report available for public inspection and shall hold at least one public hearing at which persons who wish to comment on the report may do so.

(3) The report, together with any amendments to the report that the Agency may make based upon comments received at the public hearing, shall be transmitted to the city council of the city.

(4) The city council may consider the report and may cause a proposed ordinance to be prepared that prohibits discrimination based on the criteria specified in the report.

(5) The city council shall cause the report and the proposed ordinance to be made available for public inspection in the office of the city clerk at least 10 days prior to the date of the public hearing specified in subdivision (6) of this section.

(6) The city council shall hold at least one public hearing on the proposed ordinance. The public hearing shall be held no sooner than 10 days after the proposed ordinance is made available for public inspection pursuant to subdivision (5) of this section. A notice of the public hearing shall be given at least once in a newspaper having general circulation in the city. The notice shall be published no fewer than five and no more than 10 days before the date of the public hearing.

(7) If after considering the Agency's report, the proposed ordinance, and the comments made at the public hearing, the city council finds that it is in the public interest to adopt the proposed ordinance, or the proposed ordinance with such amendments as

the city council may deem advisable, then the city council may adopt the ordinance or the amended ordinance.

(8) An ordinance adopted pursuant to this section shall provide that the ordinance will terminate at a time no later than five years after adoption unless extended by further action of the city council. A termination of the ordinance pursuant to this subdivision shall not terminate any action or proceeding under the ordinance that was pending at the time the ordinance terminated. An ordinance extending the effectiveness of the first ordinance need not contain a further termination date and may be adopted without the necessity of following the procedure prescribed in this section."

Section 4. Section 121 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, added by Chapter 373 of the 1983 Session Laws and as rewritten by Section 1 of Chapter 379 of the 1991 Session Laws, reads as rewritten:

"Sec. 121. Equal Housing. The City Council may adopt ordinances prohibiting discrimination in real estate transactions on the basis of race, color, sex, religion, national origin, age, familial status, ~~or handicap in real estate transactions.~~ handicap, or any other criteria prescribed in an ordinance pursuant to Section 121.1 of this Charter. Such ordinances may regulate or prohibit any act, practice, activity or procedure related, directly or indirectly to the sale or rental of public or private housing, which affects or may tend to affect the availability or desirability of housing on an equal basis to all persons; may provide that violations constitute a misdemeanor, and shall be punishable under G.S. 14-4; may subject the offender to civil penalties; and may provide that the City may enforce the ordinances by application to the General Court of Justice, Superior Court Division, for appropriate legal and equitable remedies, including but not limited to, mandatory and prohibitory injunctions and orders of abatement, attorney's fees and not more than one thousand dollars ($1,000) punitive damages, and the court shall have jurisdiction to grant such remedies."

Section 5. The Charter of the City of Durham, enacted as Chapter 671 of the 1975 Session Laws, as amended, is further amended by adding a new section to read:

"Sec. 121.1. An ordinance adopted pursuant to Section 121 of this Charter may prohibit discrimination in real estate transactions based on any criteria in addition to race, color, sex, religion, familial status, or handicap, provided the following procedure is followed with respect to each additional criteria:

(1) The Committee, created pursuant to Section 123 of this Charter, shall compile a report in which the Committee documents the facts, events, or occurrences that, in the opinion of the Committee, indicate the need for the additional criteria upon which prohibition of discrimination shall be heard.

(2) The Committee shall make the report available for public inspection and shall hold at least one public hearing at which persons who wish to comment on the report may do so.

(3) The report, together with any amendments to the report that the Committee may make based upon comments received at the public hearing, shall be transmitted to the city council.

(4) The city council may consider the report and may cause a proposed ordinance to be prepared that prohibits discrimination based on the criteria specified in the report.

(5) The city council shall cause the report and the proposed ordinance to be made available for public inspection in the office of the city clerk at least 10 days prior to the date of the public hearing specified in subdivision (6) of this section.

(6) The city council shall hold at least one public hearing on the proposed ordinance. The public hearing shall be held no fewer than 10 days after the proposed ordinance is made available for public inspection pursuant to subdivision (5) of this section. A notice of the public hearing shall be given at least once in a newspaper having general circulation in the city. The notice shall be published no fewer than five and no more than 10 days before the date of the public hearing.

(7) If after considering the Committee's report, the proposed ordinance, and the comments made at the public hearing, the city council finds that it is in the public interest to adopt the proposed ordinance, or the proposed ordinance with such amendments as the city council may deem advisable, then the city council may adopt the ordinance.

(8) An ordinance adopted pursuant to this section shall provide that the ordinance will terminate at a time no later than five years after adoption unless extended by further action of the council. A termination of the ordinance pursuant to this subdivision shall not terminate any action or proceeding under the ordinance that was pending at the time the ordinance terminated. An ordinance extending the effectiveness of the initial ordinance need not contain a further termination date and may be adopted without the necessity of following the procedure prescribed in this section."

Section 6. This act applies to the City of Durham only.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 832 A BILL TO BE ENTITLED AN ACT EXEMPTING THE TOWN OF SPRUCE PINE FROM THE CEILING ON SATELLITE ANNEXATIONS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 832

Short Title: Spruce Pine Annexation. (Local)

Sponsors: Representatives Thompson and Buchanan.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT EXEMPTING THE TOWN OF SPRUCE PINE FROM THE CEILING ON SATELLITE ANNEXATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-58.1(b)(5) shall not apply to the Town of Spruce Pine.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 856 A BILL TO BE ENTITLED AN ACT REPEALING THE PROVISION IN THE DURHAM CITY CHARTER REGARDING THE PRIVILEGE LICENSE TAX YEAR.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 856

Short Title: Durham License Tax Year. (Local)

Sponsors: Representatives Miller; and Luebke.

Referred to: Local Government I.

April 1, 1999

A BILL TO BE ENTITLEBill

AN ACT REPEALING THE PROVISION IN THE DURHAM CITY CHARTER REGARDING THE PRIVILEGE LICENSE TAX YEAR.

The General Assembly of North Carolina enacts:

Section 1. Section 47 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is repealed.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1585 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANSON COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1585

Short Title: Anson/Land for Corr. Facilities. (Local)

Sponsors: Representatives Gibson; and Goodwin.

Referred to: Local Government I.

May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ANSON COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 600 of the 1995 Session Laws reads as rewritten:

"Section 1. The ~~County~~ counties of Anson and Stanly ~~has~~ have power under general law to acquire real and personal property and convey it to the State under G.S. 160A-274 or other applicable law for use as ~~a~~ correctional ~~facility.~~ facilities."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1605 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CATAWBA TO MAKE ENTRY ONTO LANDS FOR THE PURPOSE OF REPAIRS TO PUBLIC WORKS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1605

Short Title: Catawba Town Land Entry. (Local)

Sponsors: Representatives Setzer; Berry, Earle, Kiser, Mitchell, Starnes, and Thompson.

Referred to: Local Government I.

May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CATAWBA TO MAKE ENTRY ONTO LANDS FOR THE PURPOSE OF REPAIRS TO PUBLIC WORKS.

The General Assembly of North Carolina enacts:

Section 1. A municipality may, after notice has been given to the owner, make entry onto lands for the purpose of maintaining and making repairs to municipal streets, sidewalks, alleys, or other public works of the municipality.

Section 2. This act applies to the Town of Catawba only.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1615 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DIRECT ELECTION OF THE MAYOR OF YANCEYVILLE AND FOR THE TOWN MANAGER FORM OF GOVERNMENT FOR THAT TOWN.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1615

Short Title: Yanceyville Charter Amendments. (Local)

Sponsors: Representatives Cole; and Teague.

Referred to: Local Government I.

May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR DIRECT ELECTION OF THE MAYOR OF YANCEYVILLE AND FOR THE TOWN MANAGER FORM OF GOVERNMENT FOR THAT TOWN.

The General Assembly of North Carolina enacts:

Section 1. Section 3.4 of the Charter of the Town of Yanceyville, being Chapter 501 of the 1985 Session Laws, reads as rewritten:

"Sec. 3.4. **Selection of Mayor; term of office.** The Mayor shall be ~~appointed by the Town Council from among its own membership~~ elected by the qualified voters of the Town in 2001 and quadrennially thereafter for a ~~two-year~~ four-year term. The Mayor shall have the right to vote on all questions that come before the Council, but shall have no right to break a tie vote in which he participated."

Section 2. Section 3.1 of the Charter of the Town of Yanceyville, being Chapter 501 of the 1985 Session Laws, reads as rewritten:

"Sec. 3.1. **Structure of governing body; number of members.** The governing body of the Town of Yanceyville is the Town Council, which has ~~five~~ four members."

Section 3. Section 3.3 of the Charter of the Town of Yanceyville, being Chapter 501 of the 1985 Session Laws, reads as rewritten:

"Sec. 3.3. **Term of office of Council members.** ~~Until members are elected in accordance with this section, the Town Council shall consist of the three members of the Yanceyville Sanitary District Board, and two other persons appointed by those three members at the Town Council's first meeting in July, 1986. The two persons on the Yanceyville Sanitary District Board whose terms expire in 1986 shall serve until the 1987 municipal election. The person on the Yanceyville Sanitary District~~

~~Board whose term expires in 1988 shall serve until the 1989 municipal election. One of the two persons appointed to the Town Council by the three members of the Yanceyville Sanitary District Board shall serve until the 1987 municipal election, and the other shall serve until the 1989 municipal election. The three members of the Yanceyville Sanitary District Board shall designate whom shall serve which term.~~ In the 1987 municipal election and quadrennially thereafter, the three persons receiving the highest numbers of votes shall be elected for four-year terms on the Town Council. In the ~~1989~~ 2001 municipal election and quadrennially thereafter, the ~~two persons~~ person receiving the highest ~~numbers~~ number of votes shall be elected for ~~four-year terms~~ a four-year term on the Town Council."

Section 4. Section 5.1 of the Charter of the Town of Yanceyville, being Chapter 501 of the 1985 Session Laws, reads as rewritten:

"Sec. 5.1. ~~**Mayor-council**~~ **Council-manager plan.** The Town of Yanceyville operates under the ~~mayor-council~~ council-manager plan as provided by ~~Part 3~~ Part 2 of Article 7 of Chapter 160A of the General ~~Statues.~~ Statutes."

Section 5. This act does not affect the term of office of the current Mayor or members of the Town Council of the Town of Yanceyville.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1641 A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO USE WHEEL LOCKS TO ENFORCE PARKING ORDINANCES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1641*

Short Title: Charlotte Wheel Locks Allowed. (Local)

Sponsors: Representatives Gulley, Earle, Rayfield; Alexander, Bridgeman, Cunningham, Easterling, McMahan, Saunders, and C. Wilson.

Referred to: Local Government I.

May 22, 2000

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF CHARLOTTE TO USE WHEEL LOCKS TO ENFORCE PARKING ORDINANCES.

The General Assembly of North Carolina enacts:

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

"Section 6.26. TOWING PENALTIES. The Council may provide by ordinance that any vehicle that has been towed for a parking violation is to be held until the towing fee and penalties related to all outstanding parking tickets and penalties owed to the city are paid in full, or a bond is posted in the amount of the towing fee and all outstanding parking tickets and penalties. Payment of the towing fee and all outstanding parking tickets and penalties shall not constitute a waiver of a person's right to contest the towing or the outstanding parking tickets and penalties."

Section 2. Chapter VI, Subchapter A, Article II of the Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws, is amended by adding a new section:

"Section 6.27. WHEEL LOCKS PERMITTED. The Council may provide by ordinance for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets for a period of 90 days. The ordinance shall provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars ($50.00), and charges for towing and storage. The city shall not

be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle."

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1723 A BILL TO BE ENTITLED AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING THE TOWN OF CHAPEL HILL.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

FOR JOURNAL USE ONLY

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

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

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

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

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

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

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1723*

Short Title: Chapel Hill Omnibus. (Local)

Sponsors: Representatives Insko and Hackney.

Referred to: Local Government I.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina enacts:

Section 1.(a) G.S. 143-135 reads as rewritten:

"**§ 143-135. Limitation of application of Article.**

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty-five thousand dollars ($125,000)~~ one hundred seventy-five thousand dollars ($175,000) or the total cost of labor on the project does not exceed ~~fifty thousand dollars ($50,000).~~ seventy-five thousand dollars ($75,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for the inspection by the general public. Construction or repair

work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

Section 1.(b) This section applies to the Town of Chapel Hill only.

Section 2. Section 2 of S.L. 1997-216, as amended by S.L. 1999-17 and S.L. 1999-181, and as rewritten by Section 48(c) of S.L. 1999-456, reads as rewritten:

"Section 2. (a) This act applies to the Cities of Charlotte, Fayetteville, Greensboro, High Point, Rocky Mount, and Wilmington, and the Towns of Chapel Hill, Cornelius, Huntersville, and Matthews only.

(b) The Town of Chapel Hill may only use the authority granted by this section for violation of statutes or ordinances related to traffic signals."

Section 3.(a) G.S. 160A-301(d) reads as rewritten:

"(d) The governing body of any city may, by ordinance, regulate the stopping, standing, or parking of vehicles in specified areas of any parking areas or driveways of a hospital, shopping center, apartment house, condominium complex, or commercial office complex, or any other privately owned public vehicular area, as well as any private lot used for residential purposes whether or not demarcated as a vehicular area, or prohibit such stopping, standing, or parking during any specified hours, provided the owner or person in general charge of the operation and control of that area requests in writing that such an ordinance be adopted. The owner of a vehicle parked in violation of an ordinance adopted pursuant to this subsection shall be deemed to have appointed any appropriate law-enforcement officer as his agent for the purpose of arranging for the transportation and safe storage of such vehicle."

Section 3.(b) This section applies to the Town of Chapel Hill only.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1690 A BILL TO BE ENTITLED AN ACT TO EXEMPT SURRY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND EXPANSION OF A BUILING TO BE USED AS A MULTIPURPOSE FACILITY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1690

Short Title: Bidding Law Exemption/Surry County. (Local)

Sponsors: Representatives Hiatt; Baker and G. Wilson.

Referred to: Local Government I.

May 24, 2000

A BILL TO BE ENTITLED

AN ACT TO EXEMPT SURRY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND EXPANSION OF A BUILDING TO BE USED AS A MULTIPURPOSE FACILITY.

The General Assembly of North Carolina enacts:

Section 1. The County of Surry may renovate and expand a building for use as a multipurpose facility without being subject to the requirements of G.S. 143-128, 143-129, 143-131, and 143-132.

Section 2. This act is effective when it becomes law and expires December 31, 2002.

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 701 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, AND HOUSING BASED ON CRITERIA IN ADDITION TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, AND AGE, AND TO PRESCRIBE THE PROCEDURE FOR THE ADOPTION OF ANY SUCH ORDINANCE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 701

Short Title: Durham City Antidiscrimination. (Local)

Sponsors: Senators Lucas; and Gulley.

Referred to: State and Local Government.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, AND HOUSING BASED ON CRITERIA IN ADDITION TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, AND AGE, AND TO PRESCRIBE THE PROCEDURE FOR THE ADOPTION OF ANY SUCH ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. The full title of Chapter 227 of the 1993 Session Laws reads as rewritten:

"AN ACT TO AUTHORIZE THE CITY OF DURHAM AND DURHAM COUNTY TO PROHIBIT ACTS OF DISCRIMINATION IN EMPLOYMENT AND PUBLIC ACCOMMODATIONS BASED ON RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, OR ~~AGE.~~ AGE AND TO AUTHORIZE THE CITY OF DURHAM TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, AND HOUSING BASED ON CRITERIA IN ADDITION TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, AND AGE, AND TO PRESCRIBE THE PROCEDURE FOR THE ADOPTION OF ANY SUCH ORDINANCE."

Section 2. Section 2 of Chapter 227 of the 1993 Session Laws, as amended by Chapter 537 of the 1995 Session Laws, reads as rewritten:

"Sec. 2. Authority to adopt ordinances. -- A city or county may adopt ordinances to prohibit discrimination in employment and public accommodations based on race, color, national origin, religion, sex, disability, ~~or~~ having attained the age of 40 or

more ~~years.~~ years, or any other criteria prescribed in an ordinance pursuant to Section 2.2 of this act. To assist in the enforcement of these ordinances, a city or county may create an agency or commission of the city or county ('the Agency') to take any actions and to have any powers as are appropriate and necessary to implement these ordinances including, but not limited to, the powers to: receive; initiate; investigate; seek to conciliate; hold hearings on and pass upon complaints; mediate alleged violations of these ordinances; issue orders against persons it finds, after notice and hearing, to have violated these ordinances; and to seek enforcement of the orders by a court.

The General Assembly does not intend to expand the authority or powers of the Agency beyond those prescribed by federal laws or regulations with respect to a specific employer or public accommodation. The Agency may, as part of an enforcing order, require any person to cease and desist from unlawful practices and to engage in additional remedial action as may be appropriate, including, but not limited to, require the person:

(1) To hire, reinstate, or upgrade aggrieved individuals, with or without back pay;

(2) To admit aggrieved individuals or to allow aggrieved individuals to participate in guidance programs, apprenticeship training programs, on-the-job training programs, or other occupational training or retraining programs; and to use objective criteria in the admission of any individual to these programs;

(3) To submit to the Agency, for approval or disapproval, plans to eliminate or reduce imbalance with respect to race, color, national origin, religion, sex, disability, or age;

(4) To provide technical assistance to aggrieved individuals;

(5) To report as to the manner of compliance with this act;

(6) To post notices in conspicuous places in the form prescribed by the Agency;

(7) To admit or restore an aggrieved individual to a place of public accommodation.

When the Commission determines that a respondent has engaged in unlawful intentional discrimination in an employment practice (not an employment practice that is unlawful because of its disparate impact), the Commission may enforce an ordinance adopted pursuant to this act by applying to the superior court of the county in which the city is predominantly located for any appropriate legal and equitable remedies, including, but not limited to, mandatory and prohibitory injunctions and orders of abatement, attorneys' fees, compensatory and punitive damages, and the court may grant such remedies. A complainant shall not recover punitive damages against a respondent unless the complainant demonstrates that the respondent engaged in a discriminatory practice with malice or with reckless indifference to the protected rights of an aggrieved individual under an ordinance adopted pursuant to this act.

No compensatory damages shall be awarded for back pay, interest on back pay, or any other type of relief authorized under section 706(g) of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(g), as amended.

If a complainant seeks compensatory or punitive damages in an action brought under an ordinance adopted pursuant to this act, any party may demand a trial by jury."

Section 3. Chapter 227 of the 1993 Session Laws, as amended by Chapter 537 of the 1995 Session Laws, is further amended by adding a new section to read:

"Sec. 2.2. An ordinance adopted pursuant to Section 2 of this act may prohibit discrimination in employment and public accommodations based on any criteria in addition to race, color, national origin, religion, sex, disability, or having attained the age of 40 or more years, provided the following procedure is followed with respect to each additional criteria:

(1) The Agency, created pursuant to Section 2 of this act, shall compile a report in which the Agency documents the facts, events, or occurrences that, in the opinion of the Agency, indicate the need for the additional criteria upon which prohibition of discrimination shall be based.

(2) The Agency shall make the report available for public inspection and shall hold at least one public hearing at which persons who wish to comment on the report may do so.

(3) The report, together with any amendments to the report that the Agency may make based upon comments received at the public hearing, shall be transmitted to the city council of the city.

(4) The city council may consider the report and may cause a proposed ordinance to be prepared that prohibits discrimination based on the criteria specified in the report.

(5) The city council shall cause the report and the proposed ordinance to be made available for public inspection in the office of the city clerk at least 10 days prior to the date of the public hearing specified in subdivision (6) of this section.

(6) The city council shall hold at least one public hearing on the proposed ordinance. The public hearing shall be held no sooner than 10 days after the proposed ordinance is made available for public inspection pursuant to subdivision (5) of this section. A notice of the public hearing shall be given at least once in a newspaper having general circulation in the city. The notice shall be published no fewer than five and no more than 10 days before the date of the public hearing.

(7) If after considering the Agency's report, the proposed ordinance, and the comments made at the public hearing, the city council finds that it is in the public interest to adopt the proposed ordinance, or the proposed ordinance with such amendments as

the city council may deem advisable, then the city council may adopt the ordinance or the amended ordinance.

(8) An ordinance adopted pursuant to this section shall provide that the ordinance will terminate at a time no later than five years after adoption unless extended by further action of the city council. A termination of the ordinance pursuant to this subdivision shall not terminate any action or proceeding under the ordinance that was pending at the time the ordinance terminated. An ordinance extending the effectiveness of the first ordinance need not contain a further termination date and may be adopted without the necessity of following the procedure prescribed in this section."

Section 4. Section 121 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, added by Chapter 373 of the 1983 Session Laws, and as rewritten by Section 1 of Chapter 379 of the 1991 Session Laws, reads as rewritten:

"Sec. 121. Equal Housing. The City Council may adopt ordinances prohibiting discrimination in real estate transactions on the basis of race, color, sex, religion, national origin, age, familial status, ~~or handicap in real estate transactions.~~ handicap, or any other criteria prescribed in an ordinance pursuant to Section 121.1 of this Charter. Such ordinances may regulate or prohibit any act, practice, activity or procedure related, directly or indirectly to the sale or rental of public or private housing, which affects or may tend to affect the availability or desirability of housing on an equal basis to all persons; may provide that violations constitute a misdemeanor, and shall be punishable under G.S. 14-4; may subject the offender to civil penalties; and may provide that the City may enforce the ordinances by application to the General Court of Justice, Superior Court Division, for appropriate legal and equitable remedies, including but not limited to, mandatory and prohibitory injunctions and orders of abatement, attorney's fees and not more than one thousand dollars ($1,000) punitive damages, and the court shall have jurisdiction to grant such remedies."

Section 5. The Charter of the City of Durham, enacted as Chapter 671 of the 1975 Session Laws, as amended, is further amended by adding a new section to read:

"Sec. 121.1. An ordinance adopted pursuant to Section 121 of this Charter may prohibit discrimination in real estate transactions based on any criteria in addition to race, color, sex, religion, familial status, or handicap, provided the following procedure is followed with respect to each additional criteria:

(1) The Committee, created pursuant to Section 123 of this Charter, shall compile a report in which the Committee documents the facts, events, or occurrences that, in the opinion of the Committee, indicate the need for the additional criteria upon which prohibition of discrimination shall be heard.

(2) The Committee shall make the report available for public inspection and shall hold at least one public hearing at which persons who wish to comment on the report may do so.

(3) The report, together with any amendments to the report that the Committee may make based upon comments received at the public hearing, shall be transmitted to the city council.

(4) The city council may consider the report and may cause a proposed ordinance to be prepared that prohibits discrimination based on the criteria specified in the report.

(5) The city council shall cause the report and the proposed ordinance to be made available for public inspection in the office of the city clerk at least 10 days prior to the date of the public hearing specified in subdivision (6) of this section.

(6) The city council shall hold at least one public hearing on the proposed ordinance. The public hearing shall be held no fewer than 10 days after the proposed ordinance is made available for public inspection pursuant to subdivision (5) of this section. A notice of the public hearing shall be given at least once in a newspaper having general circulation in the city. The notice shall be published no fewer than five and no more than 10 days before the date of the public hearing.

(7) If after considering the Committee's report, the proposed ordinance, and the comments made at the public hearing, the city council finds that it is in the public interest to adopt the proposed ordinance, or the proposed ordinance with such amendments as the city council may deem advisable, then the city council may adopt the ordinance.

(8) An ordinance adopted pursuant to this section shall provide that the ordinance will terminate at a time no later than five years after adoption unless extended by further action of the council. A termination of the ordinance pursuant to this subdivision shall not terminate any action or proceeding under the ordinance that was pending at the time the ordinance terminated. An ordinance extending the effectiveness of the initial ordinance need not contain a further termination date and may be adopted without the necessity of following the procedure prescribed in this section."

Section 6. This act applies to the City of Durham only.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 710 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HUNTERSVILLE TO ESTABLISH A VOLUNTARY TRANSFER OF DEVELOPMENT RIGHTS PILOT PROGRAM FOR THE PROTECTION OF FARMLAND, ENVIRONMENTALLY SENSITIVE LAND, AND OTHER OPEN LAND WITHIN THE TOWN'S EXTRATERRITORIAL JURISDICTION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 710

Short Title: Huntersville Development Rights. (Local)

Sponsors: Senator Odom.

Referred to: State and Local Government.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF HUNTERSVILLE TO ESTABLISH A VOLUNTARY TRANSFER OF DEVELOPMENT RIGHTS PILOT PROGRAM FOR THE PROTECTION OF FARMLAND, ENVIRONMENTALLY SENSITIVE LAND, AND OTHER OPEN LAND WITHIN THE TOWN'S EXTRATERRITORIAL JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. In order to protect and sustain the natural resources of the community and provide for orderly planned growth, the Town of Huntersville may establish a voluntary transfer of development rights pilot program to facilitate the protection of farmland, environmentally sensitive land, and other open land in the municipality and its extraterritorial jurisdiction. The Town may adopt ordinances that it deems necessary or appropriate to implement the pilot program, and these ordinances may provide that the owner of property described herein may voluntarily transfer the development rights accruing to his or her property under Article 19 of Chapter 160A of the General Statutes from no more than 1,000 acres located in the open space zoning district to other qualified property located in the open space zoning district. Development rights shall be computed on a per acre basis. The pilot program may authorize the Town to purchase, hold, and convey such rights or to facilitate the direct voluntary transfer of rights between properties. The transfer of rights from or to property shall not be deemed a rezoning of the property requiring compliance with Article 19 of Chapter 160A of the General Statutes.

Section 2. Prior to adopting the pilot program authorized under Section 1 of this act, the Mayor shall appoint an Implementation Task Force to advise the

Mayor and Board of Commissioners on minimum standards for participation of transferring properties, criteria for establishing receiving zones responsive to market conditions, and administrative and other structural and operational issues of pilot program implementation. The Implementation Task Force shall include, but not be limited to, property owners, development and building industry representatives, and representatives from the Huntersville Board of Commissioners. The Town shall convene no fewer than four meetings of the Implementation Task Force during a period of not less than 90 days and not more than 120 days. The Task Force shall report its recommendations to the Mayor, Board of Commissioners, Huntersville Planning Board, and to the community.

Section 3. Upon receipt of the Implementation Task Force's report, but prior to the adoption of the pilot program, the Town shall sponsor a public workshop and the Town's governing body shall hold a public hearing. Notice of the public hearing shall be given in accordance with G.S. 160A-364 and given after the Town has complied with the requirements for the adoption of amendments to the Town's zoning ordinance.

Section 4. Authorization to implement the pilot program under this act shall expire five years after the adoption of zoning ordinance amendments establishing districts to accommodate transferable development rights or after the transfer cap of 1,000 acres has been exhausted, whichever occurs first. Development rights transactions in process on the date the authorization expires may be completed.

Section 5. This act shall apply only to the Town of Huntersville.

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

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **DEDMON** for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
S.B. 1214 A BILL TO BE ENTITLED AN ACT AMENDING THE STATUTORY DEFINITION OF "SUBDIVISION" FOR THE PURPOSE OF SUBDIVISION REGULATION IN RICHMOND COUNTY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1214

Short Title: Richmond County Subdivisions. (Local)

Sponsors: Senators Plyler and Purcell.

Referred to: State and Local Government.

May 11, 2000

A BILL TO BE ENTITLED

AN ACT AMENDING THE STATUTORY DEFINITION OF "SUBDIVISION" FOR THE PURPOSE OF SUBDIVISION REGULATION IN RICHMOND COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-335 reads as rewritten:

"**§ 153A-335. "Subdivision" defined.**

For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;

(2) The division of land into parcels greater than ~~10~~ five acres if no street right-of-way dedication is involved;

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

(4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots

are equal to or exceed the standards of the county as shown by its subdivision regulations."

Section 2. This act applies to Richmond County only.

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